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# federal register

Friday
June 21, 1985



**Briefings on How To Use the Federal Register—**
For information on briefings in Chicago, IL, New York, NY, and Washington, DC, see announcement on the inside cover of this issue.

## Selected Subjects



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# Selected Subjects

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## THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

**FOR:** Any person who uses the Federal Register and Code of Federal Regulations.

**WHO:** The Office of the Federal Register.

**WHAT:** Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

**WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### CHICAGO, IL

**WHEN:** July 8 and 9; at 9 a.m. (identical sessions)

**WHERE:** Room 1654, Insurance Exchange Building, 175 W. Jackson Blvd., Chicago, IL.

**RESERVATIONS:** Call the Chicago Federal Information Center, 312-353-4242.

### NEW YORK, NY

**WHEN:** July 9 and 10; at 9 a.m. (identical sessions)

**WHERE:** 2T Conference Room, Second Floor, Veterans Administration Building, 252 Seventh Avenue (between W. 24th and W. 25th Streets), New York, NY.

**RESERVATIONS:** Call Arlene Shapiro or Steve Colon, New York Federal Information Center, 212-264-4810.

### WASHINGTON, DC

**WHEN:** September (two dates to be announced later).

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# Presidential Documents

Title 3—

The President

## Executive Order 12520 of June 19, 1985

## Quarters Allowance to Department of Defense Employees in Panama

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1217a of the Panama Canal Act of 1979 (22 U.S.C. 3657a), it is hereby ordered as follows:

**Section 1.** The Secretary of Defense is authorized to prescribe the regulations referred to in section 1217a of the Panama Canal Act of 1979, relating to quarters allowances.

**Sec. 2.** The regulations prescribed under Section 1 shall be consistent with Article VII(4) of the Agreement in Implementation of Article IV of the Panama Canal Treaty and with all other relevant provisions of the Panama Canal Treaty and related agreements.

Ronald Reagan

THE WHITE HOUSE,
*June 19, 1985.*

[FR Doc. 85-15174
Filed 6-20-85; 10:03 am]
Billing code 3195-01-M

# Presidential Documents

**Memorandum of June 20, 1985**

## Determination Under Section 301 of the Trade Act of 1974

**Memorandum for the United States Trade Representative**

Pursuant to Section 301(a) of the Trade Act of 1974, as amended (19 U.S.C. 2411(a)), I have determined that the preferential tariffs granted by the European Economic Community (EEC) on imports of lemons and oranges from certain Mediterranean countries deny benefits to the United States arising under the General Agreement on Tariffs and Trade (GATT), are unreasonable and discriminatory, and constitute a burden and restriction on U.S. commerce. I have further determined that the appropriate course of action to respond to such practices is the withdrawal of equivalent concessions with respect to imports from the EEC. I will therefore proclaim an increase in duties on pasta products classified in items 182.35 and 182.36 of the Tariff Schedules of the United States imported from the EEC. This action has been necessitated by the unwillingness of the EEC to negotiate a mutually acceptable resolution of this issue. At such time as the United States Trade Representative makes a determination that a mutually acceptable resolution has been reached, I would be prepared to rescind this measure.

*Reasons for Determination*

Based on petitions filed by the Florida Citrus Commission, the California-Arizona Citrus League, the Texas Citrus Mutual and the Texas Citrus Exchange, the United States Trade Representative initiated an investigation in November, 1976 concerning the EEC's preferential tariff treatment with respect to citrus imports from certain Mediterranean countries. The petitions alleged that these discriminatory tariffs, which are granted in the context of broader trade agreements with the Mediterranean countries, are inconsistent with the most-favored-nation principle of the GATT and placed U.S. exporters at a competitive disadvantage in the EEC market. Similar complaints had been filed by the U.S. industry in 1970 and 1972 under Section 252 of the Trade Expansion Act of 1962.

As a result of this investigation, we have found that since the 1960's, the EEC has levied a higher duty on imports of citrus from the United States than that levied on imports from certain Mediterranean countries. The level of discrimination is significant. In some cases the United States pays a duty five times greater than that paid by other suppliers. This discriminatory tariff treatment has impaired the ability of U.S. citrus exporters to market their fruits in the EEC and is, in the view of the United States, inconsistent with the EEC's obligations under the GATT.

Nevertheless, recognizing the political importance of these preferential tariffs to the EEC, the United States made extensive efforts over the course of a number of years to resolve the matter through bilateral consultations rather than mount a legal challenge against the EEC in the GATT. The United States also tried to resolve this issue in the context of tariff concessions granted during the Tokyo Round of Multilateral Trade Negotiations. With the exception of a few minor tariff reductions resulting from the Tokyo Round, these efforts were without success. Following the conclusion of the Tokyo Round, the United States initiated consultations under the provisions of the GATT, but the EEC again rebuffed all efforts to reach a compromise solution.

With any possibility of a negotiated settlement thus ruled out, the United States invoked the dispute settlement procedures of the GATT as the only alternative means of seeking a redress of our complaint. In 1983, a panel was established to review the U.S. complaint. Throughout this procedure, the United States has continued to demonstrate its willingness to seek a mutually acceptable solution to this problem. For example, the United States agreed to the unusual step of allowing the Director-General of GATT to attempt to arbitrate the dispute before pressing its request for formation of a dispute settlement panel. Unfortunately, the attempt failed. The EEC rejected all efforts at compromise.

In December, 1984, based on a voluminous record, the panel found unanimously that the EEC preferences nullified and impaired U.S. benefits arising under the GATT with respect to U.S. exports of oranges and lemons, two of the eight categories of U.S. citrus exports affected by the tariff preferences. The panel recommended that the EEC reduce its MFN rate of duty on fresh oranges and lemons no later than October 15, 1985.

Although the panel did not rule on this issue, the United States continues to believe that the EEC citrus preferences are inconsistent with the most-favored-nation principle of the GATT, and thus nullify or impair U.S. benefits with respect to exports of the other citrus items as well as lemons and oranges. Nevertheless, the United States has been willing to accept the panel's more limited recommendation for the following reasons. The sole interest of the United States in bringing this issue to the GATT has been to obtain the elimination or reduction of a barrier to U.S. citrus exports. While the panel's recommendation does not call for the elimination of the barriers, we believe its implementation by the EEC would significantly increase access for key U.S. citrus exports to that market. Moreover, the panel's recommendation does not require the EEC to take action inconsistent with its preferential trading arrangements; indeed it would result in lower tariffs for the preference receiving countries as well.

The EEC, however, has been unwilling to accept either the panel's findings or recommendation and has effectively prevented a resolution of this issue in the GATT. Thus, U.S. attempts to resolve this problem at the bilateral or multilateral level have not succeeded.

In light of the results of the USTR's investigation, I believe we must recognize that the level of trade concessions between the United States and EEC is no longer in balance. We estimate that the value of annual U.S. exports of oranges and lemons would increase by more than $48 million if the EEC had implemented the panel's recommendation.

The EEC's unwillingness to implement the panel's finding or to otherwise provide adequate compensation to the United States requires us to re-balance the level of concessions in U.S.–EEC trade. Increasing the duty on pasta imports from the EEC is a reasonable and appropriate means by which to achieve this.

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
*Washington, June 20, 1985.*

[FR Doc. 85-15175
Filed 6-20-85; 10:04 am]
Billing code 3195-01-M

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### 7 CFR Part 15

### Nondiscrimination

**AGENCY:** Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** This document amends 7 CFR Part 15 relating to nondiscrimination to reflect present responsibilities for their investigation of complaints of alleged discrimination in programs under the Civil Rights Act of 1964, 42 U.S.C. 2000d and 2000e.

**EFFECTIVE DATE:** June 21, 1985.

**FOR FURTHER INFORMATION CONTACT:** L.L. Free, Assistant Inspector General for Administration, Office of Inspector General, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–6915).

**SUPPLEMENTARY INFORMATION:** 7 CFR Part 15 now provides for the Inspector General to investigate complaints of alleged discrimination in Federally assisted programs and in direct USDA programs and activities (Title VI, Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.). However, agreements between the Inspector General/Director, Office of Investigation and the Assistant Secretary for Administration pursuant to a Secretarial Delegation of Authority place present investigative responsibility for these complaints of discrimination with the Assistant Secretary for Administration. Accordingly, this amendment revises the regulations to reflect the present assignment of responsibilities. Certain other minor changes to the regulations are also made.

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

**List of Subjects in 7 CFR Part 15**

Civil rights, Nondiscrimination.

**PART 15—[AMENDED]**

Accordingly, 7 CFR Part 15 Subpart A and Subpart B are amended as follows:

1. The authority citation for Title 7 CFR Part 15 Subpart A continues to read as follows:

**Authority:** 78 Stat. 252; 80 Stat. 379; 87 Stat. 394, as amended by 92 Stat. 2955; 42 U.S.C. 2000d–1; 5 U.S.C. 301, 29 U.S.C. 794, unless otherwise noted.

**Subpart A—Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964**

2. Section 15.6 is revised to read as follows:

**§ 15.6 Complaints.**

Any person who believes himself/herself or any specific class of individuals to be subjected to discrimination prohibited by the regulations in this part may by himself/herself or by an authorized representative file with the Secretary or any Agency a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Agency or by the Secretary. Such complaint shall be promptly referred to the Assistant Secretary for Administration. The complaint shall be investigated in the manner determined by the Assistant Secretary for Administration and such further action taken by the Agency or the Secretary as may be warranted.

3. The authority citation for Subpart B continues to read as follows:

**Authority:** Sec. 602, 78 Stat. 252; 5 U.S.C. 301, 42 U.S.C. 2000d–1.

**Subpart B—Nondiscrimination—Direct USDA Programs and Activities**

4. Section 15.52(d) is revised to read as follows:

**§ 15.52 Complaints.**

* * * * *

(d) The investigative function with respect to complaints authorized by paragraph (a) of this section shall be discharged by the Assistant Secretary for Administration in the manner determined by the Assistant Secretary.

Dated: June 14, 1985.

John R. Block,
*Secretary of Agriculture.*

[FR Doc. 85–14901 Filed 6–20–85; 8:45 am]
BILLING CODE 3410–23–M

## Animal and Plant Health Inspection Service

### 7 CFR Part 301

**[Docket No. 85–337]**

### Pink Bollworm Regulated Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule.

**SUMMARY:** This document affirms without change an interim rule published in the **Federal Register** on March 28, 1985 (50 FR 12215), which amended the "Pink Bollworm" quarantine and regulations by removing Bossier Parish from the list of pink bollworm regulated areas in Louisiana. This action is necessary because it was determined that the pink bollworm no longer occurs in Bossier Parish, Louisiana. The effect of this amendment was to remove restrictions on the interstate movement of regulated articles from Bossier Parish, a previously regulated area in Louisiana.

**EFFECTIVE DATE:** June 21, 1985.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Shannon, Staff Officer, Field Operations Support Staff, National Program Planning Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 663 Federal Building, Hyattsville, MD 20782, (301) 436–8295.

**SUPPLEMENTARY INFORMATION:**

**Background**

A document published in the **Federal Register** on March 28, 1985, (50 FR 12215–12217) set forth an interim rule amending § 301.52–2a of the Pink Bollworm quarantine and regulations (7 CFR 301.52 *et seq.;* hereinafter known as regulations). The document amended the regulations by removing Bossier Parish from the list of pink bollworm regulated areas in Louisiana. The regulations removed restrictions on the interstate movements of regulated articles from Bossier Parish, Louisiana.

The amendment became effective on the date of publication. The document provided that the amendment was necessary as an emergency measure in order to remove restrictions imposed on the interstate movement of certain articles.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of March 28, 1985, still provides a basis for the amendment. Accordingly, it has been determined that the amendment should remain effective as published in the **Federal Register** on March 28, 1985.

**Executive Order 12291 and Regulatory Flexibility Act**

This amendment has been issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this amendment will have an estimated annual effect on the economy of less than $8,000; will not cause a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause 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.

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

The Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities. This action involves removing restrictions on the interstate movement of regulated articles from Bossier Parish in Louisiana. There are hundreds of small entities that move such articles interstate from nonregulated areas in the United States. However, based on information compiled by the Department, it has been determined that fewer than 5 small entities move such articles interstate from the affected area in Bossier Parish, Louisiana. Further, the overall economic impact from this action is estimated to be less than $8,000.

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant pests, Plants (agriculture), Quarantine, Transportation, Pink bollworm.

**PART 301—DOMESTIC QUARANTINE NOTICES**

Accordingly, the interim rule published at 50 FR 12215–12217 on March 28, 1985, is adopted as a final rule.

**Authority:** 7 U.S.C. 150ee, 161, 162; 7 CFR 2.17, 2.51, and 371.2(c).

Done at Washington, D.C., this 18th day of June 1985.

**Harvey L. Ford,**

*Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.*

[FR Doc. 85–14957 Filed 6–20–85; 8:45 am]

BILLING CODE 3410–34–M

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**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**DEPARTMENT OF THE TREASURY**

**7 CFR Part 322**

**[Docket No. 84–350]**

**Honeybees and Honeybee Semen**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document revises the regulations in 7 CFR Part 322: (1) By establishing criteria concerning the importation of honeybees by the U.S. Department of Agriculture for experimental or scientific purposes, (2) by allowing the importation of honeybees and honeybee semen from Canada without restrictions, and (3) by allowing the importation of honeybee semen from Australia, Bermuda, France, Great Britain, New Zealand, and Sweden in accordance with certain restrictions. These amendments are necessary to update the regulations to reflect amendments to the Honeybee Act. The Honeybee Act allows honeybees and honeybee semen to be imported under such rules and regulations as the Secretary of Agriculture and the Secretary of the Treasury shall prescribe.

**EFFECTIVE DATE:** June 21, 1985.

**FOR FURTHER INFORMATION CONTACT:** Philip J. Lima, Staff Specialist, Biological Assessment Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 629, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8447.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 14, 1984, a document was published in the **Federal Register** (see 49 FR 20299–20303) which proposed to revise the regulations in 7 CFR Part 322 by: (1) Establishing criteria concerning the importation of honeybees and honeybee semen by the U.S. Department of Agriculture for experimental or scientific purposes; (2) to allow the importation of honeybees and honeybee semen from Canada without restictions; and (3) to allow the importation of honeybee semem from Australia, Bermuda, France, Great Britain, New Zealand, and Sweden in accordance with certain provisions concerning permits, inspections, marking and shipping, arrival notification, costs and charges, and ports of entry. The proposed regulations were jointly published by the Secretary of Agriculture and the Secretary of the Treasury pursuant to authority in the Honeybee Act (7 U.S.C. 281 *et. seq.*).

Comments were solicited for 60 days after publication of the proposed regulations. Seven comments were received. Six of the comments were in support of the proposal and one of the comments raised issues which are discussed below. The provisions of the proposed regulations have been adopted in the final rule without change based on the reasons set forth in the document of May 14, 1984, and the reasons discussed below.

A comment was received from the Government of New Zealand requesting that the regulations be amended to allow honeybees to be imported from New Zealand into the United States without restriction as is the case with Canada.

No change has been made in the proposed regulations based on this comment. The Department has begun the process of determining whether to propose to amend the regulations to allow New Zealand to import honeybees into the United States without restriction under the Honeybee Act.

The comment from New Zealand also questioned the accuracy of the Department's finding under Executive Order 12291 in which the Department stated that "it appears that the adoption of the proposed regulation would not

have a significant economic effect since it is rare that persons desire to import honeybees or honeybee semen from other than Canada". In support of this the comment stated that "[i]t is simply not possible to judge what the likely demand for honeybees, other than from Canada, is likely to be since the current restrictions of the Honeybee Act have been a major disincentive to potential buyers in the United States."

No changes have been made in the proposed regulation based on this comment. The Department believes that its finding concerning the economic effect of adopting the proposed regulations is accurate. This finding is based on a review of the requests that have been made to import bees from countries other than Canada under Honeybee Act. These requests have been infrequent. Further, the Honeybee Act has not been changed since the proposal was initiated, and it is not expected that the number of requests to import honeybees and honeybee semen under the Honeybee Act will significantly change with the promulgation of this final rule.

### Miscellaneous

Also, for informational purposes, a footnote has been added to the regulations to set forth the statutory criteria for determining which countries may be listed in the regulations as countries from which honeybees or honeybee semen may be imported into the United States. In this connection, the footnote sets forth the following relevant part of 7 U.S.C. 281:

(a) In order to prevent the introduction and spread of diseases and parasites harmful to honeybees, and the introduction of genetically undesirable germ plasm of honeybees, the importation into the United States of all honeybees is prohibited, except that honeybees may be imported into the United States—

(1) by the United States Department of Agriculture for experimental or scientific purposes, or

(2) from countries determined by the Secretary of Agriculture—

(A) to be free of diseases or parasites harmful to honeybees, and undesirable species or subspecies of honeybees; and

(B) to have in operation precautions adequate to prevent the importation of honeybees from other countries where harmful diseases or parasites, or undersirable species or subspecies, of honeybees exist.

(b) Honeybee semen may be imported into the United States only from countries determined by the Secretary of Agriculture to be free of undesirable species or subspecies of honeybees, and which have in operation precautions adequate to prevent the importation of such undesirable honeybees and their semen.

Any importer can petition the Department and request that the regulations be amended.

### Executive Order 12291 and Regulatory Flexibility Act

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

Alternatives were considered in developing this final rule.

The determination has been made that Canada meets the criteria for the importation of honeybees and honeybee semen. That determination is based on a USDA review of the scientific literature; an ongoing sampling program of Canadian honeybees by USDA; an ongoing exchange of information between Canada and the United States relating to bee diseases and parasites, and undesirable species and subspecies of bees; and a review by USDA of the bee enforcement program in Canada.

Consideration was given concerning whether: (1) To allow the importation of honeybees and honeybee semen from Canada without restrictions, or (2) to allow the importation of honeybees and honeybee semen from Canada with restrictions. Alternative (1) is adopted. Additional safeguards are not necessary with respect to the importation of honeybees and honeybee semen from Canada because the existing safeguards are adequate to assure that if Canada were to fail to meet the specified criteria, this would be readily detected and appropriate action could be promptly taken.

Based on a USDA review of the scientific literature and a USDA review of bee enforcement programs, it has been determined that, in addition to Canada, the following countries meet the criteria for the importation of honeybee semen: Australia, Bermuda, France, Great Britain, New Zealand, and Sweden.

Consideration was given concerning whether: (1) To allow the importation of honeybee semen without restrictions from Australia, Bermuda, France, Great Britain, New Zealand, and Sweden, or (2) to allow the importation of honeybee semen from these six countries with restrictions as set forth in the regulations. Alternative (2) is adopted. The restrictions are necessary to help assure that the specified countries continue to meet the criteria and to help assure that appropriate action could be promptly taken if a listed country were to fail to meet the criteria.

The adoption of the rule would not have significant economic effect since it is rare that persons desire to import honeybees or honeybee semen from other than Canada. Further, it appears that there is no feasible alternative to consider in compliance with the requirement that agencies choose the alternative that maximizes net benefits to society at the lowest net cost.

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

### Paperwork Reduction Act

In accordance with Section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the information collection provisions included in this rule have been approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 0579-0073.

### List of Subjects in 7 CFR Part 322

Bees, Honey, Imports, Transportation.

Under the circumstances set forth above, 7 CFR Part 322 is revised to read as follows:

## PART 322—HONEYBEES AND HONEYBEE SEMEN

Sec.



Authority: Sec. 1; 90 Stat. 709 (7 U.S.C. 281); 7 CFR 217, 2.51, 371.2(c).

### § 322.1 Importation of honeybees and honeybee semen.[1]

(a) No persons may import honeybees or honeybee semen, except as otherwise provided in this part.

[1] The criteria for determining which countries may be listed in this Part as countries from which honeybees or honeybee semen may be imported into the United States are set forth in 7 U.S.C. 281.

Continued

(b) Honeybees or honeybee semen from Canada may be imported into the United States without any further restrictions under this part.

(c) Honeybee semen from any country listed below is designated as a restricted article and may be imported only in accordance with the provisions in this part.

Australia
Bermuda
France
Great Britain
New Zealand
Sweden

(d) Honeybees from any country or locality other than Canada, may be imported without complying with other provisions of this part if:

(1) Imported by the U.S. Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville MD 20705, or at a port of entry designated by an asterisk in § 319.37–14(b);

(3) Imported pursuant to a departmental permit issued for such honeybees and kept on file at the port of entry;

(4) Imported under conditions specified on the departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of diseases or parasites harmful to honeybees, or genetically undesirable germ plasm of honeybees, i.e., conditions of treatment, processing, shipment, disposal; and

(5) Imported with a departmental tag or label securely attached to the outside of the container, and with such tag or label bearing the name of the person to whom the permit is issued.

(e) Any honeybees or honeybee semen offered for import or intercepted entering the United States and not in compliance with this part shall be immediately exported from the United States by the importer or shall be destroyed by an inspector. Pending exportation or destruction, the honeybees or honeybee semen shall be subject to the immediate application of such safeguards against escape of diseases or parasites harmful to honeybees, or undesirable species or subspecies of honeybees, as the inspector determines necessary to prevent the introduction into the United States of diseases or parasites harmful to honeybees, or undesirable species or subspecies of honeybees.

### § 322.2 Definitions.

Terms used in the singular form in this part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this part, shall be construed respectively, to mean:

*Deputy Administrator.* The Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, U.S. Department of Agriculture, or any other officer or employee of the Department to whom authority to act in his or her stead has been or may hereafter be delegated.

*Diseases harmful to honeybees.* Honeybee diseases, including but not limited to diseases caused by *Aspergillus* spp., *Bacillus* spp., *Ascosphaera* spp., Kashmir virus, and *Saccharomyces* spp.

*Honeybee.* Any live honeybee of the genus *Apis* in any life stage and the germplasm of honeybees of the genus *Apis*, except honeybee semen.

*Import (importation, imported).* To import or move into the United States.

*Inspector.* Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Deputy Administrator in accordance with the law to enforce the provisions of this part.

*Parasites harmful to honeybees.* Honeybee parasites, including but not limited to *Varroa jacobsoni, Euvarroa sinhai, Tropilaelaps clareae,* and *Acarapis woodi.*

*Person.* Any individual, corporation, company, society, association, or any other organized group.

*Plant Protection and Quarantine.* The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Honeybee Act, as amended, and regulations promulgated thereunder.

*Restricted article.* Any honeybee semen from countries listed in § 322.1(c).

*Undesirable species of subspecies of honeybees. Apis mellifera adansonii,* commonly known as the African honeybee, and its hybrids; and *Apis mellifera capensis,* commonly known as the Cape honeybee.

*United States.* The States, District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

### § 322.3 Permits.

(a) A restricted article may be imported only after issuance of a written permit by Plant Protection and Quarantine.

(b) An application for a written permit must be submitted to the Biological Assessment Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782, and should be submitted at least 30 days prior to arrival of the article at the port of entry. The completed application does not have to be on any particular form but must indicate that it is an application for a written permit and include the following information:

(1) Name, address, and telephone number of the importer;

(2) Amount of semen indicated to be imported and species or subspecies of the honeybees from which the semen was collected;

(3) Country or locality of origin;

(4) Intended United States port of entry;

(5) Means of transportation; and

(6) Expected date of arrival.

(c) After receipt and review of the application by Plant Protection and Quarantine, a written permit indicating the applicable conditions in this subpart for importation shall be issued for the importation of the articles specified in the application if such articles appear to be eligible to be imported. Even though a written permit has been issued for the importation of an article, it may be moved into the United States from the port of entry only if all requirements of this subpart are met and only if an inspector at the port of entry does not determine that emergency measures are necessary with respect to such article to assure that diseases or parasites harmful to honeybees and that undesirable species or subspecies of

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In this regard, 7 U.S.C. 281 provides in relevant part, that:

(a) In order to prevent the introduction and spread of diseases and parasites harmful to honeybees, and the introduction of genetically undesirable germ plasm of honeybees, the importation into the United States of all honeybees is prohibited, except that honeybees may be imported into the United States—

(1) by the United States Department of Agriculture for experimental or scientific purposes, or

(2) from countries determined by the Secretary of Agriculture—

(A) to be free of diseases or parasites harmful to honeybees, and undesirable species or subspecies of honeybees; and

(B) to have in operation precautions adequate to prevent the importation of honeybees from other countries where harmful diseases or parasites, or undesirable species or subspecies, of honeybees exist.

(b) Honeybee semen may be imported into the United States only from countries determined by the Secretary of Agriculture to be free of undesirable species or subspecies of honeybees, and which have in operation precautions adequate to prevent the importation of such undesirable honeybees and their semem.

honeybees are not introduced into the United States.

(d) Any permit which has been issued may be withdrawn by an inspector or the Deputy Administrator if he or she determines that the permit holder has not complied with any condition for the use of the permit. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within 20 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal in writing, stating the reasons for the decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve the conflict.

(Approved by the Office of Management and Budget under control number 0579-0073)

**§ 322.4 Inspections.**

Any restricted article is subject to inspection by an inspector at the time of importation for the purpose of determining whether such article is eligible to be imported.

**§ 322.5 Marking and shipping.**

(a) Any restricted article for importation by means other than mail shall at the time of importation bear on the outer container the following information:

(1) Amount of semen and species or subspecies of the honeybees from which the semen was collected,

(2) Country or locality of origin,

(3) Name and address of shipper, owner, or person shipping or forwarding the article,

(4) Name and address of consignee, and

(5) Identifying shipper's mark and number.

(b) Any restricted article for importation by mail must be addressed and mailed to Plant Protection and Quarantine at a place specified in § 322.8; must be accompanied by a separate sheet of paper within the package bearing the name, address, and telephone number of the intended recipient; and must bear on the outer container the following information:

(1) Species or subspecies of the honeybees from which the semen was collected,

(2) Country or locality of origin, and

(3) Name and address of shipper, owner, or person shipping or forwarding the article.

(c) Any restricted article must be accompanied at the time of importation by an invoice or packing list indicating the contents of the shipment.

(Approved by the Office of Management and Budget under control number 0579-0073)

**§ 322.6 Arrival notification.**

Promptly upon arrival of any restricted article at a port of entry, except for mail shipments, the importer must notify Plant Protection and Quarantine of the arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose.

(Approved by the Office of Management and Budget under control number 0579-0049)

**§ 322.7 Costs and charges.**

The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.[2] Plant Protection and Quarantine will not be responsible for any costs or charges, other than those indicated in this section.

**§ 322.8 Ports of entry.**

(a) Any restricted article may be imported only at a port of entry listed in § 319.37-14(b) of this chapter.

Done at Washington, D.C., this 6th day of June, 1985.

**John R. Block,**

*Secretary, Department of Agriculture.*

**J.M. Walker, Jr.,**

*Assistant Secretary (Enforcement and Operations), Department of the Treasury.*

[FR Doc. 85-14900 Filed 6-20-85; 8:45 am]

BILLING CODE 3410-34-M

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

### 7 CFR Part 713

**[Amdt. 3]**

### Feed Grain, Rice, Cotton, and Wheat Programs for the 1985 Crop Year

**AGENCY:** Agricultural Stabilization and Conservation Service (ASCS), Department of Agriculture (USDA).

**ACTION:** Interim rule.

**SUMMARY:** This interim rule amends the regulations at 7 CFR Part 713 which set forth the requirements of the commodity programs established for the 1985 crops of feed grain, rice, cotton, and wheat. Included in these changes are amendments with respect to: (1) The adjustment of considered planted acreage in determining farm acreage bases; (2) the definition of a crop acreage base; (3) the manner in which yields are determined for irrigated acreages and acreages with abnormal yield history; (4) certain requirements involving conservation practices; (5) the designation and maintenance of acreage conservation reserve; and (6) the computation of interest which is to be refunded for unearned advance diversion or deficiency payments. Implementation of the changes made by this interim rule will improve the effectiveness of commodity programs.

**EFFECTIVE DATE:** June 21, 1985. Comments must be received on or before July 22, 1985 in order to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit written comments to: Director, Cotton, Grain, and Rice Price Support Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

**FOR FURTHER INFORMATION CONTACT:** William Harshaw, ASCS, (202) 382-9878.

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

The titles and numbers of the Federal Assistance Programs to which this interim rule applies are: Cotton Production Stabilization, 10.052; Feed Grain Production Stabilization, 10.055; Rice Production Stabilization, 10.065; and Wheat Production Stabilization, 10.058, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of

[2] Provisions relating to costs for other services of an inspector are contained in 7 CFR Part 354.

proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

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

The Office of Management and Budget has approved the information collection requirements contained in these regulations under the provisions of 44 U.S.C. Chapter 35 and OMB Numbers 0560–0092, 0560–0650, 0560–0091, 0560–0030, and 0560–0071 have been assigned.

The changes which are included in this interim rule are the result of experience with the acreage reduction, diversion, and payment-in-kind programs effective for crop years 1982 through 1984 and would be effective with respect to the 1985 crops. Accordingly, 7 CFR 713.1(a) is amended to provide that the regulations set forth at 7 CFR Part 713 shall be applicable to 1985 crops. Similarly, the subpart heading is also amended.

For purposes of participation in the feed grain program, corn and grain sorghum acreage bases and planted acres are combined to determine whether there is compliance with program requirements. Similarly, oats and barley acreage bases and planted acres are combined. Currently, the provisions of 7 CFR 713.3 which set forth the requirements for determining farm acreage that is considered planted for purposes of determining farm acreage bases are written in terms of single crop bases and do not provide for the establishment of considered planted acreages when different crop acreage bases are combined. Accordingly, this interim rule adds a new paragraph to § 713.3 to set forth the requirements for determining considered planted acreage when crop acreage bases are combined. Section 713.3 is also revised for purposes of clarity.

Farm acreage bases are computed using the acreage planted and considered planted to a crop. When an adjustment is made to the acreage base for a farm in accordance with § 713.7, it may also be necessary to adjust the considered planted acreage so that the base adjustment is carried forward in order to compute future crop year acreage bases. Accordingly, a new paragraph is added to § 713.3(b) to provide that considered planted acreages may be adjusted when acreage bases are adjusted in accordance with instructions issued by the Deputy Administrator, State and County Operations, ASCS.

Acreages of small grains, such as barley, oats, and wheat, serve as useful cover crops when planted on acreage designated as acreage conservation reserve (ACR) since these crops prevent wind and water erosion. These small grains may also develop volunteer stands that may or may not be economically practical to harvest as grain. In such cases, the Department must determine whether to consider the acreage on which small grains are growing as an acreage of the crop for purposes of determining program compliance. This interim rule amends the definition of crop acreage set forth at § 713.3 and the procedure for determining crop acreages in § 713.4 to permit the exclusion of such volunteer small grain acreages when the county ASC committee determines that it is not economically practical to harvest the acreage and the farm operator does not otherwise receive feed benefit from such acreage.

It is a common practice for commercial companies and State experiment stations to contract with producers to grow small acreages of a commodity for experimental purposes. This interim rule amends § 713.4 to exclude such acreages from being included in the determination of crop acreages for commodity program purposes.

Irrigation is a common practice in many areas of the country. In some areas, irrigation produces a significant increase in crop yields. This interim rule amends § 713.6 to provide that the county ASC committee may establish separate yields for farms with irrigated and nonirrigated acreages of wheat and feed grains. Irrigated yields would be established and used to compute program benefits only if the operator reports irrigated crop acreages and can furnish, at the request of the county committee, evidence to show that the land was irrigated in accordance with recognized irrigation practices.

Section 713.6 of the regulations provides that the county ASC committee may assign a yield for a crop of commodity on a farm when evidence of acreage or production is missing for certain crop years of the 5-year base period used in computing proven yields. There is currently, however, a limitation on the maximum yield the committee may assign. Because the crop produced in a specific year may have been very good, imposing a maximum yield limitation may be inequitable. Accordingly, this interim rule removes that limitation.

Section 713.6 of the regulations also currently provides that the actual yield for a commodity produced on a farm for a year may be adjusted upward when the yield is less than 80 percent of the simple average of the yields for the 5-year base period. This has the effect of lessening the adverse impact of adverse weather conditions or other conditions beyond the producer's control during a particular year. It is, however, possible for ideal conditions to result in a yield which is far above the yield which would normally be expected. It is also possible for a producer to increase the actual yields for a farm in a specific year by reducing the acreage planted to the commodity and increasing the irrigation, fertilizer, or other inputs which are applied to the remaining acreage. Including such an unrepresentative high yield in the computation of a proven yield would produce an abnormally high yield. Accordingly, § 713.6 is amended to permit the county ASC committee: (1) To decrease the actual yields for a commodity for a farm for a year when the committee determines that the actual yields are in excess of 125 percent of the simple average of the yields for the commodity for the farm for the 5-year base period or (2) to reduce the actual yield if the producer has achieved an abnormally high yield by planting an acreage which is not representative of the farm's planted or considered planted history.

Irrigation water is essential for growing rice and, in some areas of the country, it is essential for growing other crops. When irrigation water is no longer available on a farm, it is not economically practical to produce certain crops. In such cases, making diversion payments which are based on a percentage of the entire farm's crop acreage base results in a windfall payment to the producer. To alleviate this situation, this interim rule adds a paragraph to § 713.7 to permit the county ASC committee to adjust a farm's acreage base for a crop if it is determined that an adequate supply of irrigation water was not available on the farm for the crop year. If it is determined that a crop could not be produced on the farm without irrigation water, the farm's acreage base for the crop would be reduced to zero.

Acreage removed from production must be planted to a cover crop or devoted to conservation practices that will prevent wind and water erosion. Some types of cover crops are approved

nationally while others are approved by State and county ASC committees in accordance with the guidelines which are set forth in § 713.62(c). Section 713.62 currently provides that the State Conservationist of the Soil Conservation Service must concur in writing that the locally approved covers and practices will prevent wind and water erosion. This provision for written concurrence does not clearly set forth the requirement that the State ASC committee remains responsible for approving such covers and practices. Accordingly, this interim rule removes the provision for written concurrence, although the State ASC committee would still be required to consult with the State Conservationist with respect to approved covers and practices.

Section 713.63 currently provides that land designated as ACR shall not be grazed during the 6 principal growing months as determined by the county ASC committee. In order to encourage livestock producers to participate in price support and production adjustment programs, it is proposed that § 713.63 be amended to provide that, with respect to the 1985 commodity programs, land designated as ACR shall not be grazed during the 5 principal growing months. Because certain areas may suffer shortages of hay and forage, § 713.63 is amended to provide that the Deputy Administrator, State and County Operations may authorize haying or grazing under certain conditions.

Section 713.65 currently provides that orchards and vineyards may be designated as ACR provided that the trees or vines are planted in the current year or the fall of the preceding year. This interim rule removes vineyards from eligibility to be designated as ACR. This change is to avoid encouraging the planting of additional vineyards which would result in the unwarranted expansion of grape production thereby adversely affecting established vineyards.

The Secretary has announced that advance deficiency payments will be made available to eligible producers of barley, corn, grain sorghum, upland cotton, rice, and wheat for the 1985 crop year. Advance division payments will also be made available to eligible producers of wheat, upland cotton, and rice for the 1985 crop year. Advance deficiency payments are computed using the producer's intended planted acreage of the crop. If the producer is unable to plant the crop, the advance deficiency payment cannot be earned and must be refunded. Section 713.104(d)(2) of the regulations currently provides for a formula for determining the amount, if any, of the advance payment that is subject to interest. Experience has proven that this formula is very difficult to administer and to explain to producers. Because the final deficiency payment rate currently is included in the formula which is used to determine the amount of any refund which may be owed by the producer when the producer actually plants less than 50 percent of the acreage certified, the county ASCS office cannot inform a producer of the amount of the advance payment which is subject to interest until after the final deficiency payment rate is determined. This may be 6 to 10 months after there has been a determination that the producer has been overpaid. Because of such problems, this interim rule replaces the formula currently set forth at § 713.104(d)(2) and provides simply that producers who fail to comply with the program requirements will be charged interest on the amount of their advance payments. Producers who comply with the program requirements even though no acreage of the crop is planted would not be charged interest. Section 713.104(d)(2) is also amended to provide that the rate of interest which is charged producers would be equal to the rate of interest in effect for CCC commodity loans on the date the advance payment was issued. This change conforms to the manner in which interest rates are assessed under other programs of the Department. Section 713.104(d)(1) is also revised for clarity.

Since many of the changes in the regulation which are made by this interim rule are technical in nature and not significant and since producers are already planting their crops and must be aware of the revised program provisions, it has been determined that this interim rule shall become effective on June 21, 1985. However, comments from interested persons are requested. Comments must be received by July 22, 1985 in order to be assured of consideration. After the comments have been received and reviewed, a final rule will be published setting forth any changes which may be necessary in these regulations.

**List of Subjects in 7 CFR Part 713**

Acreage allotments, Cotton, Feed grains, Price support programs, Wheat, and rice.

**Interim Rule**

**PART 713—[AMENDED]**

Accordingly, the regulations at 7 CFR Part 713 are amended as follows:

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

**Authority:** Secs. 101(i), 103(g), 105B, 107C, 107C, 109, 113, and 1001; 95 Stat. 1242, as amended, 95 Stat. 1234, as amended, 95 Stat. 1227, as amended, 95 Stat. 1221, as amended, 96 Stat. 766, 91 Stat. 950, as amended, 95 Stat. 1264, 91 Stat. 917, as amended; 7 U.S.C. 1441, 7 U.S.C. 1444, 7 U.S.C., 1444d, 7 U.S.C. 1445b–1, 7 U.S.C. 1445b–2, 7 U.S.C. 1445d, 7 U.S.C. 1445h, 7 U.S.C. 1309.

2. The heading of the subpart is revised to read "Feed Grain, Rice, Cotton, and Wheat Programs for the 1985 Crop Year".

3. Section 713.1(a) is amended by deleting "1984 and subsequent" and inserting in lieu thereof "1985".

4. Section 713.3 is amended by revising paragraphs (b) and (k)(2) to read as follows:

**§ 713.3 Definitions.**

* * * * *

(b) "*Considered planted acreage*" means for a crop the following:

(1) For farms on which producers are participating in an acreage reduction program for the crop, the considered planted acreage shall be the difference between the acreage base for the crop and the planted acreage of the crop;

(2) For farms on which producers are participating in a set-aside, voluntary diversion, or wheat grazing and hay program, the considered planted acreage shall be the sum of the following as applicable:

(i) Any acreage required to be devoted to conservation uses under a set-aside, acreage reduction, or diversion program as prescribed in this Part or under a payment-in-kind diversion program as prescribed in Part 770 of this Chapter,

(ii) For wheat, any acreage for payment under the wheat grazing and hay program,

(iii) Any voluntary reduction below the acreage base established for the crop, and

(iv) The acreage that the county committee determines the producer intended to plant to the crop but was prevented from planting to the crop and to later nonconserving crops as the result of a natural disaster or other condition beyond the control of the producer;

(3) For farms for which a zero planted acreage is reported in a year when an acreage reduction program is in effect for the crop, the considered planted acreage shall be the acreage base for the crop;

(4) When two or more crops are combined for purposes of program participation and compliance, (i) the considered planted acreage for the crop for farms for which there is a report of zero planted acreage of all such crops

shall be the acreage base for the crop; and (ii) the considered planted acreage for farms on which producers are participating in an acreage reduction program for the crops shall be the difference between the sum of the planted acreages for the crops and the sum of the acreage bases for the crops prorated to the individual crops based upon the planted acreage of the respective crops in the current year;

(5) For ELS cotton farms for which an acreage base adjustment is made using the reserve in accordance with § 713.7(g) and for other farms for which an acreage base adjustment is made in accordance with § 713.7 (c) and (d), the considered planted acreage may also be adjusted in accordance with instructions issued by the Deputy Administrator; and

(6) For other farms, the considered planted acreage shall be that acreage which the county committee determines that the producer intended to plant to the crop but was prevented from planting to the crop and to later nonconserving crops as a result of a natural disaster or other condition beyond the control of the producer.

* * * * *

(k) "*Planted acreage*" for a crop means the total of:

* * * * *

(2) The volunteer acreage of the crop which is harvested for grain or which is determined by the county committee to be economically practical to harvest.

* * * * *

5. Section 713.4 is amended by deleting the word "and" at the end of paragraph (b)(6), changing the period at the end of paragraph (b)(7) to a semicolon, and adding paragraphs (b)(8), (9), and (10) to read as follows:

**§ 713.4 Determining crop acreages.**

* * * * *

(b) * * *

* * * * *

(8) Any acreage which is planted for experimental purposes under the direct supervision of a State experimental station or a commercial company and which meets other requirements as prescribed by the Deputy Administrator;

(9) The acreage of barley, oats or wheat which is determined by the county committee to be not economically practical to harvest because of a low yield and which is excluded as crop acreage by the operator; and

(10) The acreage of barley, oats, or wheat which is left standing as a cover crop past the disposal deadline if the producer (i) requests permission from the county committee before the crop reporting date; (ii) destroys the crop mechanically if the crop does not deteriorate before the end of the nongrazing period so that no benefit can be derived from the grain; (iii) does not obtain feed benefit from the crop; and (iv) pays the cost of a farm visit to check compliance with program requirements for disposal of the crop.

* * * * *

6. Section 713.6 is amended by revising paragraphs (a)(1), (a)(2) (i), (ii), and (iii) and adding paragraph (e) to read as follows:

**§ 713.6 Farm yields.**

(a) *Barley, corn, grain sorghum, oats, and wheat yields*—(1) *Determining yields.* The bushel per acre farm yield for the current year shall be established in accordance with instructions issued by the Deputy Administrator and shall be the county check yield for the crop as adjusted to reflect the farm productivity. Separate farm yields may be established for irrigated acreages and for nonirrigated acreages if (i) the county committee determines that irrigation is a normal practice on the farm in most years; (ii) irrigation makes a substantial difference in crop yields; and (iii) the producer submits adequate evidence to the county committee that sufficient irrigation water is available for use on the acreage designated by the producer as irrigated acreage and that reasonable irrigation practices have been performed with respect to the irrigated acreage.

(2) *Provable yields.* * * *

(i) If for either of the 2 earliest years of the 5-year base period there was no acreage of the crop or the production or acreage of the crop on the farm cannot be reconstructed, the county committee may assign a yield for any such year based upon the actual yield for similar farms in the county or other surrounding area;

(ii) If the acreage report filed in accordance with Part 718 of this chapter shows that no acreage of the commodity was grown on the farm, the county committee may assign a yield for the farm based upon the actual yield for similar farms in the county or other surrounding areas; and

(iii) If any yield for a farm for any year which is used in the calculation of the 5-year base period is less than 80 percent or more than 125 percent of the simple 5-year average of actual and assigned yields for the farm, the county committee may adjust such yields, in accordance with instructions issued by the Deputy Administrator, to provide for a yield which is more representative of normal operations and weather conditions for the farm.

* * * * *

(e) *Unrepresentative acreage.* If the crop acreage for a year is less than 50 percent of the acreage base for the crop, the county committee may determine, in accordance with instructions issued by the Deputy Administrator, that the actual yield for the year is unrepresentatively high and reduce the yield accordingly. Such reduced yield shall be used to compute proven yields for wheat and feed grain in accordance with paragraph (a)(2) of this section or for cotton or rice yields in accordance with paragraph (b) of this section.

7. Section 713.7 is amended by adding paragraph (h) to read as follows:

**§ 713.7 Crop acreage bases.**

* * * * *

(h) If the county committee determines that an adequate supply of irrigation water is a prerequisite for growing the crop on the farm, the county committee shall adjust the acreage base for a crop for a year to the extent that irrigation water is not available for growing the crop on the farm for the year.

8. Section 713.62 is amended by revising paragraph (c)(4) to read as follows:

**§ 713.62 Approved cover crops and practices.**

* * * * *

(c) *Locally approved cover crops.*

* * * * *

(4) The State committee shall approve cover crops or practices that sufficiently protect the land from wind and water erosion after consulting with the SCS State Conservationist.

9. Section 713.63 is amended by revising paragraphs (b) and (c)(1) and adding paragraph (d) to read as follows:

**§ 713.63 Use of acreage conservation reserve.**

* * * * *

(b) *Grazing.* Grazing is prohibited during the 5 principal growing months for crops in the county between February 28 and November 1 as determined by the county committee.

(c) *Other uses.* (1) Removing catfish, crayfish, and other fish for commercial purposes is prohibited during the 5 principal growing months for crops in the county as determined by the county committee.

* * * * *

(d) *Waiver.* Notwithstanding the provisions of §§ 713.63(a)–(c), the Deputy Administrator may authorize, on

a county by county basis, the use of the acreage conservation reserve for haying or grazing under such conditions as may be prescribed when abnormal weather conditions cause a critical shortage of hay and forage in the county.

10. Section 713.65 is revised to read as follows:

**§ 713.65 Orchards.**

Unless the State committee determines otherwise, the entire area of an orchard or nursery meeting the minimum size requirements specified in Part 718 of this chapter is eligible to be designated as ACR if the trees were planted in the current year or fall of the previous year. The land must meet the eligibility requirements of § 713.61.

* * * * *

11. Section 713.104 is amended by revising paragraph (d) to read as follows:

**§ 713.104 Advance payments.**

* * * * *

(d) *Refunds.* (1) The provisions of § 713.103(e) are applicable to the amounts of any advance diversion or deficiency payments which are not earned by the producer. However, no late payment charge shall be assessed with respect to producers who have otherwise complied with the requirements of the program for the crop but who failed to refund to CCC the amount of the advance deficiency payments before the end of the marketing year for the crop when the final deficiency payment rate determined under § 713.108(a) is zero or is less than the advance deficiency payment rate.

(2) In addition to the provisions of § 713.103(e), interest shall be charged on the amount of the advance payment if a producer obtains an advance deficiency or land diversion payment, or both, for a crop on a farm but does not comply with the requirements for any acreage limitation, set-aside, or land diversion program required for the crop on the farm for the year. Interest shall be computed from the date such payment is refunded. The rate of interest shall be the rate of interest in effect for CCC commodity loans on the date of the issuance of the payment.

Signed at Washington, D.C. on June 18, 1985.

Everett Rank,

*Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc. 85-15020 Filed 6-20-85; 8:45 am]

BILLING CODE 3410-05-M

## Agricultural Marketing Service

## 7 CFR Part 910

[Lemon Reg. 521]

## Lemons Grown in California and Arizona; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 340,000 cartons during the period June 23-29, 1985. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

**DATES:** Effective for the period June 23-29, 1985.

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

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

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

This action is consistent with the marketing policy currently in effect. The committee met publicly on June 18, 1985, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand continues to be good.

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

**List of Subjects in 7 CFR Part 910**

Marketing Agreements and Orders, California, Arizona, Lemons.

1. The authority citation for 7 CFR 910 continues to read as follows:

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

2. New § 910.821 is added to read as follows:

**§ 910.821 Lemon Regulation 521.**

The quantity of lemons grown in California and Arizona which may be handled during the period June 23, 1985, through June 29, 1985, is established at 340,000 cartons.

Dated: June 19, 1985.

William J. Doyle,

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

[FR Doc. 85-15149 Filed 6-20-85; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF JUSTICE

## Immigration and Naturalization Service

## 8 CFR Part 238

## Contracts With Transportation Lines; Addition of VIA Rail Canada, Inc.

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule adds VIA Rail Canada Inc. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

**EFFECTIVE DATE:** May 31, 1985.

**FOR FURTHER INFORMATION CONTACT:** Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-3048.

**SUPPLEMENTARY INFORMATION:** The Commissioner of Immigration and Naturalization entered into an agreement with VIA Rail Canada Inc. on May 31, 1985, to guarantee passage through the United States in immediate and continous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportation lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

**List of Subjects in 8 CFR Part 238**

Airlines, Aliens, Government contracts, Travel, Travel restriction.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

## PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for Part 238 continues to read as follows:

**Authority:** Secs. 103 and 238 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1228).

**§ 238.3 [Amended]**

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by: Adding in alphabetical sequence, VIA Rail Canada Inc.

* * * * *

Dated: June 12, 1985.

**Marvin J. Gibson,**

*Acting Associate Commissioner, Examinations, Immigration and Naturalization Service.*

[FR Doc. 85-15004 Filed 6-20-85; 8:45 am]

BILLING CODE 4410-10-M

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**8 CFR Part 248**

## Change in Nonimmigrant Classification

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule requires that when an alien is seeking to change nonimmigrant status to that of an "H" temporary worker or "L" intracompany transferee classification, the application for change of nonimmigrant classification, Form I-506, must be filed with the nonimmigrant visa petition, Form I-129B, which determines the "H" or "L" classification, or the application must be accompanied by the notice of approval of the nonimmigrant visa petition, Form I-171C. This rule also requires that the application for such change of nonimmigrant status to "H" or "L" must always be filed with the district director who has jurisdiction over the nonimmigrant visa petition, Form I-129B, or with the district director having jurisdiction over the place where the services are performed. This rule will help the Service provide more expeditious adjudication of the changes of nonimmigrant status requests by keeping all related documents together and by reducing the Services' need to obtain records from another Service office prior to the adjudication of an application and provide more efficient service to the public.

**EFFECTIVE DATE:** July 22, 1985.

**FOR FURTHER INFORMATION CONTACT:**

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633-3048

For Specific Information: Jeffrey D. Trecartin, Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633-3946.

**SUPPLEMENTARY INFORMATION:** The current regulation governing the place of filing an application to change nonimmigrant status, Form I-506, provides that the application be filed with the district director having jurisdiction over the residence of the applicant. In a number of cases, this results in the filing of the eligibility visa petition, Form I-129B, and the application for change of nonimmigrant classification, Form I-506, in two different jurisdictions. This would be the case when the alien lives in one state (e.g., New York) and works in another state (e.g., New Jersey). This split of jurisdiction in "H" and "L" cases causes increased processing time and unnecessary administration problems. This final rule amends the existing rule by requiring that Form I-506 be filed with the district director having jurisdiction over the place where the service will be performed in "H" or "L" without regard to beneficiary's place of residence.

The final rule requires either the concurrent filing of the application Form I-506 and the nonimmigrant visa petition Form I-129B with the district director having jurisdiction over the Form I-129B, or if submitted separately, that the notice of approval of the petition, Form I-171C, accompany the Form I-506. Form I-506 must be filed in the same jurisdiction as the Form I-129B in all cases, thus keeping both proceedings under the jurisdiction of the same district director. If the services will be performed or the training will be received in more than one location in the United States, the petition and application must be filed with a Service office having jurisdiction over at least one of those areas.

Notice of proposed rule making was published in the **Federal Register** on October 10, 1984 at 49 FR 39685 with a 30 day comment period ending November 9, 1984. The two comments received were from the private immigration bar and were supportive of the proposed rule. One of the writers suggested that the following sentence be added to the final rule. "If the services will be performed or the training will be received in more than one location in the United States, the petition and application must be filed with a Service office having jurisdiction over at least one of those areas." The Service has included this sentence in the final rule.

The second writer emphasized that the change is beneficial to both the Service and the public. The Service agrees that the consolidation of paperwork needed to make such a change of status would reduce the transfer of files within the Service's record system and as a result, provide more efficient, timely service to the public.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule is not a major rule as defined in section 1(b) of E.O. 12291. It would not have an effect on the economy of $100 million or more, result in an increase in costs, prices for consumers or have a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

**List of Subjects in 8 CFR Part 248**

Administrative practice and procedures, Aliens, Immigration and Nationality Act.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

## PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

1. The authority citation for Part 248 continues to read as follows:

**Authority:** Sections 103 and 248 of the Immigration and Nationality Act, as amended, (8 U.S.C. 1103 and 1258).

2. Section 248.3 is amended by revising paragraph (a); existing paragraphs (b) thru (f) are redesignated (c) thru (g) respectively; and a new paragraph (b) is added to read as follows:

**§ 248.3 Application.**

(a) *General.* A nonimmigrant alien who seeks to change the visa classification under which he or she was admitted to the United States shall apply for a change of nonimmigrant classification on Form I–506, Applicant for Change of Nonimmigrant Status. The applicant shall submit documentary evidence establishing eligibility for the change of classification being requested. Form I–506 must be filed with the district director having jurisdiction over the applicant's place of temporary residence in the United States, except for change of status to classification under section 101(a)(15) (H) or (L) of the Act.

(b) *Change to H or L.* An applicant for change of nonimmigrant classification to H or L shall submit Form I–506 accompanied by either Form I–129B, Petition to Classify Nonimmigrant as Temporary Worker or Trainee, or a copy of the Form I–171C, Notice of Approval or Extension of Nonimmigrant Visa Petition of H or L Alien, to the district director having jurisdiction over the place of employment. If the services will be performed or the training will be received in more than one location in the United States, the petition and application shall be filed with a Service office having jurisdictions over at least one of those areas. In the case of a "blanket L" applicant, the I–506 may be filed with the district director having jurisdiction over at least one of the areas where the services will be performed, or may be filed with the district director where the blanket petition was filed.

* * * * *

**§ 248.4 [Removed]**

3. Section 248.4 is removed.

Dated: June 16, 1985.

**Marvin J. Gibson,**

*Acting Associate Commissioner, Examinations, Immigration and Naturalization Service*

[FR Doc. 85–15005 Filed 6–20–85; 8:45 am]

BILLING CODE 4410–10–M

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 0

### Conduct of Employees; Minor Amendments

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission is amending its standards of conduct to codify in NRC's regulations provisions of the Ethics in Government Act of 1978 (18 U.S.C. 207) as amended, relating to reporting of financial assets by senior NRC officials. The Commission is also adopting several other amendments to its regulations on employee conduct. The amendments will exempt former NRC employees from the post-employment restrictions of 18 U.S.C. 207 in order to communicate scientific or technological information to the NRC; eliminate an ambiguity relating to the acceptance by NRC employees of gifts, meals, and entertainment from foreign governments; and modify the regulations to require only annual publication of the prohibited security interests list (formerly published twice annually).

**EFFECTIVE DATE:** June 21, 1985. However, the Commission is extending the opportunity for public comment on this final rule until July 22, 1985.

**ADDRESSES:** Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

**FOR FURTHER INFORMATION CONTACT:** Trip Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 202–634–1465.

**SUPPLEMENTARY INFORMATION:** Since 1979, senior NRC officials have submitted Financial Disclosure Reports (Standard Form 278) in accordance with the provisions of the Ethics in Government Act of 1978. This reporting requirement currently is not codified in the Commission's regulations. The amendments add a new section 10 CFR 0.735–28a to the regulations, stating that employees paid at a salary rate of GG–16 and above or holding positions that are excepted from the regular competitive appointment process by reason of being of a confidential or policymaking character must file financial disclosure reports that will be made available to the public. The Commission has decided not to incorporate into its regulations the detailed regulations regarding the financial reporting requirements under the Ethics in Government Act. Instead, a cross reference is made to the detailed regulations promulgated by the Office of Government Ethics that can be found in 5 CFR Part 734.

Under § 0.735–29(a), most NRC professional employees are barred from owning stocks, bonds, and other security interests issued by the major companies in the commercial nuclear field. Section 0.735–29(b) currently provides that the Commission will publish a list of the prohibited security interests twice a year. Because there have been few changes in the list from year to year, the Commission has determined that it is not necessary to revise the list twice a year. Accordingly, it is modifying its regulations to require only annual publication of the list.

The Commission is also adopting an amendment to eliminate an ambiguity in § 0.735–42 relating to the acceptance by NRC employees of gifts, meals, and entertainment from foreign governments. The amendment makes clear that employees may accept gifts, meals and entertainment from foreign governments when acceptance is not barred by the Foreign Gifts and Decorations Act (Pub. L. 95–105).

Finally, the agency is promulgating procedures pursuant to section 207(f) of the Ethics in Government Act that would permit former NRC employees to be exempted from the post-employment restrictions of 18 U.S.C. 207 in order to communicate scientific or technological information to the NRC.

Because these amendments relate solely to matters of agency management or personnel, good cause exists for omitting notice of proposed rulemaking and public procedure thereon, as unnecessary, and for making the amendments effective upon publication in the **Federal Register.**

**Environmental Impact: Categorical Exclusion**

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore neither an

environmental impact statement nor an environmental assessment has been prepared for this final rule.

**Paperwork Reduction Act Statement**

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*). Existing requirements were approved by the Office of Management and Budget approval number 3206–0092.

**List of Subjects in 10 CFR Part 0**

Conflict of interest, Penalty.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Part 0.

## PART 0—CONDUCT OF EMPLOYEES

1. The authority citation for Part 0 is revised to read as follows:

**Authority:** Secs. 25, 161, 68 Stat. 925, 948, as amended (42 U.S.C. 2035, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 11222, 30 FR 6469, 3 CFR 1964–1965 COMP., p. 306; 5 CFR 735.104.

Sections 0.735–21 and 0.735–29 also issued under 5 U.S.C. 552, 553. Section 0.735–26 also issued under secs. 501, 502, Pub. L. 95–521, 92 Stat. 1864, 1867, as amended by secs. 1, 2, Pub. L. 96–28, 93 Stat. 76, 77 (18 U.S.C. 207).

**§§ 0.735–3, 0.735–21, 0.735–29, 0.735–40 [Amended]**

2. The authority citations following §§ 0.735–3, 0.735–21, 0.735–29, and 0.735–40 are removed.

3. In § 0.735–26, paragraph (e) is revised to read as follows:

**§ 0.735–26 Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners of current officers and employees (based on 18 U.S.C. 207).**

* * * * *

(e) The prohibitions of paragraphs (a), (b), and (c) of this section shall not apply—

(1) With respect to the making of communications solely for the purpose of furnishing scientific or technological information if the following procedures are observed:

(i) The former employee proposing to make the communication solely for the purpose of furnishing scientific or technological information receives prior written authorization from the Executive Director for Operations. The individual shall provide to the Executive Director for Operations a written statement that indicates he or she is a former employee subject to post-employment restrictions under this section, that briefly summarizes the content of the proposed communication, that describes his or her involvement, if any, as an NRC employee on the matter to be discussed, and that certifies the communication he or she desires to make is solely for the purpose of furnishing scientific or technological information; and

(ii) The Executive Director for Operations before deciding whether to authorize the communication shall consult with the counselor or deputy counselor. The primary factor to be considered by the Executive Director for Operations is whether receipt of the scientific or technological information would further the agency's mission.

(2) If the Commission, in consultation with the Director of the Office of Government Ethics, makes a certification published in the **Federal Register** that the former employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee. The Commission under this provision may authorize communications that are not limited to transmission of scientific or technological information.

* * * * *

4. A new § 0.735–28a is added to read as follows:

**§ 0.735–28a Financial disclosure reports under the Ethics in Government Act.**

Commissioners, employees and special government employees paid at or above the grade 16 level, and employees whose positions are excepted from the regular competitive appointment process by reason of being of a confidential or policymaking character (unless otherwise excluded by the Office of Government Ethics) shall file public financial disclosure reports (SF 278) in accordance with the requirements of the Ethics in Government Act and regulations of the Office of Government Ethics, 5 CFR Part 734. The employees shall submit their completed forms to the Office of the General Counsel for review. The General Counsel's office shall place the form in the Commission's Public Document Room.

5. In § 0.735–29, the introductory text of paragraph (b) is revised to read as follows:

**§ 0.735–29 Restriction against ownership of certain security interests by Commissioners, certain staff members, and other related personnel.**

* * * * *

(b) The Commission will publish at least once each year a list of stocks, bonds, and other security interests which employees covered by this section may not own.

* * * * *

6. In § 0.735–42, the introductory text of paragraph (a) is revised to read as follows:

**§ 0.735–42 Gifts, entertainment, and favors.**

(a) Except as provided in paragraph (b) or (e) of this section, an employee should not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

* * * * *

Dated at Washington, D.C., this 17th day of June 1985.

For the Nuclear Regulatory Commission.

**Samuel J. Chilk,**

*Secretary of the Commission.*

[FR Doc. 85–15051 Filed 6–20–85; 8:45 am]

BILLING CODE 7590–01–M

## FEDERAL ELECTION COMMISSION

**11 CFR Parts 100 and 101**

**[Notice 1985–7]**

### Effective Date: "Testing the Waters" Regulations

**AGENCY:** Federal Election Commission.

**ACTION:** Final rule: Announcement of effective date.

**SUMMARY:** On March 13, 1985, (50 FR 9992), the Commission published the text of revisions to 11 CFR 100.7(b)(1), 100.8(b)(1) and 101.3, known as the "testing the waters" provisions. These regulations permit an individual to receive and expend funds to test the feasibility of a campaign for Federal office without becoming a candidate. The Commission announces that these new regulations will be effective July 1, 1985. Further information is provided in the supplementary information which follows.

**EFFECTIVE DATE:** July 1, 1985.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463, (202) 523–4143 or (800) 424–9530.

**SUPPLEMENTARY INFORMATION:** 2 U.S.C. 438(d) requires that any rule or

regulation prescribed by the Commission to implement Title 2, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. Because these regulations have been before both Houses of Congress for 30 legislative days, the Commission may finally prescribe the regulations in question. These regulations were transmitted to Congress on March 8, 1985. Thirty legislative days expired in the Senate on May 9, 1985, and in the House of Representatives on May 15, 1985.

The Commission is announcing today that the effective date of the revised rules to govern the "testing the waters" activities at 11 CFR 100.7(b)(1), 100.8(b)(1) and 101.3 will be July 1, 1985. The nature of these regulations leads the Commission to depart from its standard course of making new regulations effective upon publication in the **Federal Register.**

These new regulations prohibit for the first time an individual engaging in "testing the waters" activities to accept excessive or prohibited funds. Thus it appears likely that some individuals currently "testing the waters" are operating with or have received and expended such funds. The effective date of these regulations is being delayed to give notice to individuals testing the waters that they may no longer receive prohibited or excessive funds for such activities. Any funds received after the effective date of the regulations must be in compliance with the Act. To the extent individuals have already received such funds, they may retain and expend them during the testing the waters period. However, if an individual who is currently testing the waters has received excessive or prohibited funds, and that individual later becomes a candidate, he or she will be required to refund all monies received for testing the waters that are not in compliance with the Act within 10 days after becoming a candidate. See the Commission's prior regulations at 11 CFR 101.3 [1980].

Those individuals who do become candidates and are required to register and report to the Commission shall include any prohibited or excessive funds received, and the reimbursements made, in their reports.

Announcement of effective date: 11 CFR 100.7(b)(1), 100.8(b)(1) and 101.3, as published at 50 FR 9992, are effective as of July 1, 1985.

Dated: June 18, 1985.

**John Warren McGarry,**

*Chairman, Federal Election Commission.*

[FR Doc. 85-14988 Filed 6-20-85; 8:45 am]

BILLING CODE 6715-01-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 4

### Commercial Practices; Organization, Procedures, and Rules of Practice

**AGENCY:** Federal Trade Commission.

**ACTION:** Interim rule with request for comment.

**SUMMARY:** The Federal Trade Commission is revising, on an interim basis with a request for comment, Rule 4.11(e) of its Rules of Practice and Procedure, governing subpoenas to employees. The changes are intended to promote consistency in the agency's assertion of privileges and objections, and thereby prevent harm that may result from inappropriate disclosure of confidential information or inappropriate allocation of agency resources. It applies only where employees are subpoenaed in litigation to which the agency is not a party.

Under the interim rule, employees must seek General Counsel approval prior to responding to any subpoenas for materials or information, whether public or nonpublic, that relate to the employees' official duties. Also, former employees are now expressly required to seek General Counsel approval prior to responding to subpoenas that seek nonpublic materials and information acquired during their Commission employment. Finally, the rule requires parties who cause a subpoena to be issued to provide a written statement containing specified information.

**DATES:** The interim rule is effective June 21, 1985. Comments must be received on or before July 22, 1985.

**ADDRESS:** Comments may be mailed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Ave., NW., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** Marc Winerman (202) 523-3865.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Rule 4.11(e) of the Commission's Rules of Practice establishes procedures for agency review of subpoenas to its employees in litigation to which the agency is not a party, and enables the agency to assert all applicable privileges and objections when employees are subpoenaed. The rule thus promotes consistent agency policy in responding to subpoenas. *See Touhy* v. *Ragen*, 340 U.S. 462, 468 (1951). The Commission's power to issue this regulation derives from its general rulemaking authority under Section 6(g) of the FTC Act. *See Appeal of the United States Securities and Exchange Commission*, 226 F.2d 501, 516 (6th Cir. 1955).

#### II. Scope of the Rule

Some of the changes now implemented are designed to broaden the scope of Rule 4.11(e). The rule now applies to all subpoenas to Commission employees for materials or information relating to the employee's official duties, including subpoenas for expert testimony as well as subpoenas for nonpublic factual materials and information. Also, it expressly applies to subpoenas to former as well as current employees, to the extent that the subpoenas seek nonpublic materials and information.

##### *(A). Subpoenas That Do Not Seek Nonpublic Materials and Information*

Previously, Rule 4.11(e) only applied to subpoenas that sought confidential information or documents from employees. Rule 4.11(e)(i) now provides that the rule applies to all work-related subpoenas to employees. Thus, employees must secure General Counsel approval before responding to any subpoenas, including subpoenas that only seek expert testimony. This expanded coverage applies to all agency employees, except that consultants and other "special government employees," [1] as before, must secure General Counsel approval only before responding to subpoenas that seek nonpublic information.

Numerous other federal agencies have similarly issued regulations that encompass all work-related subpoenas to employees.[2] In describing the

[1] Special government employees, as defined in 18 U.S.C. 202, are full-time or intermittent employees who are retained, designated, appointed or employed for no more than 130 days in any consecutive 365-day period. The statutory definition is incorporated into Rule 4.11(e) by reference.

[2] At least five agencies have issued regulations that apply the same standards to subpoenas that seek expert testimony as they apply to other subpoenas to employees. 16 CFR 1016.5(a)(2) (Consumer Product Safety Commission); 21 CFR 20.1 (Food and Drug Administration); 15 CFR 15a.4 (Department of Commerce); 15 CFR Part 275 (National Bureau of Standards); 12 CFR 309.7 (Federal Deposit Insurance Corporation). At least two agencies apply more stringent standards to subpoenas that seek expert testimony. 49 CFR 9.9, 9.11 (Department of Transporation); Public Health Service, *General Administration Manual*, Chapter 23-30-20.

standards the General Counsel will apply in deciding whether to authorize subpoena responses, the rule itself explains the concerns that motivate the Commission to expand the coverage of its rule. Previously, the General Counsel was directed to consider "statutory restrictions, the Commission's rules and the public interest," but only one specific factor was mentioned: "the established legal standards for determining whether justification exists for the disclosure of confidential information and records." The rule now further provides that the General Counsel will consider the need to conserve employee time for official business, the need to avoid spending government time and money for private purposes, and the need to maintain impartiality between private litigants in cases where a substantial government interest is not involved. These are all factors that the agency will consider in determining whether to resist a subpoena on the ground that it is unduly burdensome or unreasonable, see, *e.g.*, Fed. R. Civ. P. 26(c), and several other agencies cite the same or analogous factors in their regulations.[3]

*(B). Subpoenas to Former Employees*

Rule 4.11(e)(i) also provides that the rule applies to subpoenas to former employees that seek nonpublic information acquired during Commission employment. The Commission can refuse to authorize work-related subpoena responses by former employees, see *United States* v. *Bizzard*, 674 F.2d 1382, 1387 (11th Cir.), *cert. denied*, 459 U.S. 973 (1982), and insofar as the Commission has an interest in protecting nonpublic materials and information, its interest obviously extends to subpoenas that seek from former employees confidential information acquired during Commission employment. The changes to Rule 4.11(e)(i) therefore expressly provide, like the rules of other agencies provide,[4] that former employees should seek instructions from the agency concerning responses to these subpoenas.

**III. Procedures Under the Rule**

*(A). Procedures To Be Followed by Litigants Who Subpoena Commission Employees or Former Employees*

Rule 4.11(e)(iii) requires litigants to provide an explanatory statement when they cause a subpoena to be issued to a Commission employee. Like similar regulations issued by other agencies[5] and upheld by several courts,[6] this will help assure that the General Counsel has available, in a timely manner, the information needed to authorize a response. The section requires a party to set forth specified information, such as the reason for the subpoena and the availability of the subpoenaed materials and information from other sources.[7]

*(B). Procedures To Be Followed by the General Counsel and Other Commission Staff*

As before, Rule 4.11(e) prescribes internal procedures to be followed when employees are subpoenaed.

Rule 4.11(e)(ii), in language that closely parallels the current rule, requires that the General Counsel be notified about the subpoena. Rule 4.11(e)(v) authorizes the General Counsel to act upon the subpoena and, in language discussed at part II. (A), *supra*, prescribes the standards the General Counsel is to apply.

Rule 4.11(e)(iv), in new clarifying language, provides that employees shall decline to produce materials and information sought by subpoena absent authorization from the General Counsel. The rule previously provided that employees should withhold responses when they have "not received instructions from the General Counsel prior to the return date of the subpoena or other compulsory process," but did not expressly state that the General Counsel could issue binding instructions to withhold a response. The new rule makes clear, consistent with the rule's obvious intent, that employees must withhold responses upon direction from the General Counsel. Under *Touhy* v. *Ragen*, *supra*, moreover, they are protected from sanctions if they do so.

**IV. Procedures for Issuing the Rule**

These changes are effective immediately. Although the Commission has not received prior comment, Rule 4.11(e) is a procedural rule, and can be amended without prior notice and comment. 16 CFR 1.21; 5 U.S.C. 553(b)(A).

The changes are made on an interim basis, however. Public comment will be received for 30 days, and the Commission will issue its final rule following the comment period.

**List of Subjects in 16 CFR Part 4**

Administrative practice and procedure, Freedom of Information Act, Privacy Act, Sunshine Act.

**PART 4—MISCELLANEOUS RULES**

Accordingly, the Commission amends 16 CFR Part 4 as follows:

1. The authority citation for Part 4 continues to read as follows:

**Authority:** Sec. 6, 38 Stat. 721; 15 U.S.C. 46, unless otherwise noted.

2. 16 CFR 4.11(e) is revised to read as follows:

**§ 4.11. Requests for disclosure of records.**

* * * * *

(e) *Information requested by subpoena in cases or matters to which the agency is not a party.* (1) The procedures specified in this section will apply to all subpoenas directed to Commission employees, except special government employees, that relate in any way to the employees' official duties. These procedures will also apply to subpoenas directed to former Commission employees and current or former special government employees of the Commission, if the subpoenas seek nonpublic materials or information acquired during Commission employment. The provisions of paragraph (e)(3) of this section will also apply to subpoenas directed to the agency. For purposes of this section, the term "subpoena" includes any compulsory process in a case or matter to which the agency is not a party; the term "nonpublic" includes any material or information which, under § 4.10, is exempt from availability for public inspection and copying; the term "employees," except where otherwise specified, includes "special government employees" and other agency employees; and the term "special

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[3] The Department of Transportation's regulations note the need to conserve employee time and the need to avoid spending government time and money for private purposes. 49 CFR 9.7(a), (d). See also 15 CFR 275.1 (National Bureau of Standards); 15 CFR 15a.1 (Department of Commerce); 16 CFR Part 1016 (Consumer Product Safety Commission); Public Health Service, *General Administration Manual*, Chapter 23-30-00. At least four agencies cite the need to maintain government impartiality. 15 CFR 275.1 (NBS); 15 CFR 15a.1 (Department of Commerce); 16 CFR 1016.5 (CPSC); 29 CFR 9.7(b) (Department of Transportation).

[4] See, *e.g.*, 10 CFR 202.23 (Department of Energy); 12 CFR 4.19 (Comptroller of the Currency); 24 CFR 15.72 (Department of Housing and Urban Development); 28 CFR 16.22 (Department of Justice); 29 CFR 2.21 (Department of Labor); 19 CFR 1610.32 (Equal Employment Opportunity Commission).

[5] See 10 CFR 202.23 (Department of Energy); 12 CFR 4.19 (Comptroller of the Currency); 15 CFR 15a.4(c) (Department of Commerce); 15 CFR 275.4 (National Bureau of Standards); 15 CFR 909.5 (National Oceanics and Atmospherics Administration); 16 CFR 1016.5 (Consumer Product Safety Commission); 21 CFR 20.1 (Food and Drug Administration); 28 CFR 16.22(c), 16.23(c) (Department of Justice); 29 CFR 2.21 (Department of Labor); 31 CFR 1.10 (Department of the Treasury); Public Health Service, *General Administration Manual*, Chapter 23-30-20.C.2.

[6] *E.g.*, *United States* v. *Bizzard*, *supra*, 674 F.2d at 1387; *United States* v. *Allen*, 554 F.2d 398, 406 (10th Cir.), *cert. denied*, 434 U.S. 836 (1977).

[7] The precise requirements of Rule 4.11(e)(iii) are similar to requirements in regulations issued by the Department of Commerce. See 15 CFR 15a.4.

government employees" includes consultants and other employees as defined by section 202 of title 18 of the United States Code.

(2) Any employee or former employee who is served with a subpoena shall promptly advise the General Counsel of the service of the subpoena, the nature of the documents or information sought, and all relevant facts and circumstances.

(3) A party causing a subpoena to be issued to the Commission or any employee or former employee of the Commission in a case or matter to which the Commission is not a party shall furnish a statement to the General Counsel. The statement shall set forth the party's interest in the case or matter, the relevance of the desired testimony or documents, and a discussion of whether the desired testimony or documents are reasonably available from other sources. If testimony is desired, the statement shall also contain a general summary of the testimony and a discussion of whether agency records could be produced and used in its place. Any authorization for testimony will be limited to the scope of the demand as summarized in such statement.

(4) Absent authorization from the General Counsel, the employee or former employee shall respectfully decline to produce requested documents or records or to disclose requested information. The refusal should be based on this paragraph and on *Touhy* v. *Ragen*, 340 U.S. 462 (1951).

(5) The General Counsel will consider and act upon subpoenas under this section with due regard for statutory restrictions, the Commission's rules and the public interest, taking into account factors such as the need to conserve the time of employees for conducting official business; the need to avoid spending the time and money of the United States for private purposes; the need to maintain impartiality between private litigants in cases where a substantial government interest is not involved; and the established legal standards for determining whether justification exists for the disclosure of confidential information and records.

By direction of the Commission, dated June 12, 1985.

Emily H. Rock,

*Secretary.*

[FR Doc. 85-14679 Filed 6-20-85; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Part 157

**[Docket Nos. RM81-19-000 and RM81-29-000]**

## Interstate Pipeline Blanket Certificates for Routine Transactions and Sales and Transportation by Interstate Pipelines and Distributors

Issued: June 17, 1985.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is amending its regulations governing blanket certificates for the transportation of natural gas by interstate pipelines to specific categories of end-users. Among other things, these revisions to 18 CFR 157.209(e), extend the eligibility of low priority end-uses, including industrial and boiler fuel uses of natural gas, for certain transportation services under the Commission's blanket certificate program, pending the Commission's ongoing examination of several aspects of the interstate transportation of natural gas in Docket No. RM85-1-000. The blanket certificate transportation program is extended until the earlier of (1) an effective date of a final rule in Docket No. RM85-1-000, or (2) until October 31, 1985, whichever occurs first. The Commission also is allowing end-users (or their authorized agents) that seek transportation services under § 157.209(e)(2) to file, on behalf of pipeline transporters, a request for authorization under the applicable prior notice procedures.

**FOR FURTHER INFORMATION CONTACT:** Thomas P. Gross, Certificate Division, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, (202) 357-8522.

**EFFECTIVE DATE:** The effective date of this final rule is July 1, 1985.

**SUPPLEMENTARY INFORMATION:**

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

### I. Introduction

On March 22, 1985, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking [1] to amend its regulations governing blanket certificates for the transportation of natural gas by interstate pipelines to specific categories of end-users. This final rule adopts those proposals and amends 18 CFR 157.209(e) to extend the eligibility of low priority end uses for certain transportation services under the Commission's blanket certificate program until the earlier of (1) October 31, 1985, or (2) the effective date of a final rule in the Commission's on-going proceedings to examine several aspects of the interstate transportation of gas in Docket No. RM85-1-000. In addition, the final rule allows end-users (or their authorized agents) that seek transportation services under § 157.209(e)(2) to file, on behalf of pipeline transporters, requests for authorization under the applicable prior notice procedures.

### II. Background

Effective August 5, 1983, the Commission established procedures that permit certain end-users to have their gas transported by interstate pipelines under blanket certificate authorization.[2] In conjunction with those procedures, the Commission initiated a limited-term program to expand eligibility for blanket transportation authorization to transportation for all categories of end-users.[3] Under existing § 157.209(e), transportation service to industrial and boiler fuel users is eligible for blanket certificate authorization until June 30, 1985. Short-term transportation arrangements to end users not exceeding a 120-day period are automatically authorized, while transportation arrangements to end users extending beyond 120-days are subject to the notice and protest procedures of § 157.205. On March 22, 1985, the Commission issued its Notice of Proposed Rulemaking to amend its blanket certificate regulations.[4] In that

[1] 50 FR 12326, March 28, 1985.

[2] The blanket certificate program, portions of which are found in Parts 157 and 284 of the Commission's regulations, were established in two phases. Interstate Pipeline Certificate for Routine Transactions, 47 FR 24254 (June 1, 1982) (Order No. 234); Sales and Transportation by Interstate Pipelines and Distributors; Expansion of Categories of Activities Authorized Under Blanket Certificate, 48 FR 34875 (Aug. 1, 1983) (Order No. 319). The regulations for the transportation program which this Final Rule addresses are set forth in 18 CFR 157.209 (1984).

[3] Interstate Pipeline Blanket Certificates for Routine Transactions and Sales and Transportation by Interstate Pipelines and Distributors, 48 FR 34872 (Aug. 1, 1983) (Order No. 234-B).

[4] 50 FR 12326 (March 28, 1985).

notice, the Commission proposed to extend that transportation program until December 31, 1985, pending the Commission's ongoing examination of several aspects of the interstate transportation of gas in our recent Notice of Inquiry, Docket No. RM85–1–000 (NOI).[5] The Commission also proposed to permit end-users that seek transportation service under § 157.209(e)(2) to file, on behalf of pipeline transporters, requests for authorization under the prior notice procedures in § 157.205. The deadline for receiving comments was April 18, 1985, and over 40 comments from all segments of the industry and consumer groups were received.

On May 30, 1985, the Commission issued a proposed rule based on the responses to the NOI.[6] That rule proposed a series of changes to our existing rules to ensure that the natural gas markets are competitive so as to provide consumers with the lowest reasonable rates consistent with long-term service.

## III. Discussion

### *A. Extension of the Order No. 234–B Program*

Virtually all the comments that addressed this issue supported an extension until December 31, 1985. Producers generally stated that the program has assisted in relieving their excess deliverability. Interstate pipelines and local distribution companies stated that the program has permitted them to use more fully their spare capacity and that end users have benefited from the lower gas prices obtainable from sources other than their traditional pipeline and distributor suppliers. Other commenters, including a state public service commission, generally support the extention as "both prudent and fair."

Many commenters also stated, however, that a six-month extension was insufficient, and they requested that the program be extended at least one year. They stated that a six-month extension is too short to induce additional transportation and that a longer extension will enhance long-term planning and provide a secure source of gas supplies.

One commenter opposed an extension of the program. Maryland People's Counsel (MPC) opposed the extension, stating that the Commission should issue a rule conditioning the use of a blanket certificate on non-discriminatory access. They contend that the blanket certificate program, as currently implemented, permits non-captive customers to negotiate for lower gas rates while captive customers, including residentials, are denied similar access and, among other things, are forced to pay the excessive gas and transmission costs that the pipelines flow through to those customers.

On May 10, 1985, the U.S. Court of Appeals for the District of Columbia issued its opinion in *Maryland People's Counsel* v. *FERC*, No. 84–1090 (hereinafter *MPC II*). The court vacated the blanket transportation program insofar as it permits transportation to fuel-switchable end users without requiring pipelines to provide the same service to local distribution companies and captive customers on non-discriminatory terms. It remanded the matter to the Commission for renewed consideration. Slip Op. at 4.

Subsequent to that decision, the Commission received a number of supplemental comments [7] and Congressional letters [8] regarding our proposed extension in light of the court's decision. Briefly stated, those filings request the Commission to extend the program at least on an interim basis until some action is taken on the proposed rule in Docket No. RM85–1. Some of the supplemental commenters also endorsed a non-discriminatory access provision in order to satisfy the court's findings in *MPC II* and one commenter suggests permitting all categories of gas to be transported. While some of the supplemental commenters support an extension of the program, they also question the wisdom of imposing a non-discriminatory clause effective immediately. They suggest an interim extension of the program effective immediately with a non-discriminatory clause to be effective at a later date, thereby providing pipelines the opportunity to evaluate the potential implications of such a clause.

One of the supplemental commenters is Baltimore Gas and Electric (BG&E), a local distribution company which serves Baltimore City and various surrounding Maryland counties. In contrast to the comments filed by MPC, the statutory representative of residential users of gas and other regulated utility services in the state of Maryland, BG&E contends, as do many other commenters, that the economic disruption that would result if the program were not extended would be significant and immediate. They state that fuel-switchable customers would most likely switch to fuel oil, thereby leaving the remaining BG&E customers to absorb a larger share of fixed costs. They also state that customers who switch to fuel oil because the blanket transportation program is not available will pay higher energy costs, thereby directly affecting the economic operation of those companies, and indirectly affecting the residential customers that rely on those companies for employment.

After careful consideration of the comments and the decision in *MPC II*, the Commission has decided to extend the program without an open access provision until October 31, 1985, or until a final rule becomes effective in Docket No. RM85–1–000, whichever occurs first. The Commission's recently issued NOPR in Docket No. RM85–1 includes a proposal to reauthorize transportation commenced under § 157.209(e) with a non-discriminatory access provision, and that proposal was intended to be responsive to the directions of the court in *MPC II*. However, the Commission is reluctant to include such an access provision in this interim extension prior to receiving, and analyzing, the comments from all segments of the

[5] Interstate Transportation of Gas for Others, 50 FR 114 (Jan. 12, 1985) (Notice of Inquiry (Phase I)). Natural Gas Pipeline Ratemaking, Risk, and Financial Implications After Partial Wellhead Decontrol, 50 FR 3801 (Jan. 28, 1985) (Notice of Inquiry (Phases II and III)). The Commission's proposal in Order No. 234–B (48 FR at 34873) to review the status of the blanket certificate rule in light of the current gas market is comprehended within these notices. The Commission has requested and received comment on the Order No. 234–B eligibility criteria. 50 FR at 115.

[6] Regulation of Natural Gas Pipelines after Partial Wellhead Decontrol, 50 FR 24130 (June 7, 1985).

[7] Some of those comments were filed in this docket, while others were filed in Docket No. RM85–1. Process Gas Consumers Group, *et al.* (Process Gas), Docket Nos. RM81–19, RM81–29, RM85–1 (filed May 24, 1985 and June 7, 1985). The Petrochemical Energy Group (PEG), Docket Nos. RM81–19, RM81–29 (filed May 28, 1985). Air Products and Chemicals, Inc. (Air Products), Docket Nos. RM81–19, RM81–29 (filed May 28, 1985). Hadson Gas Systems and CTC Gas Marketing, Inc. (HGS), Docket No. RM85–1 (filed May 28, 1985). American Paper Institute (API), Docket Nos. RM81–19, RM81–29, RM85–1, CI83–209, *et al.* (filed May 31, 1985). Industrial Shippers, Docket Nos. RM81–19, RM81–29, RM85–1 (filed June 7, 1985). Babcock & Wilcox, Docket Nos. RM81–19, RM81–29, RM85–1 (filed June 7, 1985). Transcontinental Gas Pipe Line Corp., Docket Nos. RM81–19, RM81–29, RM85–1 (filed June 12, 1985). Baltimore Gas and Electric Co. Docket Nos. RM81–19 and RM81–29 (filed June 13, 1985). Letters are received from the following: PPG Industries, Inc. (from T.D. Kohr to R. J. O'Connor, undated). Interlake (from John E. Schuster to Charles G. Stalon, May 30, 1985). Armco, Inc. (from Gerald R. Curtis to Oliver G. Richard III, June 10, 1985). Jeanette Sheet Glass Corp. (from Ronald C. Makoski to Oliver Richard, June 10, 1985). GTE Corp. (from Thomas R. Shepherd to Oliver G. Richard III, June 11, 1985).

[8] Congressman Alan B. Mollohan to Raymond J. O'Connor (June 7, 1985). Senator John D. Rockefeller IV to Raymond J. O'Connor (June 10, 1985). Congressman Richard T. Schulze to Oliver G. Richard III (June 10, 1985). Congressman Robert S. Walker to Raymond J. O'Connor (June 11, 1985). Senator John Heinz to Raymond J. O'Connor (June 11, 1985).

industry as to the impact that might result from such a provision. On the other hand, the Commission does not want to allow the program to lapse in the interim while the Commission completes the proceeding initiated by the NOPR. The reports filed with the Commission under §§ 157.209 (c) and (g) show that approximately 1.5 Bcf of gas per day is moving under the authorization of § 157.209(e).[9] A significant majority of the comments the Commission has received clearly support the program and endorse its extension pending a review of our Notice of Proposed Rulemaking in Docket No. RM85–1, and the comments received since the court's *MPC II* decision have strongly emphasized the need to avoid disruption of the transportation program pending implementation of the Court's mandate.[10] The Commission agrees with these commenters that to allow the program to continue in the interim, without a non-discriminatory access provision, would be more beneficial for gas consumers as a whole, than to allow the program to lapse. The Commission will file an application for stay of the Court's mandate as necessary to effectuate this interim program.

For those transportation arrangements in effect on June 30, 1985, but subject to termination under the sunset provisions in existing §§ 157.209 (e)(1) and (2), the Commission intends that such arrangements continue without interruption for the term allowed by the rule as extended herein or for the term of the underlying contract, if sooner. In other words, any 120-day transaction commenced pursuant to automatic authorization under § 157.209(e)(1) between March 3, 1985 and June 30, 1985, would be permitted to run its full 120 days.[11] Likewise, the duration of any longer transaction authorized under § 157.205 before the June 30, 1985, deadline would be limited only by the new deadline of the rule as extended herein or the contractural term of the transaction. No filings will be required when parties agree to extend the terms of contracts scheduled to expire by June 30, 1985, to reflect the extension of the transportation program in this order.

With respect to easing the transition for transactions beyond June 30, 1985, Northern Natural Gas Company (Northern) requests that the Commission permit interstate pipelines to continue transporting gas beyond the 120-day period while they file the prior notice application. Northern states that because the program had not yet been extended, pipelines have not filed the prior notice application for automatically authorized transactions commencing between March 3, 1985, and June 30, 1985, on the belief that such filings would be rejected as premature. It requests the Commission to permit pipelines to provide the transportation service for an additional 90 days under self-implementing authority beyond the 120-day period for such transactions, but to require a prior notice application to be filed and authorization received within that 90-day period. Northern states this procedure will assist in preventing interruption of service to end users.

The Commission recognizes that some pipelines may not have filed the prior notice applications for transactions commenced within a 120-day period of the June 30, 1985, expiration date because of the uncertainty surrounding the extension of the program. Since the program is being extended, the Commission wishes to prevent any interruption of service which may be attributed to this extension. Accordingly, interstate pipelines that are transporting gas under the 120-day automatic authorization provision and have not filed a prior notice application by the date of issuance of this final rule, are authorized to continue their transportation arrangement until August 31, 1985, to allow time to complete the prior notice procedure.[12] The Commission will attempt to complete processing of these applications well before the August 31, 1985, deadline to ensure that service will continue without interruption. Under the modified filing requirements, as discussed in more detail below, either the interstate pipeline or end user (or its authorized agent) may make this filing. The Commission wishes to emphasize that a prompt filing (received by July 1, 1985) containing all the necessary information will reduce the risk of service interruption.

*B. Filings by End-Users*

As discussed in the Notice of Proposed Rulemaking, a pipeline must request Commission authorization for Order No. 234–B transportation transactions extending beyond 120 days, and allow prior notice of the transaction and an opportunity for protests and intervention. 18 CFR 157.205(d). If a pipeline fails to request authorization in sufficient time to avoid a lapse in authorization of the transaction at the end of 120 days, the end-user could suffer an unforeseen and detrimental interruption of deliveries. In order to mitigate this problem, the Notice proposed to amend § 157.209(e) to allow an end-user to file for authorization on behalf of its pipeline supplier, but only with respect to transactions eligible under Order No. 234–B.

Many comments supported this proposal, several of which stated that it is an appropriate "stop-gap" approach until a more comprehensive transportation scheme is developed. Some comments requested modifications, however. For example, Natural Gas Pipeline Company of America (Natural), Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company (jointly referred to as Columbia) recommend that the end user be required to file in its prior notice request a written statement from the certificate holder acknowledging that the end user may make such a filing. UGI Corporation (UGI), the American Gas Association (AGA), and the Process Gas Consumer Group, *et al.* (Process Gas) stated that the pipeline should agree beforehand to permit such filings.

Most interstate pipelines opposed the Commission proposal. Some stated that the occasional service interruptions were not the fault of interstate pipelines and that an "alert" shipper need only communicate with the transporting pipeline to continue transportation. Other pipelines also expressed concern that the proposal could be interpreted as requiring the interstate pipeline to carry the gas, and the Commission had no authority to require such transportation.

Three commenters, Interstate Natural Gas Association of America (INGAA), ANR Pipeline Company (ANR) and United Gas Pipeline Company (United) advance alternatives to the proposal. Briefly stated, INGAA and ANR

[9] The comments of the Petrochemical Energy Group (filed May 28, 1985) reported that from data available to them from a May, 1985, INGAA study, during calendar year 1984, pipelines transported 601 Bcf of gas for distributors and 498 Bcf of gas for end users. If these figures are divided by 365 to produce daily figures, the result is 1.65 Bcf/day transported for distributors and 1.36 Bcf/day for end-users.

[10] *See, e.g.*, Supplement to Petition of the Process Gas Consumers Group, *et al.* (filed June 7, 1985); Petition of Industrial Shippers (filed June 7, 1985); Petition of Baltimore Gas and Electric Co. (filed June 13, 1985).

[11] As both Order No. 234–B and its rehearing Order No. 319–A made clear, however, 120 days is a maximum term for a single transaction. There is no automatic renewal or rollover. Interstate Pipeline Blanket Certificates for Routine Transactions and Sales and Transportation by Interstate Pipelines and Distributors, 48 FR 51436, 51444 (Nov. 9, 1983) (Order Granting in Part and Denying in Part Applications for Rehearing of Order Nos. 319 and 234–B) (Order No. 319–A).

[12] This authorization does not supersede the parties' contractual arrangement. Parties who have agreed to an arrangement for only a 120-day term are limited to such term.

maintain that the transportation should be allowed to continue beyond the 120-day limit if an application for extension is filed within the 120-day period and no protest is filed within the 45-day notice and protest period. If a protest is filed and not withdrawn, the transportation would be suspended on the 45th day pending section 7(c) review. United suggests that our proposal be limited to situations where a long-term contract is in place between the pipeline and end-user, and the contract permits the end-user to make the appropriate filings.

The Commission believes that an end-user should not be disadvantaged simply because a pipeline was slow in complying with the prior notice procedure. As stated in the proposed rule, we believe that affording this additional avenue for continued authorization would benefit all parties to the transaction, without diminishing the opportunity of others to object. Accordingly, we will permit an end-user to file on behalf of its pipeline transporters with respect to § 157.209(e)(2) transportation arrangements. We wish to emphasize, however, that nothing precludes the interstate pipeline itself from making the filing. Indeed, we expect that many interstate pipelines will continue making the filings. However, this amendment permits end users who anticipate a possible interruption of service, or pipelines and end users who believe it would be more convenient to permit the end user to make the filing, to establish flexible procedures to ensure continued service.

For those end users who do make the prior notice filing, however, we are amending the regulations to require the end user to state in its prior notice application that it has provided written notice to the transporting pipeline that it has made the filing. While receipt of all prior notice applications are noticed in the **Federal Register**, this additional requirement will ensure that interstate pipelines have received actual notice that the filing has been made. We suspect that most interstate pipelines will not object to continuing the transportation arrangement. Since § 157.209(c)(1)(iii) requires that a copy of the transportation agreement be included in the prior notice request, this provides some evidence of the pipeline's willingness to transport. However, if necessary, the interstate pipeline may object during the notice and protest period. We wish to emphasize that the end user's filing does not constitute an order for the interstate pipeline to continue transportation. The obligation to continue the transportation arrangement does not begin until the expiration of the notice and protest period and all protests have been resolved.

One association, INGAA, stated that section 7(c) of the Natural Gas Act does not contain any language that can be "reasonably construed to permit persons other than 'natural gas companies' to seek or renew certificate authority for themselves or on behalf of others."

The Commission believes that there is nothing in section 7 of the Natural Gas Act that prohibits the end user from making this filing on behalf of the interstate pipeline. As previously discussed, the filing does not affect any substantive rights or obligations of the pipeline until the notice and protest period has expired and all protests are resolved. Moreover, the pipeline has the opportunity to protest the filing during the protest period. We also note that permitting another party to make a filing on behalf of the interstate pipeline is not without precedent. On at least two other occasions, we have permitted such filings when we were assured the filing would not adversely affect the pipeline's substantive rights and obligations without a procedurally fair opportunity for hearing.[13]

Finally, certain producers and marketers have requested that they be permitted to file the prior notice request as agent for the end user. The Commission agrees that an end user may empower any person to act on its behalf. Moreover, the seller or marketer has a similar interest with the end user in expediting the process. Therefore, authorized agents of end users will also be permitted to make the prior notice filing under § 157.209(e)(2).

## IV. Miscellaneous

Some comments suggested a number of modifications to the transportation program which were outside the scope of our proposal. For example, Petrochemical Energy Group requested that the categories of gas that may be transported under the program be expanded to include all sources of supply as well as offshore gas. Since these suggestions are outside the scope of our notice, we will not address them here. However, the Commission will consider comments on this issue when we address our Notice of Proposed Rulemaking in Docket No. RM85-1.

[13] Certification of Pipeline Transportation for Certain High Priority Uses, 44 FR 24825 (April 27, 1979) (Order No. 27). Statement of Policy on Distributor Access to Outer Continental Shelf Gas, 45 FR 49247 (July 24, 1980) (Order No. 92). *See also* 18 CFR 157.101.

## V. Regulatory Flexibility Act

The Regulatory Flexibility Act [14] requires the Commission to describe the impact that a proposed rule would have on small entities or to certify that the rule will not have a significant economic impact on a substantial number of small entities. In the Notice of Proposed Rulemaking, the Commission found that the amendments to the program in this final rule do not impose any regulatory or administrative burdens on a significant number of small entities and that they do not require an expense of resources by such entities. No comments were received on this finding.

Accordingly, the Commission certifies that the rule does not have a significant economic impact on a substantial number of small entities.

## VI. Effective Date

The transportation provisions in § 157.209(e) of our regulations are due to expire on June 30, 1985. This rule extends that program until the earlier of October 31, 1985, or the effective date of a final rule in Docket No. RM85-1-000. Without an immediate extension of that program, some end users who are relying on that transportation program for their gas supplies could experience serious service interruptions. Therefore, in accordance with section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Commission finds good cause to waive the requirement for publication 30 days before the effective date and makes the final rule effective on July 1, 1985.

## VII. Commission Publication in the Federal Register

### List of Subjects in 18 CFR Part 157

Natural gas.

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

By the Commission.

**Kenneth F. Plumb,**

*Secretary.*

## PART 157—[AMENDED]

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

**Authority:** Natural Gas Act, 15 U.S.C. 717-717w (1982); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982); E.O. 12009, 3 CFR 142 (1978).

[14] 5 U.S.C. 601-612 (1982).

**§ 157.209 [Amended]**

2. In § 157.209, paragraphs (e)(1) and (e)(2) are each amended by removing the words "June 30, 1985," and inserting in lieu thereof the words "the earlier of October 31, 1985, or the effective date of a final rule in Docket No. RM85–1–000."

3. In § 157.209, paragraph (e) is amended by adding new paragraphs (e)(3) and (e)(4) to read as follows:

**§ 157.209 Transportation**

* * * * *

(e) *Designation of End Users.*

* * * * *

(3) *Filings by End-Users.* For any transportation of natural gas authorized pursuant to paragraph (e)(2) of this section, the applicable end-user or its authorized agent may file for authorization under § 157.205(b) on behalf of the certificate holder. Such filing shall state that the applicable end-user or its authorized agent has provided written notice to the applicable certificate holder of such filing.

(4) *Temporary Extension of Automatic Authorization.* Any certificate holder which commenced transporting gas under subparagraph (e)(1) of this section on or after March 3, 1985, and before June 17, 1985 and which has not filed a prior notice application under paragraph (e)(2) of this section on or before June 17, 1985 is authorized to continue such transportation until August 31, 1985, provided a prior notice application is promptly filed under paragraph (e)(2) of this section.

* * * * *

[FR Doc. 85–15003 Filed 6–20–85; 8:45 am]

BILLING CODE 6717–01–M

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**18 CFR Part 385**

**[Docket No. RM85–2–001]**

**Rules of Practice and Procedure: Commission Review of Remedial Orders**

Issued: June 17, 1985.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Order granting rehearing solely for purpose of further consideration.

**SUMMARY:** On April 17, 1985, the Federal Energy Regulatory Commission (Commission) issued a final rule adopting revised rules applicable to Commission review of the Department of Energy remedial order appeals. In this order, the Commission grants rehearing of its decision solely for the purpose of further consideration

**EFFECTIVE DATE:** June 17, 1985.

**FOR FURTHER INFORMATION CONTACT:** Roland M. Frye, Jr., Producer Regulation Division, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8315.

**SUPPLEMENTARY INFORMATION:**

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

On April 17, 1985, the Commission issued its Order No. 416, 50 FR 15731 (April 22, 1985), III FERC Stats. & Regs. ¶ 30,636, adopting revised rules applicable to Commission review of DOE adjustment cases. On May 17, 1985, Dorchester Gas Corporation filed a request for rehearing of that order.

In order to afford additional time for consideration of the issues raised in the request for rehearing, the Commission grants rehearing of Order No. 416 for the limited purpose of further consideration.

This order is effective on the date of issuance. This action does not constitute a grant or denial of the petition on its merits, either in whole or part. As provided in Rule 713(d) of the Commission's Rules of Practice and Procedure, no answers to the request for rehearing are permitted because this order does not grant rehearing on any substantive issue.

By the Commission.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85–15002 Filed 6–20–85; 8:45 am]

BILLING CODE 6717–01–M

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**20 CFR Part 655**

**Labor Certification Process for the Temporary Employment of Aliens in Agriculture: Adjustments to Piece Rates**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Final rulemaking to repromulgate final rule.

**SUMMARY:** The Department of Labor (DOL) is repromulgating a regulation in its program for the certification of non-immigrant aliens for temporary employment in agriculture and logging in the United States. The regulation deals with adjustments to agricultural piece rates.

**EFFECTIVE DATE:** July 22, 1985.

**FOR FURTHER INFORMATION CONTACT:** Thomas M. Bruening, Telephone: 202–376–6228.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

In the **Federal Register** of December 10, 1984, (49 FR 48061), the Department of Labor (DOL) published a notice of proposed rulemaking to repromulgate the Employment and Training Administration (ETA) regulation at 20 GFR 655.207(c) regarding adjustments to agricultural piece rates. Interested persons were requested to submit written comments, to be received on or before January 9, 1985.

The rule to be repromulgated had been published as a final rule in the **Federal Register** of September 2, 1983 (48 FR 40168). The 1983 final rule was published after a notice of proposed rulemaking and full consideration of public comments received during a 31 day comment period. See 48 FR 33684 (July 22, 1983); and 48 FR 35667 (August 5, 1983).

After full and careful consideration of the comments submitted in response to the December 10, 1984, proposed rule, DOL has determined to repromulgate the September 2, 1983, final rule.

**II. Temporary Alien Labor Certification Process**

Whether to grant or deny an employer's petition to import a nonimmigrant alien to the United States for the purpose of temporary employment is solely the decision of the Attorney General and his designee, the Commissioner of the Immigration and Naturalization Service (INS) 8 U.S.C. 1101(a)(15)(h)(ii) and 1184 (a) and (c); 8 CFR Part 2. Pursuant to the requirement that the Attorney General consult with appropriate agencies of the government concerning the importation of nonimmigrant alien (so-called "H–2") workers, INS has determined that prior to granting or denying such petitions it first will request DOL to advise INS on the availability of qualified U.S. workers for the jobs offered to the H–2 aliens and whether the wages and working conditions attached to such job offers will adversely affect similarly employed U.S. workers. 8 U.S.C. 1184(c); 8 CFR 214.2(h)(3)(i).

Pursuant to the INS regulations, DOL has published regulations at 20 CFR Part 655, Subpart C, for the certification of nonimmigrant aliens for temporary employment in agriculture and logging in the United States. DOL has determined that similarly employed U.S. workers had been adversely affected by the importation and employment of

nonimmigrant aliens in agricultural employment. It has been determined further that employment of those aliens in a number of States at wages below specially computed adverse effect wage rates (AEWRs) would adversely affect the wages of similarly employed U.S. workers. 20 CFR 655.202(b)(9) and 655.207.

**III. Proposed Rule and Comments**

To protect the wages of U.S. workers, at minimum at an adverse effect level, it is necessary to have in place a regulation reflecting DOL's policy on this subject. For this reason, DOL published the proposed document to repromulgate the rule which had been published originally in 1983. Comments were sought from the public. DOL's response to those comments, and a general discussion of the piece rate rule's history, follow.

*A. Piece Rate Rule*

Historically, DOL has determined that workers should not be required to increase their level of productivity in order to earn, at minimum, the hourly AEWR. Conversely, if the employer's piece rate for a particular crop activity allowed the average worker to receive earnings at or above the AEWR, that piece rate has been acceptable. Thus, if average hourly earnings for the average worker in the preceding year equalled or exceeded the applicable AEWR, the piece rate for that crop activity did not need to be raised. See 20 CFR 655.207(c) (1981).

This interpretation of DOL's regulation or piece rates was reflected in its issuances to Employment and Training Administration (ETA) Regional Offices and to State job service agencies. See Section A. 6 a(3) of Attachment 1 to ETA General Administration Letter (GAL) No. 46–81. In 1976, the U.S. Court of Appeals for the Fifth Circuit had before it the question of whether it is proper for piece rates to be permitted at a level that earns the applicable AEWR. The court considered and approved of DOL's piece rate adjustments, which maintain the AEWR as a floor rather than an earnings escalator, noting that "(n)owhere is there a requirement that piece rates be in excess of the adverse effect minimum wage." *Williams* v. *Usery*, 531 F. 2d 305, 308 (5th Cir. 1976), *cert. denied*, 429 U.S. 1000 (1976); *see* 20 CFR 655.0(e) (1983); and 20 CFR 602.10b(a)(2) (1976).

Nevertheless, in *NAACP, Jefferson County Branch* v. *Donovan*, 558 F. Supp. 218, 224–225 (D.D.C. 1982), and 566 F. Supp. 1202, 1208 (D.D.C. 1983), the U.S. District Court for the District of Columbia held that DOL's interpretation of 20 CFR 655.207(c) (1981) was invalid and ordered that piece rates be increased each time the AEWRs increase, based upon the productivity in that crop activity in 1977. The 1977 productivity rate is determined by dividing the 1977 AEWR by the piece rate for the crop activity. Under that court's Orders, the current piece rate would be equal to the current AEWR divided by the 1977 productivity rate.

Subsequently, the proposed rule published on July 22, 1983, stated that piece rates would be adjusted by reference to the "average worker's hourly earnings." 48 FR at 33687. Farmworker advocates commenting on the 1983 proposed rule questioned the use of the term "average worker," stating that the statute is designed to protect the wages and working conditions of U.S. workers, and that reference to the productivity of average workers should be limited to average U.S. workers. This had been the intent of DOL in the proposed rule. Nevertheless, for clarification purposes, in the September 2, 1983, final rule the term "average U.S. worker" was substituted for the term "average worker" where the latter term appeared in 655.207(c). 48 FR at 40175.

DOL found there to be good cause to make the September 2, 1983, final rule effective upon publication in the **Federal Register**. 48 FR at 40174. The U.S. District Court for the Western District of Virginia had ordered DOL to "immediately, but in no event later than September 1, 1983, promulgate in final form in the **Federal Register**, its clarifying interpretation of the piece rate adjustment requirements proposed in the **Federal Register** on June (sic) 22, 1983 and identified therein as proposed section 20 CFR 655.207(c)" *Kent Barley, Inc.* v. *Donovan*, Civil Action No. 83–0079 (W.D. Va., Order, August 18, 1983). Given the explicit language of that Order, and for other grounds set forth in the preamble to the 1983 final rule, DOL found it impracticable, unnecessary, and contrary to the public interest as expressed by that court to delay the effect of the proposed revision.

In a challenge by farmworkers to the promulgation of the September 2, 1983, final rule on piece rates, the U.S. District Court for the District of Columbia found that the rulemaking had complied with the Administrative Procedure Act, and upheld the final rule "Amending 655.207(c) because it provided an adequate explanation for the change, supported by the notice and comment rulemaking record." *NAACP, Jefferson County Branch* v. *Donovan*, Civil Action No. 82–2315 (D.D.C., Order August 15, 1984), slip opinion at 8, *appeal docketed*, No. 84–5721 (D.C. Cir. 1984); *see NAACP, Jefferson County Branch* v. *Donovan*, 737 F. 2d 67 (D.C. Cir. 1984), *rev'g* Civil Action No. 82–2315 (D.D.C., Order September 8, 1983); see also 49 FR 26208 (June 27, 1984); and 48 FR 41154 (September 14, 1983).

While the September 2, 1983, addition of the adjective "U.S." to the final rule clarified DOL's intent in the July 22, 1983, proposed rule, and was made in reponse to public comments on the proposed rule, some agricultural employers in Florida, in a suit against DOL before the U.S. District Court for the Southern District of Florida, challenged the September 2, 1983, final piece rate rule. The court found that the piece rate rule, as amended, was partially invalid, holding that adequate notice and opportunity to comment was not provided on the addition of the adjective "U.S." in the final regulation. The court ordered that the six references to "U.S." be deleted. *Florida Fruit and Vegetable Association* v. *Donovan*, 583 F. Supp. 268 (S.D. Fla. 1984). However, it further held that the "Final Rule as modified, which is exactly as it was proposed, is a valid final rule." Only the procedure by which the adjective "U.S." was included in the final rule was questioned by the court, not the substance of the rule itself.

A similar decision was issued by the U.S. District Court for the District of Vermont, in a suit brought by agricultural employers of aliens in that State. *Shoreham Cooperative Apple Producers Association, Inc.* v. *Donovan*, Civil Action File No. 83–326 (D. Vt., Order November 9, 1984). The Vermont federal court's Order differed from that of the Florida federal court by remanding "20 CFR 655.207(c) so that the agency may comply with the notice and comment provision of the Administrative Procedure Act."

*B. Comments on December 10, 1984, Notices and Responses to Comments*

A total of 16 comments on the December 10, 1984, notice were received by DOL. Seven were from employers, employer organizations and employer attorneys; five were from legal aid attorneys for farmworkers; the other four were from the AFL–CIO, from an independent research organization, from a private citizen, and from a State Job Service agency. All of the comments have been carefully considered by DOL.

1. Employer Comments

The following is a summary of the various major comments from employers and employer representatives:

—All workers (domestic and foreign) should be included in the computation of piece rates.
—All workers should be included in the computation, but domestic workers should be limited to those who complete the season. Also, domestic workers employed as trainees should be excluded.
—DOL should publish for comment its methodology for conducting earnings surveys.
—DOL lacks authority to promulgate the rule; any rule should be deferred until other disputes are resolved.
—Other comments were made based on assumptions regarding DOL's precise method for implementing this rule. Since the rule does not include such methodology, those comments are not addressed here.

DOL has considered the employer's concerns about examination of the earnings and productivity of U.S. workers only, and balanced these concerns against the deficiencies in including the earnings and productivity of foreign workers. Use of only U.S. workers is consistent with the statutory and regulatory labor certification requirement of protecting wages of U.S. workers similarly employed. Use of data on foreign workers would tend to encourage employers to routinely require ever higher productivity from U.S. workers, which is contrary to the longstanding Federal labor certification policy. U.S. workers would be discouraged from seeking jobs, since piece rates would be static, while productivity standards would be high. Generally, when foreign agricultural workers become dominant in an area, piece rates tend to become artificially static or depressed, while productivity standards increase.

The suggestion that domestic workers who work less than the full season and those who are trainees should be excluded from average surveys has not been accepted. To omit these U.S. workers would exluded a sizeable portion of U.S. workers. Therefore, implementation of the rule would be severely impeded.

DOL is not persuaded that there is a need to publish for comment the procedures by which the rule will be implemented. The procedure must be flexible and within the boundaries of budgetary constraints. Administrative discretion to allow for supplemental consideration must be retained.

DOL is not persuaded that the rule should be deferred until other disputes on wages, working conditions, and procedures, are resolved. Some disputes may continue from year-to-year while the piece rate matter is amenable to clarification and resolution. Unquestionably, DOL has the authority to promulgate the rule. See 49 FR at 48063 (December 10, 1984).

2. U.S. Worker Comments

The following is a summary of the various major comments from U.S. workers and their representatives:

—The piece rate rule of September 3, 1983, should not be repromulgated; piece rate adjustments should be based on proportional changes in AEWRs from year-to-year.
—Rule should be repromulgated; it would impede employers from requiring higher and higher productivity rates to compensate for higher hourly adverse effect wage rates.
—Rule is not administratively enforceable.
—Rule should be repromulgated; however, the earnings surveys should include data from unions and other U.S. workers in the area of intended employment.

The suggestion that piece rate adjustments should be based on proportional changes in AEWRs from year-to-year is the same as was advanced by the plaintiffs in *NAACP, Jefferson County Branch* v. *Donovan, supra.* It would guarantee to workers earnings at levels above that determined by DOL as the adverse effect level. Employers who paid a higher than average piece rate in 1977, and whose workers received, at that time, earnings far above the adverse effect level, would have been bound to maintain their workers at levels of earnings above the hourly AEWR required by 20 CFR 655.207(b). It is not the intent of DOL to impose unreasonably high wage standards. Therefore, pursuant to the various court orders cited above, DOL took steps to clarify the policy by publishing the proposed rule of July 22, 1983, and the final rule of September 2, 1983.

DOL is persuaded by current field surveys that the rule would be enforceable. As a worker commenter indicated, repromulgation of the rule would clarify DOL's policy and aid in preventing higher and higher productivity requirements to compensate for higher AEWRs.

The suggestion that earnings data should be collected from other U.S. workers and unions in the area of intended employment would be very difficult to implement. At the time the data would be collected, at the end of the season, many U.S. workers would no longer be in the area. U.S. workers who are in the area may be reluctant to cooperate if they have not been recruited through the Federal-State employment service system. In the farming areas where temporary alien workers are presently used there are no unions to provide data.

**IV. Discretion in Establishing a Piece Rate Adjustment Policy**

Section 214(c) of the Immigration and Nationality Act gives the Attorney General (and his designee the Commissioner of INS) broad discretion in the admission of nonimmigrant aliens to the United States. 8 U.S.C. 1184(c). With respect to determination under the immigration laws on the availability of U.S. workers for jobs offered to nonimmigrant alien workers, and the adverse effect those aliens' employment may have on the wages and working conditions of similarly employed U.S. workers, the Secretary of Labor and DOL have been given broad discretion. *See, e.g.,* 8 CFR 214.2(h)(3)(i).

This broad discretion, particularly with respect to methodologies for setting minimum wage rates under the immigration laws, has been recognized in the federal appellate and district courts. *Rowland* v. *Marshall,* 650 F. 2d 28 (4th Cir. 1981); *Williams* v. *Usery, supra; Florida Sugar Cane League* v. *Usery,* 531 F. 2d 299 (5th Cir. 1976); and *Limoneira Co.* v. *Wirtz,* 327 F. 2d 499 (9th Cir. 1964), *aff'g* 225 F. Supp. 961 (S.D. Cal. 1963); *see also Elton Orchards, Inc.* v. *Brennan,* 508 F. 2d 493 (1st Cir. 1974); and *Flecha* v. *Quiros,* 567 F. 2d 1154 (1st Cir. 1974). These decisions acknowledge DOL's discretion in the area of wages involving nonimmigrant alien agricultural workers and form the basis for construction of DOL's temporary alien labor certification regulations. *See* 20 CFR 655.0(e).

Since this is an area in which DOL has great "discretion to reach a number of different results rather than an area of pure statutory interpretation as to which there is in theory only a single answer," DOL is re-adopting the rule below. See *Building & Construction Trades' Department, AFL–CIO* v. *Donovan,* 712 F. 2d 611, 619 (D.C. Cir. 1983), *cert. denied,* — U.S. —, 104 S. Ct 975 (1984).

The repromulgation of the piece rate regulation to protect U.S. workers' wages, at minimum at an adverse effect level, is well within DOL's statutory and regulatory discretion. As the D.C. Circuit stated in *Building & Construction Trades' Department, AFL–CIO* v. *Donovan, supra,*

Prior administrative practice carries much less weight in reviewing an action taken in the area of discretion, when little more than a clear statement is needed, than when reviewing an action in the field of interpretation, where it is thought that the agency's contemporaneous and consistent interpretation of one of its enabling statutes is reliable evidence of what Congress intended. (712 F. 2d at 619.)

**Regulatory Impact**

The repromulgation of this rule affects only the small number of employers using nonimmigrant alien workers ("H–2 visa holders") in temporary agricultural jobs in fourteen States. It does not have the financial or other impact to make it a major rule, and, therefore, the preparation of a regulatory impact analysis is not necessary. *See* Executive Order No. 12291, 3 CFR 1981 Comp., p. 127.

At the time the December 10, 1984, proposed rule was published, the Department of Labor notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b), that the proposal would not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act. It would not necessitate increased labor costs where average U.S. workers earn above the AEWR due to their productivity. Further, it applies only to the small number of employers who employ nonimmigrant aliens in agricultural jobs in fourteen States.

**Catalogue of Federal Domestic Assistance Number**

This program is listed in the *Catalogue of Federal Domestic Assistance* at Number 17.202, "Certification of Foreign Workers for Agricultural and Logging Employment."

**List of Subjects in 20 CFR Part 655**

Administrative practice and procedure, Agriculture, Aliens, Employment, Forests and forest products, Guam, labor, Migrant labor, Wages.

**Repromulgation of Final Rule**

Accordingly, Part 655 of Chapter V of Title 20, Code of Federal Regulations, is amended as follows:

## PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

1. The authority citation for Part 655 is revised to read as follows:

**Authority:** Secs. 101(a)(15)(H)(ii) and 214(c) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii) and 1184(c)); 8 CFR 214.2(h)(3)(i) unless otherwise noted.

2. 20 CFR Part 655 is amended by revising § 655.207(c) to read as promulgated in the Final Rule published September 2, 1983, as follows:

**§ 655.207 Adverse effect rates.**

* * * * *

(c) *Piece rate adjustments.* In any year in which the applicable adverse effect rate increases to the point where the employer's previous year's piece rate in a crop activity will not enable the average U.S. worker's hourly earnings to equal or exceed the new applicable adverse effect rate without requiring the average U.S. worker to increase productivity over the previous year, the employer shall increase the piece rate to a level at which the average U.S. worker would earn at least the adverse effect rate. If, at the employer's previous year's piece rate for that crop activity, the average U.S. worker's hourly earnings equalled or exceeded the adverse effect rate, no adjustment to that piece rate would be required. The Regional Administrator shall determine the average U.S. worker's hourly earnings by obtaining from employers in the area of intended employment information as to the piece rates, earnings, hours worked, and productivity of U.S. workers, in a manner to be determined by the Administrator.

* * * * *

Signed at Washington, D.C., this 14th day of June, 1985.

**William E. Brock,**

*Secretary of Labor.*

[FR Doc. 85–15024 Filed 6–20–85; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF JUSTICE

**28 CFR Part 0**

**[Order No. 1097–85]**

**Organization; Delegation of Authority**

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This order amends § 0.15(a) of Title 28, Code of Federal Regulations, in order to clarify that all authority vested in the Attorney General may be exercised by the Deputy Attorney General, except where a function is vested by law in the Attorney General exclusively. In addition, the order amends § 0.132(e) in order to authorize the Attorney General, when the head of an organizational unit is absent from office or disabled, to appoint another official in the Department outside that unit to act as head.

**EFFECTIVE DATE:** June 10, 1985.

**FOR FURTHER INFORMATION CONTACT:** Carol Williams, Office of Legal Counsel, Department of Justice, Washington, DC 20530 (202–633–3865).

**SUPPLEMENTARY INFORMATION:** This regulation is exempt from the requirements of Executive Order No. 12291 as a regulation related to agency organization and management. Furthermore, this regulation will not have a significant economic impact on a substantial number of small entities because its effect is internal to the Department of Justice.

**List of Subjects in 28 CFR Part 0**

Government employees, Organization and functions (Government agencies), Authority delegations (Government agencies), and Intergovernmental relations.

## PART 0—[AMENDED]

1. The authority citation for Part 0 of Title 28, Code of Federal Regulations, continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. §§ 509, 510 unless otherwise noted.

2. Part 0 is hereby amended by revising paragraph (a) of § 0.15 to read as follows:

**§ 0.15 Deputy Attorney General.**

(a) The Deputy Attorney General is authorized to exercise all the power and authority of the Attorney General, unless any such power or authority is required by law to be exercised by the Attorney General personally.

3. Part 0 is also hereby amended by revising paragraph (e) of § 0.132 to read as follows:

**§ 0.132 Designating officials to perform the functions and duties of certain offices in case of absence, disability or vacancy.**

* * * * *

(e) The head of each organizational unit of the Department is authorized, in case of absence from office or disability, to designate the ranking deputy (or an equivalent official) in the unit who is available to act as head. If there is no deputy available to act, any other official in such unit may be designated. Alternatively, in his discretion, the Attorney General may designate any official in the Department to act as head of a unit whose head is absent or disabled.

Dated: June 10, 1985.

**Edwin Meese III,**

*Attorney General.*

[FR Doc. 85–14920 Filed 6–20–85; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

## Extension of Deadline for Satisfaction of Condition of the Ohio Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: The Director, OSM, is announcing his decision to extend the deadline for Ohio to satisfy a condition of the Secretary of the Interior's approval of the State's permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The condition concerns the Ohio bonding system.

EFFECTIVE DATE: June 21, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

### Background

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register**.

On January 6, 1983, Ohio submitted materials to OSM intended to, among other things, satisfy condition (h). On May 24, 1983, the Secretary approved certain of the amendments and removed a number of conditions including (h)(2) and (h)(3), but found that condition (h)(1) was not fully satisfied. Condition (h)(1) requires the State to revise its bonding system to provide assurance of more timely reclamation at the site of all operations upon which bond has been forfeited and to assure there are sufficient funds to finance the alternative bonding program. The Secretary established a deadline of August 8, 1983, for the State to meet condition (h)(1).

On July 26, 1983, Ohio requested an extension of time to meet certain conditions including condition (h)(1). A six-month extension, until February 8, 1984, was granted on October 11, 1983 (48 FR 46027).

Despite the extension, on August 1, 1983, Ohio submitted a proposed program amendment to satisfy condition (h)(1) and explained that it was submitting the amendment in order to allow OSM sufficient time to review it and require any necessary changes. On March 13, 1984, the Secretary determined that the modification did not fully satisfy the condition and extended until April 15, 1984, the deadline for Ohio to satisfy the condition (47 FR 9418).

On April 16, 1984, the Chief of the Division of Reclamation wrote to OSM requesting that Ohio be granted an extension of time to meet this condition. The Division requested a one-year extension, until April 30, 1985. After considering the rationale behind Ohio's request, an one-year extension was granted on July 5, 1984 (49 FR 27505).

By letter dated April 4, 1985, the Chief of the Ohio Division of Reclamation requested an extension of the deadline to meet condition (h)(1) until September 30, 1985. The primary reason for the extension is to allow time for Substitute House Bill 238, containing the measures necessary to remove the condition to go through the State's legislative process.

In accordance with State's request, on May 3, 1985, OSM published a notice in the **Federal Register** (50 FR 18885) proposing that the deadline for the State to meet condition (h)(1) be extended until September 30, 1985. Comment was solicited for 30 days ending May 31, 1985.

### Public Comment

In response to the May 3, 1985 **Federal Register** notice announcing the comment period on the extension of the deadline for meeting Ohio program condition (h)(1), OSM received two written comments.

Both commenters noted that the State has requested deadline extensions on previous occasions. The commentors believe that Ohio has had a long enough time to establish an effective bonding program and no further extensions should be granted.

OSM disagrees for several reasons. Ohio has agreed to continue to adhere to its previous commitments regarding the handling of bond forfeitures. Also, Ohio has provided a valid explanation of the circumstances related to the current inability to modify its program as outlined in condition (h)(1). The ability of the Secretary to impose conditions on the approval of State programs under 30 CFR 732.13(j) must by necessity include the ability to modify or extend conditions as circumstances change. OSM concludes that as long as Ohio continues to meet its previous commitments regarding financing on bond forfeiture projects the extension may be granted.

### Director's Decision

After considering the State's request and the circumstances surrounding the request, the Director has determined that an extension of the deadline for Ohio to satisfy condition (h)(1) is warranted. Ohio has agreed to continue to adhere to its previous commitments regarding: the scheduling of and timetables for construction of existing forefeiture projects; the necessary personnel to complete the projects; and securing the financial resources legally available to fund the projects until such time as the Legislature passes the needed legislation.

### Procedural Matters

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 935**

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

Dated: June 12, 1985.

**Jed D. Christensen,**

*Acting Director, Office of Surface Mining.*

## PART 935—OHIO

1. The authority citation for Part 935 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 935.11 is amended by revising paragraph (h)(1) as follows:

**§ 935.11 Conditions of State regulatory program approval.**

* * * * *

(h) Steps will be taken to terminate the approval found in § 935.10:

(1) Unless Ohio submits to the Secretary by September 30, 1985, a revised program amendment that demonstrates how the alternative bonding system will assure timely reclamation at the site of all operations for which bond has been forfeited.

* * * * *

[FR Doc. 85-14958 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 110

[CGD8-84-21]

### Anchorage Ground, Lower Mississippi River

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending the anchorage regulations on the Lower Mississippi River by enlarging the permanent anchorages in the vicinity of Ama, Louisiana, and Kenner, Louisiana. In recent years, the Lower Mississippi River in general, and the New Orleans to Baton Rouge segment in particular, has experienced a considerable increase in commercial development. As a result, anchorages are needed near these areas of commercial development. Enlarging these anchorages will provide needed additional achorage space.

**EFFECTIVE DATE:** July 22, 1985.

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

**SUPPLEMENTARY INFORMATION:**

**Discussion of Comments**

A total of two comments were received. Both comments were in favor of the amendment and stated that enlarging the two anchorages would "provide increased productivity for the facilities serviced by the two anchorages."

**Economic Assessment and Certification**

These regulations are considered to be non-major under Executive Orders 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 the conclusion of minimal impact involves the fact that the action is an enlargement of existing anchorages and was requested by facility managers, vessel agents, and local pilot associations.

Since the impact of the regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 33 CFR Part 110**

Anchorage grounds.

## PART 110—[AMENDED]

In view of the foregoing, Part 110 of Title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 110 continues to read as set forth below:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. Section 110.195(a) (17) and (18) are revised to read as follows:

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

(a) * * *

(17) Kenner Bend Anchorage. An area 0.9 mile in length along the right descending bank of the river, 700 feet wide, extending from mile 114.7 to mile 115.6 above Head of Passes.

(18) Ama Anchorage. An area 1.8 miles in length along the left descending bank of the river, 700 feet wide, extending from mile 115.5 to mile 117.3 above Head of Passes.

Dated: June 7, 1985.

**T.T. Matteson,**

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

[FR Doc. 85-14857 Filed 6-20-85; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 80

[OMS-FRL 2841-2]

### Regulation of Fuels and Fuel Additives; Gasoline Lead Content and Banking of Lead Rights; Correction

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correction.

**SUMMARY:** This notice corrects minor errors in two final rules regulating the lead content of leaded gasoline, which were published on March 7, 1985 (50 FR 9386) and April 2, 1985 (50 FR 13116).

**FOR FURTHER INFORMATION CONTACT:** Richard G. Kozlowski, Director, Field Operations and Support Division (EN-397F), EPA, 401 M Street, SW., Washington, D.C. 20460. Telephone (202) 382-2633.

**SUPPLEMENTARY INFORMATION:** On March 7, 1985, the Agency promulgated revised gasoline lead content standards and related regulatory amendments. 50 FR 9386. On April 2, 1985, EPA promulgated a regulation that allows the banking of lead usage rights in conjunction with the revised gasoline lead content standards. 50 FR 13116.

This notice corrects certain minor errors in those two previous notices. These errors include: Incorrect cross-references in 40 CFR 80.20(d)(1), (e)(2)(i), (e)(2)(ii), (e)(2)(iii)(A) and (e)(2)(iii)(C); omission of words in 40 CFR 80.20(e)(1)(iv), (e)(3)(ii), and (e)(3)(iv)(B); and a spelling error in 40 CFR 80.20(e)(1)(iii).

Dated: May 24, 1985.

**Lee M. Thomas,**

*Administrator.*

## PART 80—[CORRECTED]

Accordingly, § 80.20 of Title 40 of the Code of Federal Regulations is corrected as follows:

**§ 80.20 [Corrected]**

On page 9398 (March 7, 1985) 40 CFR 80.20(d)(1), the reference to "paragraph (a)(1)(i), (i)(1)(ii), (c)(1)(i), or (c)(1)(ii) of this section" is corrected to read "paragraph (a)(1)(i), (a)(1)(ii), (c)(1)(i), or (c)(1)(ii) of this section."

On page 13128 (April 2, 1985) 40 CFR 80.20(e)(1)(iii), the word "fo" is corrected to read "of."

On page 13128 (April 2, 1985) In 40 CFR 80.20(e)(1)(iv), the phrase "0.10 gram of lead of such gasoline" is corrected to read "0.10 gram of lead per gallon of such gasoline."

On page 13128 (April 2, 1985) In 40 CFR 80.20(e)(2)(i), (e)(2)(ii), (e)(2)(iii)(A), and (e)(2)(iii)(C), the references to "paragraph (a)(1)(ii) or (c)(1)(ii)" are corrected to read "paragraph (a)(1) or (c)(1)."

On page 13128 (April 2, 1985) 40 CFR 80.20(e)(3)(ii), the phrase "any state gasoline lead content standard" is corrected to read "any applicable state gasoline lead content standards."

On page 13128 (April 2, 1985) 40 CFR 80.20(e)(3)(iv)(B), the phrase "at the close of the calendar quarter which the report is submitted" is corrected to read "at the close of the calendar quarter for which the report is submitted."

[FR Doc. 85-14956 Filed 6-20-85; 8:45 am]
BILLING CODE 6560-50-M

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

### 46 CFR Part 204

### Claims Against the Maritime Administration Under the Federal Tort Claims Act

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes a system for processing Federal tort claims involving the Maritime Administration, and provides information to the public on filing such claims. This rule is necessary to provide information on the tort claims processing system so that potential claimants may exercise rights conferred explicitly by statute.

**EFFECTIVE DATE:** July 22, 1985.

**FOR FURTHER INFORMATION CONTACT:** Michael J. McMorrow, Office of the Chief Counsel, Maritime Administration, Room 7221, Nassif Building, 7th and D Streets SW., Washington, D.C. 20590, Telephone (202) 426-5715.

**SUPPLEMENTARY INFORMATION:** The heads of the several operating administrations of the Department of Transportation are delegated, under 49 CFR 1.45(a) (2) and (3), the responsibility of implementing the Federal Tort Claims Act (28 U.S.C. 2671-2680). This final rule prescribes the requirement and procedure for administrative settlement of claims against the United States, involving the Maritime Administration, under the Federal Tort Claims Act, based on death, personal injury, or damage to or loss of property. This supplements the controlling regulations promulgated by the Department of Justice at 28 CFR Part 14. This supplemental rule is necessary to provide information on the tort claims processing system so that potential claimants may exercise rights conferred explicitly by statute. Specifically, it describes claims payable, the procedure for filing tort claims, the statute of limitations, and the method for payment of claims.

#### Background

The NPRM was published at 49 FR 34368 on August 30, 1984. The Maritime Administration received no comments on it. The only change in this final rule is to serve the public's convenience: The limits of delegated authority in § 204.7 have been inserted in § 204.8.

#### E.O. 12291, Statutory Requirements and DOT Procedure

This final rule is considered to be non-major under E.O. 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. The rule merely advises the public on agency procedure, supplementing controlling regulations of the Department of Justice (28 CFR Part 14). Accordingly, the Maritime Administration certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule contains an information collection requirement in § 204.8. It has been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 46 CFR Part 204

Claims, Tort claims, Administrative practice and procedure.

Accordingly, a new Part 204 is added to Title 46, Code of Federal Regulations, to read as follows:

## PART 204—CLAIMS AGAINST THE MARITIME ADMINISTRATION UNDER THE FEDERAL TORT CLAIMS ACT

Sec.



**Authority:** 28 U.S.C. 2672; 28 CFR 14.11; 49 CFR 1.45(a) (2) and (3).

#### § 204.1 Scope and procedure for filing claims.

This part prescribes the requirements and procedure for administrative settlement of claims against the United States, involving the Maritime Administration, under the Federal Tort Claims Act, based on death, personal injury, or damage to or loss of property. The controlling regulations are promulgated by the Department of Justice at 28 CFR Part 14—Administrative Claims Under Federal Tort Claims Act. These regulations supplement those of the Department of Justice and provide specific guidance regarding claims processing in the Maritime Administration.

#### § 204.2 Claims payable.

Claims for death, personal injury, or damage to or loss of real or personal property are payable when the death, injury or damage is caused by a negligent or wrongful act or omission of an employee of the Maritime Administration, while acting within the scope of employment and under circumstances in which the United States, if a private person, would be liable to the claimant under the law of the place where the act or omission occurred.

#### § 204.3 Claims not payable.

A claim is not payable under the regulations in this Part 204, if such tort claim is excluded from the scope of the Federal Tort Claims Act, as amended, pursuant to 28 U.S.C. 2680.

#### § 204.4 Time limitations on claims.

(a) A claim can be settled only if presented in writing within two years after it accrues.

(b) The two year statute of limitations is not tolled until the Maritime Administration receives from a claimant, or the claimant's duly authorized agent or legal representative, an executed Standard Form 95, "Claims for Damage, Injury, or Death," or written notification of an incident, together with a claim for money damages in a sum certain, for death, personal injury, or damage to or loss of real or personal property. When a claim is received in any office, mail unit, or other Maritime Administration activity which does not have settlement authority over the claim, such office, unit or activity shall transmit it to the official vested with such authority without delay (see § 204.13, this part).

**§ 204.5 Notification to claimant of action on claim.**

(a) If a claim is approved (either for the amount claimed or less than such full amount), the claimant, prior to the disbursement of an award, shall sign a document releasing the United States, its agents and employees from all further claims relating to the incident giving rise to the approved claim.

(b) If the claim is finally denied, the official vested with such authority shall inform the claimant by certified or registered mail of the final denial of the claim. Notification of final denial shall include a statement that a claimant who does not accept or is dissatisfied with the action may institute suit against the United States not later than six months after the date of mailing of the notice of final denial.

(c) A claimant may regard the failure of the Maritime Administration to make a final disposition of a claim within six months after the date of receipt of the claim by the Maritime Administration as a final denial for the purpose of filing suit.

**§ 204.6 Payment of claims.**

(a) Once the amount to be paid has been agreed upon, the agency shall attempt to forward a check for such amount to the claimant within thirty days.

(b) If a claimant is represented by an attorney, both the claimant and the claimant's attorney shall be designated as payees on any check delivered to the claimant's attorney.

**§ 204.7 Delegation of authority.**

(a) Subject to written approval of the Attorney General of the United States of any payment in excess of $25,000, the Chief Counsel of the Maritime Administration is authorized to deny or settle and authorize payment of tort claims in any amount.

(b) The Associate Administrator for Policy and Administration is authorized to deny or settle and authorize payment of all tort claims in an amount not exceeding $10,000, except that the Superintendent, United States Merchant Marine Academy, may deny or settle and authorize payment of tort claims originating from occurrences at the Academy in amounts not exceeding $5,000.

**§ 204.8 Where to file claims.**

Claims shall be filed with the appropriate official as follows:

(a) Chief Counsel (MAR-220), Maritime Administration, Department of Transportation, Room 7232, Nassif Building, 7th and D Streets SW., Washington, D.C. 20590 (All claims over $10,000)

(b) Associate Administrator for Policy and Administration (MAR-300), Maritime Administration, Department of Transportation, Room 7217, Nassif Building, 7th and D Streets SW., Washington, D.C. 20590 (All claims over $5,000 but not over $10,000 originating at Academy; and all other claims not over $10,000)

(c) Superintendent (MMA-5100), United States Merchant Marine Academy, Maritime Administration, Kings Point, N.Y. 11024 (All claims not over $5,000 originating at Academy)

**§ 204.9 Indemnity or contribution.**

(a) *Sought by the United States.* If a claim arises under circumstances in which the United States is entitled to indemnity or contribution under a contract or the applicable law governing joint tort-feasors, the Chief Counsel of the Maritime Administration shall notify the third party of the claim and request the third party to honor its obligation to the United States or to accept its share of joint liability. If the issue of third party indemnity or contribution is not satisfactorily adjusted, the underlying claim shall be settled only after consultation with the Department of Justice as provided in 28 CFR 14.7

(b) *Sought from the United States.* Claims for indemnity or contribution from the United States shall be settled under this part only if the incident giving rise to liability and the claim is otherwise cognizable under this part.

**§ 204.10 Attorney's fees.**

Attorney's fees for any claim settled under this part are limited to not more than twenty percent of the amount paid in settlement.

Dated: June 13, 1985.

By Order of the Maritime Administrator.

**Georgia P. Stamas,**

*Secretary, Maritime Administration.*

[FR Doc. 85-14741 Filed 6-20-85; 8:45 am]

BILLING CODE 4910-81-M

## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

### Agency for International Development

### 48 CFR Ch. 7

**[AIDAR Notice 85-7]**

### Acquisition Regulation Concerning Contract Closeout

**AGENCY:** Agency for International Development, IDCA.

**ACTION:** Final rule.

**SUMMARY:** The AID Acquisition Regulation (AIDAR) is being amended to remove AIDAR Appendix E, Contract Closeout Procedures.

**EFFECTIVE DATE:** June 21, 1985.

**FOR FURTHER INFORMATION CONTACT:** M/SER/CM/SD/POL, Mr. J.M. Kelly, telephone (703) 235-9107.

**SUPPLEMENTARY INFORMATION:** AID has determined that the contract closeout procedures in FAR 4.804 provide sufficient guidance, and that the coverage of closeout procedures in AIDAR Appendix E is redundant and unnecessary. Appendix E is therefore being removed; AID will close out its direct contracts in accordance with the procedures of FAR 4.804.

The change being made by this AIDAR Notice will not have any significant impact on AID contractors or the general public. Therefore, the change is not considered "significant" under FAR 1.303(b) or FAR 1.501, and public comments have not been solicited.

This AIDAR Notice is not a major rule and is exempt from Sections 3 and 4 of E.O. 12291 by OMB Bulletin No. 85-7, December 14, 1984.

As required by the Regulatory Flexibility Act, it is hereby certified that AIDAR Notice 85-7 will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 48 CFR Chapter 7**

Government procurement.

1. The authority citation for Appendices to Chapter 7 continues to read as follows:

Authority: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, September 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

**Appendix E—Contract Closeout Procedures**

2. Appendix E is removed and reserved.

Dated: June 5, 1985.

**John F. Owens,**

*AID Procurement Executive.*

[FR Doc. 85-14918 Filed 6-20-85; 8:45 am]

BILLING CODE 6116-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 222

[Docket No. 50696-5096]

### Endangered Fish or Wildlife; Certificates of Exemption for Certain Holders of Finished Scrimshaw Products

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** On April 1, 1985, NOAA published a final rule implementing, in part, the Endangered Species Act Amendments of 1982 concerning certificates of exemption for certain holders of finished scrimshaw products. NOAA publishes this technical amendment correcting a sentence in the final rule to reflect Congressional intent stated in a report issued on May 15, 1985, to accompany H.R. 1027.

**EFFECTIVE DATE:** June 21, 1985.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven Springer (Office of Enforcement), 202-634-7265, or Ms. Linda Marks (Office of General Counsel), 202-254-8350.

**SUPPLEMENTARY INFORMATION:**

**Background**

With respect to certificates of exemption issued under the Endangered Species Act of 1973, as amended (ESA), the final rule published by NOAA on April 1, 1985, states, in part, ". . . no renewal is valid for more than three years from the initial expiration date of the previous renewal of the certificate of exemption" (50 CFR 222.11-9). On May 15, 1985, the Committee on Merchant Marine and Fisheries issued a report to accompany H.R. 1027, a bill amending and reauthorizing the ESA. Among other things, this report clarifies language added to section 10(f) (16 U.S.C. 1539(f)) by the 1982 amendments to the Act by stating that it was Congress' intent that renewed certificates of exemption should be extended for three years from the date that the regulations went into effect (April 1, 1985).

NOAA publishes this technical amendment correcting the sentence quoted above from 50 CFR 222.11-9 to reflect the stated Congressional intent. The effect of this amendment will be that all certificates of exemption renewed under the regulations currently in force will be effective for a period beginning on April 1, 1985, and ending no later than March 31, 1988.

**Classification**

This technical amendment is minor in nature and will have no effect on the classification of the final rule published on April 1, 1985 (50 FR 12806-12809).

**List of Subjects in 50 CFR Part 222**

Administrative practice and procedure, Permits, Endangered fish or wildlife, Reporting and recordkeeping requirements.

Dated: June 14, 1985.

**Joseph W. Angelovic,**

*Deputy Assistant Administrator for Science and Technology.*

For the reasons set forth in the preamble, 50 CFR Part 222 is amended as follows:

## PART 222—ENDANGERED FISH OR WILDLIFE

1. The authority citation for Part 222 is revised and the authority cites for Subparts are removed to read as follows:

**Authority:** 16 U.S.C. 1531-1543.

**§ 222.11-9 [Amended]**

2. In § 222.11-9, remove the second sentence and insert in its place the sentence, "All certificates so renewed will be valid for a period beginning April 1, 1985, and ending no later than March 31, 1988."

[FR Doc. 85-14968 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-22-M

### 50 CFR Parts 654 and 658

[Docket No. 40558-4082]

### Stone Crab Fishery and Shrimp Fishery of the Gulf of Mexico

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** NOAA issues this final rule to implement a technical amendment clarifying the specific time for termination of the effective period for the line of separation in the Fishery Management Plans for the Stone Crab Fishery and Shrimp Fishery of the Gulf of Mexico (FMPs). The promulgated rules implementing the FMPs did not clearly address this issue. The intended effect of these regulations is to avoid confusion regarding the time when shrimp fishermen may begin fishing in the area reserved for stone crab fishing by the line.

**EFFECTIVE DATE:** June 20, 1985.

**FOR FURTHER INFORMATION CONTACT:** Donald W. Geagan, 813-893-3722.

**SUPPLEMENTARY INFORMATION:** NOAA published final rules at 44 FR 53519, on September 14, 1979, and 46 FR 27489 on May 20, 1981, for Fishery Management Plans for the Stone Crab Fishery and the Shrimp Fishery of the Gulf of Mexico (FMPs), respectively. Sections 654.23(a) and 658.23 of these final rules described the effective period of the line of separation between stone crab and shrimp fishermen as "Between January 1 and May 20." The hour at which the effective period terminates was not identified.

Section 654.20(b) prohibits the pulling of traps later than one hour after sunset. Therefore, all stone crab traps must be removed from the water in the area reserved for trapping by one hour after sunset on May 20. It is the intent of the FMPs that shrimp fishing be restricted in the area during the latter part of the stone crab season (January 1 to May 20) to prevent gear conflicts between stone crab and shrimp fishermen. The promulgated rules unnecessarily extend the period of restriction for shrimp fishing beyond the time when conflicts would occur.

Accordingly, §§ 654.23(a) and 658.23 are revised to identify the time on May 20 when the line ceases to be effective. This will more accurately reflect the intent of the FMPs. Also, specification of a time of termination for the effective period of the line will assist shrimp fishermen by advising them exactly when they may commence fishing in the area and as a result will facilitate law enforcement.

**List of Subjects in 50 CFR Parts 654 and 658**

Fisheries, Reporting and recordkeeping requirements.

Dated: June 18, 1985.

**Carmen J. Blondin,**

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

For the reasons set forth in the preamble, 50 CFR Parts 654 and 658 are amended as follows:

1. The authority citation for Parts 654 and 658 continues to read as follows:

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

## PART 654—STONE CRAB FISHERY

**§ 654.23 [Amended]**

2. In § 654.23, paragraph (a) is amended by changing the opening phrase "Between January 1 and May 20" to read "Between January 1 and one hour after sunset (local time) May 20."

## PART 658—SHRIMP FISHERY

### § 658.23 [Amended]

3. Section 658.23 is amended by changing the opening phrase "Between January 1 and May 20" to read "Between January 1 and one hour after sunset (local time) May 20."

[FR Doc. 85-14969 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register
Vol. 50, No. 120
Friday, June 21, 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.

## FEDERAL HOME LOAN BANK BOARD

### 12 CFR Parts 563 and 584

[No. 85-461]

### Loans to One Borrower

June 10, 1985.

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation" or "FSLIC"), proposes to amend its regulations pertaining to loans to one borrower to adopt portions of the "common enterprise" test similar to that utilized by the Comptroller of the Currency, to determine when loans to separate borrowers must be combined; to clarify that a second tier of entities is considered "one borrower" under the regulation; to create an exception from the lending limitation for loans to service corporations; to expand the types of investments that may be made in commercial paper and corporate debt securities of one issuer; and to clarify other miscellaneous matters concerning the loans-to-one-borrower regulation.

**DATE:** Comments must be received by August 15, 1985.

**ADDRESS:** Submit comments to the Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be publicly available at this address.

**FOR FURTHER INFORMATION CONTACT:** Gary Gegenheimer, Attorney, Office of General Counsel, (202) 377-6433, or Rosemary Stewart, Associate General Counsel, Enforcement Division, Office of General Counsel, (202) 377-6437.

**SUPPLEMENTARY INFORMATION:** On April 26, 1983, the Board amended the provisions of 12 CFR 563.9-3, concerning limitations on loans to one borrower, 48 FR 23032, 23077-78 (May 23, 1983). This regulation applies to institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("insured institutions"). The amendments created separate limitations for commercial loans and rated obligations and added definitions of "outstanding loans," "outstanding commercial loans," and "unimpaired capital and unimpaired surplus." Since the rule was amended, a number of matters have been brought to the Board's attention that indicate a need for further revision and clarification of this regulation. Specifically, the Board believes that it would be desirable to propose adoption of the "common enterprise" test, currently used by the Comptroller of the Currency in establishing lending limits for national banks; to clarify that a second "tier" of entities are subject to the existing regulatory limitations; to create an exception from the current lending limits for loans to service corporations; to expand the types of investments that may be made in commercial paper and corporate debt securities; and to clarify certain other provisions of the regulations. These proposed amendments are described below.

*One borrower.* The Board proposes to add three new provisions to the definition of "one borrower" codified in section 563.9-3(a)(1)(i). Subparagraph *(a)* would be amended to clarify whan a "guarantor" is to be included in the term "obligor." New subparagraph *(e)* would clarify that a second "tier" of entities is encompassed within the definition of one borrower, by requiring that loans made by an insured institution to any "person" (as that term would be defined in a proposed new paragraph (a)(5)) that controls or is controlled by any person that is an obligor of that institution, must be aggregated with loans made to that obligor. New subparagraph *(f)* would adopt portions of the "common enterprise" test currently used by the Comptroller of the Currency in establishing lending limitations for national banks. It would expand the definition of "one borrower" to include two or more persons where they are acquiring a business enterprise of which those same persons will, in the aggregate, own 50 percent or more of the capital stock, or where the expected source of repayment for the loan or extension of credit in question is the same for each person.

The proposed language about guarantors of loans would codify the staff interpretation of how guarantors are to be treated under the loans-to-one-borrower regulation, by providing that if an insured institution has determined, in good faith, that the primary obligor has qualified for a loan, then any guarantor will not be considered an "obligor" for that loan. Past opinions of the Office of General Counsel have held that a guarantee of debt by a party does not automatically cause the amount so guaranteed to be aggregated with other debt owed by the guarantor *unless* it is the creditworthiness of the guarantor upon which the lending institution relied in deciding to grant the loan. In making this determination, the lender's underwriting must demonstrate that the particular loan would have been granted regardless of the existence of the guarantor, and such underwriting itself must, of course, be consistent with prudent underwriting standards and practices that are accepted in the savings and loan industry. If this cannot be demonstrated, the guarantor will be considered an obligor for the debt and it will be aggregated with other debt owed by the guarantor to the institution. It is true that such a standard may be somewhat difficult to monitor and would be scrutinized by Board examiners in appropriate cases. A lending institution would be expected to demonstrate to the examiners its reasons for the underwriting decision in such cases, *i.e.*, that the named borrower(s) qualify for the amount of loan granted and that this can be proven by reference to financial statements, income-expense projections, etc.

The Board is proposing to clarify that the definition of "one borrower" includes "second tier" entities because of the potential for abuse and evasion of the regulation if its literal terms are read to exclude such entities. The purpose of the limitation on loans to one borrower is to prevent excessive concentrations of loans and the resultant dangerous dependence by insured institutions on a single source of funds for repayment of loans. A literal reading of the present regulation, however, does not avert that possibility to a satisfactory extent, because it allows persons and entities that are legally one step removed from an obligor, but which nevertheless may be intertwined with that obligor as a practical matter, to borrow from an

insured institution up to that institution's lending limitation irrespective of the amount already outstanding to the institution by that obligor. For example, if an obligor on a loan is a partnership, then any corporation in which an owner of 10 percent or more of the capital stock is also a general partner or limited partner owning an interest of 10 percent or more would be considered "one borrower" with the partnership, but the existing text of the regulation may not make it sufficiently clear that the owner of the corporation's stock also would be so considered. Thus, by a literal reading of the regulation, an individual and a limited partnership whose only general partner was a corporation entirely owned by that individual (and dependent on that individual for its financing) might each borrow from an insured institution up to the institution's lending limit, with the result being precisely the sort of excessive concentration of loans that § 563.9–3 was designed to prevent.

In addition, the existing regulation may not make it sufficiently clear that a subsidiary corporation of a corporation that is an obligor on a loan would be considered "one borrower" with its parent corporation. The Board therefore believes that safety and soundness concerns dictate that the definition of "one borrower" be amended to indicate clearly that it includes persons who own or control entities that are designated component parts of entities obtaining loans from insured institutions, since, as a practical matter, the stockholders of corporations will often represent the corporation's primary, if not sole, source of capital. Likewise, a subsidiary corporation is often largely dependent on its parent corporation for funding.

The Board's staff has interpreted the existing regulation to provide for such aggregation in the partnership and subsidiary situations described above. Under general principles of partnership law, a general partner is jointly and severally liable for partnership debts, and is therefore an "obligor" on a loan made to that partnership; thus, any controlling stockholder of the corporate general partner would be considered one borrower with the partnership. The proposed amendment would codify the staff interpretations in this regard. As proposed, the term "control" would mean the power to vote 10 percent or more of any class of voting securities of a person or to direct the management or policies of that person when he/she/it is an obligor on a loan or a designated component part thereof.

It has always has been the Board's policy to discourage unduly heavy concentrations of obligations in what is, in effect, a single borrower, even in those instances where no violation of section 563.9–3 has technically occurred, where the effect is the jeopardizing of an institution's financial position. Thus, in the preamble to the 1983 loans-to-one-borrower amendments, the Board stated that each insured institution is expected to establish its own policies in this area, within the parameters established by the Board, in order to ensure its safe and sound operation. The Board further noted that it therefore was possible that an institution could be cited by an examiner for excessive lending to one borrower even apart from the literal requirements of § 563.9–3, if the particular fact situation indicated an undue risk to the institution. 48 FR 23052 (May 23, 1983). It has been the Board's longstanding examination policy that it is appropriate to look beyond legal formalities and to deem separate entities "one borrower" where circumstancers so dictate. The proposal would thus make explicit in the Board's regulations that which has been implicit in its policy of examining institutions.

In proposing to adopt portions of the "common enterprise" test used by the Comptroller of the Currency described above, the Board is further recognizing that there are situations in which loans to legally separate entities should be combined due to practical realities. The Board is proposing to adopt two of the three "per se" rules, set forth at 12 CFR 32.5(a)(2) of the Comptroller's regulations, for combining loans to separate entities where the expected source of repayment for each person is the same. The first of these rules deals with loans or extensions of credit for which an institution is relying on a common source of repayment, whatever that source may be. Another rule addresses situations in which an institution extends loans or other forms of credit to a group of otherwise unrelated persons for the purpose of the group's joint acquisition of a business enterprise. The Board is proposing that such loans be combined on the theory that the credit risk for each loan is identical. The Comptroller's third "per se" rule, concerning common control, is already substantially incorporated in the Board's definition and longstanding interpretation of the term "one borrower," as described above.

*Outstanding loans.* The Board is proposing two amendments to § 563.9–3(a)(2). First, it would revise the definition of the term "outstanding loans" and adopt, in large part, the definition of the term "loans and extensions of credit" utilized by the Comptroller of the Currency with respect to national banks. Second, it would clarify the Board's position that the execution of a promissory note is the event that triggers the requirements of section 563.9–3. The first of these amendments is proposed for purposes of convenience and clarification. It would provide, in a new subparagraph (2)(i), that the term "outstanding loans" means any direct or indirect advance of funds to a person on the basis of any obligation of that person to repay the funds, or repayable from specific property pledged by or on behalf of that person. It would also redesignate the current subparagraph (2)(iii) of the definition as subparagraph (2)(ii) and revise the language of that subparagraph to make it clear that proceeds an institution is obligated to advance under an executed promissory note are counted toward the limitation. The remainder of the definition would be substantively unchanged.

Revision of present subparagraph (2)(iii) (redesignated subparagraph (2(ii) in the proposal) is desirable to cure a measure of uncertainty in the present version of the regulation. Currently, the term "outstanding loans" is generally defined as "funds advanced under a loan agreement or commitment." The reference to "funds advanced" is potentially confusing because it could be interpreted as implying that undisbursed loan proceeds (such as those in a loans-in-process ["LIP"] account) need not be counted in the total amount of outstanding loans by an insured institution to a single borrower, even where there is a binding obligation to advance a specific amount of funds in the future. This problem is aggravated by a passage in the preamble to the May 23, 1983 rulemaking stating that the lending limitations are "applicable only to funds actually advanced." 48 FR 23051. In fact, this passage does not accurately reflect the Board's position regarding undisbursed loan proceeds. Indeed, the same preamble contradicts the "funds actually advanced" language by stating in the next paragraph that an obligation to disburse loan proceeds under an executed note will be counted toward the regulatory limit unless the institution has obtained an overline buyout commitment covering the loan involved, because an obligation to disburse funds under an executed note usually is more immediate than such an obligation under a loan commitment. *Id.* Additionally, the present subparagraph (2)(iii) expressly provides that undisbursed loan proceeds are counted

toward the regulatory limit absent an overline buyout commitment. It does not, however, distinguish between undisbursed loan proceeds under an executed promissory note as opposed to an ordinary loan commitment. The proposed amendment would eliminate any potential for confusion and make it clear that, absent an overline buyout commitment, funds that an insured institution is obligated to advance under an executed promissory note will be counted toward the regulatory limitation. As noted above, this is not a change from the 1983 amendments, but merely a clarification of potentially confusing language in the existing text.

*Person.* For purposes of clarification, the Board proposes to add a new paragraph (5) to § 563.9–3(a) and to adopt the definition of the term "person" used by the Comptroller of the Currency at 12 CFR 32.2(b). The term includes an individual, partnership, sole proprietorship, joint venture, association, trust, estate, business trust, corporation, nonprofit corporation, sovereign government, or any agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

*Loans to subsidiary service corporations.* Historically, there has been no exception from the Board's loans-to-one-borrower rule for loans made by an insured institution to a subsidiary service corporation. Because the majority of such loans are not made on the security of real estate, they are subject to the commercial lending limitation, which is more stringent than the general limitation. Insured institutions are, however, authorized to invest in subsidiary service corporations up to certain amounts. Federally-chartered associations may invest up to three percent of assets in their service corporations pursuant to section 5(c)(4)(B) of the Home Owners' Loan Act, 12 U.S.C. 1464(c)(4)(B) and 12 CFR 545.74(a). State-chartered insured institutions are subject to the investment limitations of their state-chartering authorities in this area, and insured institutions are subject to additional restrictions on direct investments in subsidiaries pursuant to § 563.9–8 (to be codified at 12 CFR 563.9–8), 50 FR 6912, 6928 (February 19, 1985), and the net-worth requirements pertaining to such investments set forth at section 563.13 (to be codified at 12 CFR 563.13), 50 FR 6891, 6909 (February 19, 1985).

The Board believes that there are a number of undesirable consequences associated with the present version of the regulation. First, the limitation as applied to service corporations is impractical. If associations are precluded from lending funds to their service corporations beyond certain amounts, they may simply authorize the issuance of additional service corporation stock which the associations then purchase. The stock may be redeemed at such time as the association desires that the funds be returned. Thus, especially in states in which state-chartered insured institutions are permitted to make large investments in their service corporations, the present regulation does not prevent what the Board may consider to be excessive concentrations of funds in service corporations. To the contrary, the effect of the present regulation may be simply to require that transfers of funds to service corporations be in the form of equity rather than loans. This may be contrary to the interests of both the parent insured institutions and the FSLIC, in that it places the parent institution in a less favorable position than holders of the subsidiary's debt securities in the event of a failure of the subsidiary.

In addition, adverse tax consequences may result from structuring the transfers of funds as purchases and sales of stock rather than as loans. The service corporation that pays interest on a loan can deduct that interest from its taxable income as a business expense, whereas dividends paid to shareholders may not be deducted. Consequently, treating cash transfers from the parent association as equity rather than debt will result in higher taxes to the service corporation.

The Board also believes that eliminating the limitation for loans to service corporations would further establish parity between thrift institutions and national banks, and thus be consistent with the Congressional mandate linking thrifts' commercial loans-to-one-borrower limits with those applicable to national banks. Certain national bank subsidiaries are not subject to the limitation. *See* 48 FR 23050 (May 23, 1983).

Accordingly, the proposed amendment would alter subparagraph (ii) of § 563.9–3(b)(2) to provide that an insured institution may make loans to any one service corporation in any amount, subject to the Board's direct-investment rule and net-worth requirements pertaining to direct investments.

*Rated obligations.* Recently the Board promulgated technical and clarifying amendments to its regulations implementing the new powers granted to federally chartered savings and loan associations and savings banks by the Garn-St Germain Depository Institutions Act of 1982 ("DIA"). 49 FR 43040 (October 26, 1984). Among the amendments adopted at that time was a revision of the portion of the loans-to-one-borrower regulation concerning the authority of insured institutions to invest in corporate debt securities of one issuer. The amendment provides that insured institutions may invest up to one percent of assets, or one million dollars, whichever is more, in corporate debt securities of one issuer, where the securities are rated in one of the two highest categories by one nationally recognized investment rating service, rather than by two such services, as had been required previously. This change was believed to be desirable because the former requirement of two ratings may have precluded investments in many prudent corporate debt investments. 49 FR 43042. The double-rating requirement remained intact for investments in commercial paper.

Since the loans-to-one-borrower rule was amended in May 1983, a number of institutions have expressed the opinion that the regulation is unduly restrictive with regard to the number of categories of rated obligations in which they are permitted to invest. Specifically, it is contended that the necessity that commercial paper be rated in the highest grade and corporate debt securities in one of the two highest grades may prevent insured institutions from investing to the extent that they had in the past in many high-quality companies that provide attractive yields on both commercial paper and corporate debt securities.

The Board therefore is proposing to amend paragraph (3) of § 563.9–3(b) to allow insured institutions to invest up to one-half of one percent of assets in obligations of one issuer evidenced by: (a) commercial paper rated in one of the two highest categories; or (b) corporate debt securities rated in any of the three highest categories. The Board believes that the proposed change may be desirable as a means of increasing the range of investment options available to insured institutions, while at the same time ensuring that the degree of risk involved in such investments will be low. The number of ratings required under the proposal would remain unchanged (two for commercial paper and one for corporate debt securities). As explained in the preamble to the amendments clarifying the implemention of new powers under the DIA, it is the Board's view that the double-rating requirement is appropriate in the case of commercial paper, while one such rating is sufficient for

corporate debt securities. 49 FR 43042. Finally, the proposal would make it clear that the investment amounts permitted by § 563.9–3(b)(3) in rated obligations of one issuer may be made in addition to the limitations imposed by § 563.9–3(b)(1) and (2).

*Other Proposed Changes.* In the interest of consistency, the Board is proposing to amend § 584.3(a)(4)(i), pertaining to transactions in which a subsidiary insured institution of a savings and loan holding company may engage.

Section 584.3(a)(4)(i) currently provides that no subsidiary insured institution of a savings and loan holding company may make any loan, discount, or extension of credit to any affiliate, other than to a service corporation subsidiary, except in a transaction authorized by paragraph (a)(7)(i) of the same section. Loans, discounts, and extensions of credit to service corporations are currently allowed up to the extent authorized by § 545.74(d) (in the case of federal associations) and relevant provisions of state law (in the case of state-chartered institutions). The proposed amendment would bring paragraph (a)(4)(i) into harmony with the proposed revisions of § 563.9–3 by providing that loans to service corporations may be made to the extent permitted by the revised § 563.9–3(b).

The Board also is proposing to amend the waiver provision of the regulation, § 563.9–3(b)(4), to add a provision that waivers may be granted at the request of an institution being operated by a conservator appointed by the Board. The wavier could be granted by the Director of the Board's Office of Examinations and Supervision.

Finally, in order to clarify *when* a lender must make the calculations and abide by the limitations contained in the loans-to-one-borrower regulation, a new paragraph (b)(5) is being proposed to specify that it is the date that a loan is granted or purchased, that is, when the promissory note is signed, or the date when loan-purchase documents are signed, that is the applicable date to determine compliance with the single-borrower restrictions. The proposed new paragraph would also provide that the amount of an institution's net worth or withdrawable accounts is determined as of the date covered by the most recent periodic report (monthly or quarterly) required to be filed with the Board prior to the date of the granting or purchasing of the loan in question. The Board is also soliciting comments on whether to codify staff interpretations of the regulation to require that that level of net worth or withdrawable accounts be adjusted if the institution knows or has reason to believe it has changed or has readily ascertainable data which indicates a change as of the date the loan is granted or purchased. Further, the Board is seeking comment on whether such adjustments, if adopted, should be made only if they reduce net worth or withdrawable accounts or whether all appropriate adjustments, upward or downward, should be required.

Finally, the Board is taking this opportunity to remind insured institutions that the full amount of loans are counted in the § 563.9–3 limitations so long as they are held without binding commitments to purchase by third parties. Confusion on this particular point has arisen several times recently when institutions' management objected to Board examiners' conclusions about loans-to-one borrower violations at the time loans were granted when management "intended" to sell participations in the loans so as to reduce the total of loans granted to single borrowers. The Board notes that its current definition of "outstanding loans" specifically provides that it does not include "a loan or participation interest sold without recourse," 12 CFR 563.9–3(a)(2). Clearly one cannot take credit for a loan or participation "sold" unless there actually has been a binding commitment to sell that particular loan or participation at or before the time that loan is granted. This can be accomplished by arranging participation sales well in advance of loans being granted by an insured institution with binding written commitments and/or the execution of written participation agreements for portions of the loan being granted. Absent such firm written participation arrangements for a clearly identified loan, an institution is in violation of the identified limitations when it grants or purchases a loan in excess of the limits specified in paragraph (b)(1) or (b)(2) irrespective of its intention to later sell participations in such loan.

**Initial Regulatory Flexibility Analysis**

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Board is providing the following initial regulatory flexibility analysis.

1. *Reasons, objectives, and legal basis underlying this proposed rule.* These factors are discussed elsewhere in the supplementary information.

2. *Small entities to which the rule will apply.* The proposed rule would apply to all institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

3. *Impact of the rule on small federal associations.* The proposed rule would not have an adverse impact on small institutions. Many of the proposed changes are clarifying in nature, and others liberalize existing provisions of the present regulation. Thus, the proposed changes are expected to have a beneficial impact on large and small institutions alike.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the propose rule.

5. *Alternatives to the rule.* The proposed rule is intended to clarify the regulation, and to increase the lending and investment opportunities of insured institutions in certain areas, within prudent limitations. There are no alternative approaches that would have the intended result with a lesser impact on small entities.

Accordingly, the Board hereby proposes to amend Part 563, Subchapter D, and Part 584, Subchapter F, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

**List of Subjects in 12 CFR Parts 563 and 584**

Savings and loan associations.

**SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION**

**PART 563—OPERATIONS**

1. The authority for 12 CFR part 563 would continue to read as follows:

**Authority:** Sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425a); Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726); Reorg. Plan No. 3 of 1947; 12 CFR 1943–48 Comp., p. 1071.

2. Amend § 563.9–3 by: revising paragraph (a)(1)(i)(*a*); removing the word "and" at the end of paragraph (a)(1)(i)(*c*), replacing the period at the end of paragraph (a)(1)(i)(*d*) with a semicolon, and adding new paragraphs (a)(1)(i)(*e*) and (*f*); revising paragraph (a)(2); adding new paragraph (a)(5); designating the existing text of paragraph (b)(2) as (b)(2)(i) and adding a new paragraph (b)(2)(ii); revising paragraph (b)(3); revising paragraph (b)(4); and adding a new paragraph (b)(5); as follows:

**§ 563.9–3 Loans to one borrower.**

(a) *Ddefinitions used in this section.*—(1) *One borrower.* (i) The term "one borrower" means

(*a*) Any person or entity that is, or upon the making of a loan will become, obligor on a loan: *Provided*, that a guarantor shall not be included within the meaning of "obligor" if, in connection with a loan or other

extension of credit, the insured institution has determined, in good faith, that the primary obligor has qualified for the loan or extension of credit irrespective of the existence of the guarantor.

* * * * *

(e) Any person that, directly or indirectly, owns or controls, or is owned or controlled by, any person that is: An obligor on a loan; a nominee of such an obligor; a general partner or limited partner owning an interest of 10 percent or more in a partnership that is an obligor; the beneficiary of a trust that is an obligor; or a member of a syndicate that is an obligor. For purposes of this paragraph, the term "control" means the power, directly or indirectly, to direct the management or policies of a person or to vote 10 percent or more of any class of voting securities of a person; and

(f) Two or more persons acquiring a business enterprise of which those persons will in the aggregate own 50 percent or more of the capital stock, or two or more persons obtaining loans for a related purpose where the expected source of repayment for the loans or extensions of credit is the same for each person.

(2) *Outstanding loans.* The term "outstanding loans" means: (i) Any direct or indirect advance of funds (including obligations of makers and endorsers arising from the discounting of commercial paper) to a person on the basis of any obligation of that person to repay the funds, or repayable from specific property pledged by or on behalf of a person, plus interest due and unpaid, less repayments; (ii) funds an insured institution is obligated to advance under an executed promissory note, unless the loan is subject to an overline purchase commitment of another financial institution; (iii) credit extended in the form of finance leases satisfying the criteria set forth in § 545.53 of this Chapter; (iv) potential liabilities under standby letters of credit, lines of credit, and guarantee or suretyship obligations, except to the extent that the institution has recourse to cash or a segregated deposit account of its customer to indemnify it against such liabilities; and (v) investments in commercial paper and corporate debt obligations. The term does not include a loan or participation interest sold without recourse, a loan secured by a first lien on real estate subject to an annual contributions contract under former Section 23 of the United States Housing Act of 1937, as amended, a loan on the security of an institution's deposit accounts, or a loan of unsecured day(s) funds described in § 563.9-6 of this subchapter. The amount of an outstanding "wraparound" loan is determined by the amount of funds advanced by the institution, except to the extent that the institution has become liable to pay an obligation secured by a lien on the security property prior to its own.

* * * * *

(5) *Person.* The term "person" means an individual, sole proprietorship, partnership, joint venture, association, trust, estate, business trust, corporation non-profit corporation, sovereign government or any agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

* * * * *

(b) *Limitations.*

* * * * *

(2) *Commercial loans.* * * *

(ii) Notwithstanding the limitations imposed by paragraphs (b)(1) and (2) of this section, an insured institution may make loans to a subsidiary service corporation in any amount, subject to any limitations on the total amount of investment in service corporations that apply to such institution.

(3) *Rated obligations.* Notwithstanding the limitations set forth in paragraphs (b)(1) and (2) of this section, an insured institution may invest:

(i) up to one percent of assets or one million dollars, whichever is more, in obligations of one issuer evidenced by:

(*a*) Commerical paper rated, as of the date of purchase, as shown by the most recently published rating by at least two nationally recognized investment rating services in the highest category, or

(*b*) Corporate debt securities that may be sold with reasonable promptness at a price that corresponds reasonably to their fair value, and that are rated in one of the two highest categories by a nationally recognized investment rating service in its most recently published ratings before the date of purchase of the securities; *and*

(ii) up to one half of one percent of assets, or $500,000, whichever is more, in obligations of one issuer evidenced by:

(*a*) Commercial paper rated, as of the date of purchase, as shown by the most recently published rating by at least two nationally recognized investment rating services, in the second highest category; or

(*b*) Corporate debt securities that may be sold with reasonable promptness at a price that corresponds reasonably to their fair value, and that are rated in the third highest category by a nationally recognized investment rating service in its most recently published ratings before the date of purchase of the security: *Provided,* however, that the total amount invested by an insured institution in obligations of one issuer pursuant to this subparagraph (3) shall not exceed an amount equal to one percent of assets or one million dollars, whichever is more.

(4) *Waiver.* The Director of the Office of Examinations and Supervision may waive the application of the limitations in this paragraph to any loan that is part of the resolution of a supervisory case or integral to the acquisition, merger, consolidation, or corporate reorganization of an insured institution, or at the request of an insured institution that is being operated by a conservator appointed by the Corporation or the Board.

(5) An institution's compliance with the limitations set forth in paragraphs (b)(1) and (b)(2) of this section shall be measured as of the date of execution of the promissory note(s) evidencing an obligation, execution of documents evidencing the purchase of loan(s), or such other act as shall create a binding obligation to repay funds to the lending institution. The amount of an institution's "withdrawable accounts" or "net worth" pursuant to paragraph (b)(1), or its "unimpaired capital and unimpaired surplus" pursuant to paragraph (b)(2), shall be calculated as of the institution's most recent periodic report (monthly or quarterly) required to be filed with the Corporation prior to the date of granting or purchasing the loan or otherwise creating the obligation to repay funds.

* * * * *

## SUBCHAPTER F—SAVINGS AND LOAN HOLDING COMPANIES

## PART 584—REGULATED ACTIVITIES

3a. The authority citation for 12 CFR Part 584 would continue to read as follows:

**Authority:** Sec. 408, 82 Stat. 5 (12 U.S.C. 1730a) unless otherwise noted.

3b. Revise § 584.3(a)(4)(i) as follows:

### § 584.3 Transactions with affiliates.

(a) *Prohibited transactions.*

* * * * *

(4) Make any loan, discount or extension of credit to:

(i) any affiliate (other than to a service corporation subsidiary of such insured institution) except in a transaction authorized by paragraph (a)(7)(i) of this section: *Provided,* that a subsidiary insured institution of a savings and loan holding company may make loans to a

service corporation subsidiary of such insured institution to the extent permitted by § 563.9-3(b) of this subchapter, or

* * * * *

By the Federal Home Loan Bank Board.

**Jeff Sconyers,**

*Secretary.*

[FR Doc. 85-14881; Filed 6-20-85; 8:45 am]

BILLING CODE 6720-01-M

## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

### Agency for International Development

### 22 CFR Part 213

### Collection of Claims

**AGENCY:** Agency for International Development; IDCA.

**ACTION:** Proposed rule.

**SUMMARY:** The Agency for International Development proposes to amend Part 213 to implement the Federal Claims Collection Standards of the Department of Justice and the General Accounting Office.

**DATE:** Comments must be submitted on or before July 23, 1985.

Comments: Comments may be mailed to Mr. Jan W. Miller, Office of the General Counsel, Room 6943 N.S., Agency for International Development, Washington, D.C. 20523.

**FOR FURTHER INFORMATION CONTACT:** Jan W. Miller (202) 632-9434.

**SUPPLEMENTARY INFORMATION:** This part provides procedures for the collection activities of the Agency for International Development. It supplements the Federal Claims Collections Standards, 4 CFR Parts 101-105. This part sets forth procedures for (a) collection, including administrative offset, of claims owed the United States, (b) interest, penalties, and administrative charges; and (c) disclosure to consumer reporting agencies and contracts with collection agencies.

#### Regulatory Flexibility and Impact Analysis

This action will not have a significant economic impact on a substantial number of small entities including small businesses, small organizational units, and small governmental jurisdictions.

This action does not constitute a "major rule" under Executive Order No. 12291.

#### Environmental Impact

This action does not constitute a major Federal action significantly affecting the quality of the human environment.

#### List of Subjects in 22 CFR Part 213

Claims.

Accordingly, it is proposed to revise 22 CFR Part 213 as follows:

## PART 213—COLLECTION OF CLAIMS



**Authority:** Sec. 621 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2381.

#### § 213.1 Purpose.

These regulations prescribe the procedures to be used by the Agency for International Development ("AID") in the collection of claims owed to AID and to the United States.

#### § 213.2 Scope.

(a) *Applicability of Federal Claims Collection Standards.* Except as set forth in this part or otherwise provided by law, AID will conduct administrative actions to collect claims (including offset, compromise, suspension, termination, disclosure and referral) in accordance with the Federal Claim Collection Standards ("FCCS") of the General Accounting Office and Department of Justice, 4 CFR Parts 101-105.

(b) This part is not applicable to:

(1) Claims arising out of loans for which compromise collection authority is conferred by section 635(g)(2) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2395(g)(2).

(2) Claims arising from investment guaranty operations for which settlement and arbitration authority is conferred by section 635 (i) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2395(i).

(3) Claims against any foreign country or any political subdivision thereof, or any public international organization.

(4) Claims where the A.I.D. Administrator or his designee determines that the achievement of the purposes of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151 *et seq.*, or any other provision of law administered by A.I.D. require a different course of action.

#### § 213.3 Subdivision of claims.

A debtor's liability arising from a particular contract or transaction (for example, each individual Supplier's Certificate and Agreement with AID—Form 282) shall be considered a single claim for purposes of the monetary ceilings of the FCCS.

#### § 213.4 Late payment, penalty and administrative charges.

(a) Except as otherwise provided by statute, loan agreement or contract, A.I.D. will assess:

(1) *Late payment charges* (interest) on unpaid claims at the Treasury tax and loan account rate or the prompt payment interest rate established under section 12 of the Contract Disputes Act of 1978.

(2) *Penalty Charges* at 6 percent a year on any portion of a claim that is delinquent for more than 90 days.

(3) *Administrative charges* to cover the costs of processing and calculating delinquent claims.

(b) Late payment charges shall be computed from the date of *mailing* or *hand delivery* of the notice of the claim and interest requirements.

(c) *Waiver.* (1) Late payment charges are waived on any claim or any portion of a claim which is paid within 30 days after the date on which late payment charges begin to accrue.

(2) The 30 day period may be extended on a case-by-case basis if it is determined that an extension is appropriate.

(3) AID may waive late payment, penalty and administrative charges under the FCCS criteria for the compromise of claims (41 CFR Part 103) or upon a determination that collection of the charges would be against equity and good conscience or not in the best interests of the United States, including for example:

(i) Pending consideration of a request for reconsideration, administrative review or waiver under a permissive statute,

(ii) If repayment of the full amount of debt is made after the date upon which interest and other charges become payable and the estimated costs of recovering the residual balance exceed the amount owed, or

(iii) If collection of interest or other charges would jeopardize collection of the principal of the claim.

#### § 213.5 Demand for payment.

(a) A total of three progressively stronger written demands at approximately 30-day intervals will normally be made, unless a response or other information indicates that additional written demands would either be unnecessary or futile. When necessary to protect the Government's

interest, written demand may be preceded by other appropriate actions under the Federal Claims Collection Standards, including immediate referral for litigation and/or offset.

(b) The initial written demand for payment (usually a Bill for Collection, AID Form 7–129) shall inform the debtor of:

(1) The basis for the claim;

(2) The amount of the claim;

(3) The date when payment is due 30 days from date of mailing or hand delivery of the initial demand for payment;

(4) The provision for late payment (interest), penalty and administrative charges, if payment is not received by the due date.

**§ 213.6 Collection by offset.**

(a) Collection by administrative offset will be undertaken only on claims which are liquidated or certain in amount. Offset will be used whenever feasible and not otherwise prohibited.

Offset is not required to be used in every instance and consideration should be given to the debtor's financial condition and the impact of offset on Agency programs or projects.

(b) The procedures for offset in this part do not apply to the offset of Federal salaries under 5 U.S.C. 5514 or offset under section 640A of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2399.

(c) Before offset is made, the agency will provide the debtor with written notice informing the debtor of:

(1) The nature and amount of the claim;

(2) The intent of the agency to collect by administrative offset, including asking the assistance of other Federal agencies to help in the offset whenever possible, if the debtor has not made payment by the payment due date or has not made an arrangement for payment by the payment due date;

(3) The right of the debtor to inspect and copy the records of the agency related to the claim;

(4) The right of the debtor to a review of the claim within the agency. If the claim is disputed in full or part, the debtor shall respond to the demand in writing by making a request to the billing office for a review of the claim within the agency by the payment due date stated in the notice. The debtor's written response shall state the basis for the dispute. If only part of the claim is disputed, the undisputed portion must be paid by the date stated in the notice to avoid late payment, penalty and administrative charges. If A.I.D. either sustains or amends its determination, it shall notify the debtor of its intent to collect the claim, with any adjustments based on the debtor's response by administrative offset unless payment is received within 30 days of the mailing of the notification of its decision following a review of the claim.

(5) The right of the debtor to offer to make a written agreement to repay the amount of the claim.

(6) The notice of offset need not include the requirements of paragraphs (3), (4) or (5) of this subsection if the debtor has been informed of the requirements at an earlier stage in the administrative proceedings, e.g., if they were included in a final contracting officer's decision.

(d) A.I.D. will promptly make requests for offset to other agencies known to be holding funds payable to a debtor and, when appropriate, place the name of the debtor on the "List of Contractors Indebted to the United States." A.I.D. will provide instructions for the transfer of funds.

(e) A.I.D. will promptly process requests for offset from other agencies and transfer funds to the requesting agency upon receipt of the written certification required by § 102.3 of the FCCS.

**§ 213.7 Disclosure to consumer reporting agencies and contracts with collection agencies.**

(a) A.I.D. may disclose delinquent debts, other than delinquent debts of current Federal employees, to consumer reporting agencies in accordance with 31 U.S.C. 3711(f) and the FCCS.

(b) A.I.D. may enter into contracts with collection agencies in accordance with 31 U.S.C. 3718 and the FCCS.

**§ 213.8 Delegation of authority.**

(a) The Assistant to the Administrator for Management, the Controller, and their designees in the Office of Financial Management are delegated the following authorities and functions:

(1) The administrative collection of claims, including the disclosure to consumer reporting agencies and collection agencies.

(2) The suspension and termination of claims under $20,000, exclusive of interest, penalties and administrative charges.

(3) The referral of claims to the GAO.

(b) The General Counsel and his designees in the Office of the General Counsel:

(1) May compromise claims under $20,000, exclusive of interest, penalties and administrative charges.

(2) Are responsible for referring claims to the Department of Justice for litigation.

(c) USAID Mission Directors or their designees may compromise, suspend or terminate claims not exceeding $1,000, exclusive of interest, penalties and administrative charges

Dated: May 20, 1985.

**James A. Norris,**

*Counselor to the Agency.*

[FR Doc. 85–14897 Filed 6–20–85; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 117

**[CGD8–85–09]**

### Drawbridge Operation Regulation; Tensaw River, AL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Proposed rule.

**SUMMARY:** At the request of the Seaboard System Railroad, the Coast Guard is considering a change in the regulation governing the operation of the swing span railroad bridge over the Tensaw River, mile 15.0, near Hurricane, Baldwin County, Alabama, by requiring that at least eight hours advance notice be given for an opening of the draw from 5 p.m. to 9 a.m. The bridge would open on signal outside these hours. Presently, the draw is required to open on signal from 8 a.m. to midnight. The draw is not required to open from midnight to 8 a.m., except that, during periods of severe storms or hurricanes the draw is required to open on signal. This proposal is being made because of infrequent requests to open the draw during the proposed advanced notice period. This action should relieve the bridge owner of the burden of having a person available at the bridge between 5 p.m. and 9 a.m. and should still provide for the reasonable needs of navigation.

**DATE:** Comments must be received on or before August 5, 1985.

**ADDRESS:** Comments should be mailed to Commander (obr), Eighth Coast Guard District, 500 Camp Street, New Orleans, Louisiana 70130. The comments and other materials referenced in this notice will be available for inspection and copying in Room 1115 at this address. Normal office hours are between 8:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** Perry Haynes, Chief, Bridge

Administration Branch, at the address given above, telephone (504) 589–2965.

**SUPPLEMENTARY INFORMATION:**

Interested persons are invited to participate in this 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, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. This proposed regulation may be changed in the light of comments received.

**Drafting Information**

The drafters of this notice are Perry Haynes, project officer, and Steve Crawford, project attorney.

**Discussion of Proposed Regulation**

Vertical clearance of the bridge in the closed position is 11.0 feet above high water and 12.0 feet above low water. There are, on average, eleven trains crossing the bridge daily. Navigation through the bridge consists of tugs with tows and pleasure boats. Data submitted by Seaboard System Railroad for the 12-month period from January 1984 through December 1984 show that this traffic through the bridge is as follows:

(1) During the proposed eight hours advance notice period of 5 p.m. to 9 a.m., there were 51 bridge openings—an average of 4.2 openings per month or an average of one opening every seven days.

(2) During the remaining hours when the draw opens on signal, there were 78 bridge openings—an average of 6.6 openings per month or an average of two openings every nine days.

The eight hours advance notice for an opening of the draw would continue to be given to the railroad Train Master's office in Pensacola, Florida, by placing a collect call at any time, telephone (904) 434–3183.

To provide for leeway in the appointed arrival time, Seaboard System Railroad would have a tender at the bridge at least one-half hour before the appointed time who would remain at least one-half hour after that time for a late arriving vessel.

**Economic Assessment and Certification**

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

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the number of vessels passing this bridge during the proposed advance notice period, 5 p.m. to 9 a.m., is one vessel every seven days. 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.

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

1. The authority citation for Part 117 continues to read as set forth below:

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

2. Section 117.113 is revised to read as follows:

**§ 117.113 Tensaw River.**

The draw of the Seaboard System Railroad bridge, mile 15.0 at Hurricane, shall open on signal; except that, from 5 p.m. to 9 a.m., the draw shall open on signal if at least eight hours notice is given. During periods of severe storms or hurricanes, from the time the National Weather Service sounds an "alert" for the area until the "all clear" is sounded, the draw shall open on signal.

Dated: May 28, 1985.

**W.H. Stewart,**

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

[FR Doc. 85–14858 Filed 6–20–85; 8:45 am]

BILLING CODE 4910–14–M

## DEPARTMENT OF ENERGY

### 48 CFR Parts 904 and 952

### Acquisition Regulation; Safeguarding Sensitive Unclassified Information Within Industry

**AGENCY:** Department of Energy.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This rule proposes to amend the Department of Energy Acquisition Regulation (DEAR). The amendment adds a new contract clause and related instructions concerning Department of Energy (DOE) procedures for safeguarding sensitive unclassified information within industry. The intended effect of the provision is to ensure an adequate screening process and clearance of all persons involved in the design, operation, or maintenance of ADP or telecommunication systems.

**DATE:** Written comments should be submitted no later than July 22, 1985, to be considered.

**ADDRESS:** Comments should be addressed to the Department of Energy, Procurement Policy Branch, Laura Bick, MA–421.1, 1000 Independence Avenue SW., Washington, D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:**

Laura Bick, Procurement Policy Branch (MA–421.1), Procurement and Assistance, Management Directorate, Washington, D.C. 20585, (202) 252–8246

Christopher T. Smith, Office of the AGC for Procurement and Financial Incentives, GC–43, Washington, D.C. 20585, (202) 252–1526.

**SUPPLEMENTARY INFORMATION:**



**I. Background**

The increasing use of computer technology and telecommunications to improve the effectiveness of governmental programs has introduced a variety of management problems. For example, problems have been encountered in the misuse of computer technology to perpetrate crime. In other cases inadequate administrative practices have resulted in improper payment, unnecessary purchases or other improper actions. Office of Management and Budget (OMB) Circular No. A–71, Transmittal Memorandum No. 1, dated July 27, 1978, promulgated policy and responsibilities for the development and implementation of computer security programs. The Federal Information Resources Management Regulation (FIRMR) at 41 CFR Part 201–7 requires the head of each agency to assure an adequate level of security for all agency data whether processed in-house or commercially. This includes responsibility for the establishment of physical, administrative and technical safeguards required to adequately protect personal

proprietary, or other sensitive data not subject to national security regulations.

With this notice DOE proposes a new contract clause which is intended to protect sensitive unclassified information and systems from improper use, unauthorized disclosure, alteration or destruction. The proposed contract clause is applicable to those contractors whose employees participate in the design, operation, or maintenance of computer or telecommunication systems, or will have access to DOE sensitive unclassified data stored in computer systems.

Specifically, under this contract clause the contractor will be required to have a personnel screening procedure for those employees with such access, and to apply specified standards before determining whether an employee should have access to such systems or data. The process need not be applied to contractor personnel who currently have a DOE or other government agency access authorization or security clearance for access to classified information or special nuclear materials. The specific changes to the DEAR are as follows:

Part 904 is revised by adding a table of contents for subpart 904.71, and by adding a new subpart 904.71, Safeguarding Sensitive Unclassified Information Within Industry.

Section 904.7100 identifies who is covered by this subpart. Specifically, the subpart applies to contracts or other agreements in which contractor employees will participate in the design, operation, or maintenance of sensitive unclassified computer or telecommunication systems, or will have access to DOE sensitive unclassified data stored in computer system.

Section 904.7101 defines the terms and concepts which are applicable to this subpart: access; sensitive computer or telecommunication systems; and sensitive unclassified data.

Section 904.7102 states that the Federal policy requires that personnel screening procedures be developed for Federal and contractor employees having access to sensitive unclassified data and systems. The DOE will require such contractors to maintain satisfactory standards of employees' qualifications, performance, conduct, and business ethics under its own personnel policies.

Section 904.7103 advises the contracting officer to include the proposed new contract clause at 952.204-75 when the contract will involve access to sensitive unclassified data as determined by DOE by either a sensitivity analysis of an application or a risk analysis of the system.

The revision to Part 952 adds a new contract clause at 952.204-75, Screening Requirements for Personnel Having Access to Sensitive Unclassified Computer Systems, Telecommunications Systems, or Sensitive Unclassified Data. The proposed contract clause requires the contractor to establish a personnel screening procedure for employees having access to DOE sensitive unclassified computer systems, telecommunication systems or data. The contractor will have to make a determination concerning an employee's eligibility or continued eligibility for access to such systems or data. The contractor shall also determine eligibility of any non-employees having access such as maintenance personnel.

The screening process need not be applied to contractor personnel who have DOE or other government agency access authorization or a security clearance for access to classified information or special nuclear materials.

The clause lists five actions that must be included as a minimum in a screening process. They are:

(1) A review of the employment forms.

(2) A personal reference check.

(3) A verification of previous employment.

(4) A verification of education.

(5) A credit check.

The clause states that such verifications need not be conducted if such checks had been made within 2 years prior to determining an individual's eligibility for access.

The clause also requires that a determination be made based on an evaluation of several criteria which relate to the checks listed above. It is intended that evaluation of these criteria will permit the contractor to make a determination whether the individual being evaluated is an acceptable risk, and access will probably not lead to unauthorized disclosure, improper use, manipulation, alteration, or destruction of sensitive unclassified data. In cases where an initial determination has been made to disapprove an individual's access, the individual shall be informed of the reasons and afforded an opportunity to refute the information which was the basis of the determination. Then the contractor shall make the final determination, inform the individual, and place a copy of the determination in the individual's personnel file.

The contractor shall conduct an annual review of the employee's personnel file to assure continued eligibility for access and discuss this review in the records or file. Such records shall be made available to DOE officials conducting audits or computer security program compliance reviews.

The clause requires that the substance of the clause be included in any subcontracts having the same access.

## II. Procedural Requirements

### *A. Review Under Executive Order 12291*

This Executive Order entitled "Federal Regulation" requires that certain regulations be reviewed by the Office of Management and Budget (OMB) prior to their promulgation. Procurement regulations are exempt from this review except for regulations involving specific procurement topics listed in OMB Bulletin No. 85-7, dated December 14, 1984. This proposed rule does not include any of the specific procurement topics listed as exceptions to the exemption.

### *B. Review Under the Regulatory Flexibility Act*

This proposed rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

### *C. Paperwork Reduction Act*

No information collection or recordkeeping requirements are imposed on the public by this proposed rulemaking. Accordingly, no OMB clearance is required by the Paperwork Reduction Act of 1980, 44 U.S.C. 3504(h), or OMB's implementing regulations at 5 CFR Part 1320.

### *D. National Environmental Policy Act*

DOE has concluded that promulgation of this rule would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 *et seq.* (1976)), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and the DOE guidelines (10 CFR Part 1021), and therefore does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

## III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DEAR amendments set forth in this notice.

All written comments received will be carefully assessed and fully considered prior to publication of the proposed amendment as a final rule.

The Department has concluded that this proposed rule does not involve a substantial issue of fact or law and that the proposed rule should not have a substantial impact on the nation's economy or large number of individuals or businesses. Therefore, pursuant to Pub. L. 95-91, the DOE Organization Act, the Department does not plan to hold a public hearing on this proposed rule.

**List of Subjects in 48 CFR Parts 904 and 952**

Government procurement, DOE acquisition regulation.

For the reasons set out in the preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, DC on June 7, 1985.

**Thomas J. Davin, Jr.,**

*Acting Director, Procurement and Assistance Management Directorate.*

The regulations in 48 CFR Chapter 9 are proposed to be amended as set forth below.

1. The authority citation for Part 904 reads as follows:

**Authority:** Sec. 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254); and section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

2. The Table of Contents for Part 904 is amended by adding a new subpart 904.71 as follows:

## PART 904—ADMINISTRATIVE MATTERS

* * * * *

**Subpart 904.71—Safeguarding Sensitive Unclassified Information Within Industry**

Sec.



* * * * *

3. A new subpart 904.71 is added as follows:

## Subpart 904.71—Safeguarding Sensitive Unclassified Information Within Industry

**904.7100 Applicability.**

This subpart is applicable to those contracts in which contractor employees participate in the design, operation or maintenance of sensitive unclassified computer or telecommunication systems, or will have access to DOE sensitive unclassified data stored in computer systems.

**904.7101 Definitions.**

(a) "Access" means the ability to design, operate, or maintain computer or telecommunication systems or make use of hardware, software, or data stored in computer systems.

(b) "Sensitive computer or telecommunication systems" means automated data processing or telecommunciation equipment and related software applications that require a degree of protection because they contain or transmit, at a minimum, sensitive unclassified data or because of the risk and magnitude of loss or harm that could result from improper operation or deliberate manipulation of such equipment, for example, automated decisionmaking systems.

(c) "Sensitive unclassified data" means information requiring a degree of protection due to the risk and magnitude of loss or harm that could result from improper use, inadvertent or deliberate disclosures, alteration, or destruction. Sensitive unclassified data may include, but are not limited to: personnel data maintained in systems or records subject to the Privacy Act of 1974, Pub. L. 93-579, (5 U.S.C. 552a); proprietary business data within the meaning of 18 U.S.C. 1905 and the Freedom of Information Act, (5 U.S.C. 552); unclassified controlled nuclear information within the meaning of 42 U.S.C. 2168; energy supply data; economic forecasts; and financial data.

**904.7102 Policy.**

It is Federal policy that sensitive unclassified information be protected from improper use, alteration, manipulation, or unauthorized disclosure as a result of criminal, fraudulent, or other improper actions. (OMB Circular No. A-71, Transmittal Memorandum No. 1, "Security of Federal Automated Information Systems," of 7/27/78). Therefore to help assure this security, DOE shall require each contractor having access to DOE sensitive unclassified computer or telecommunication systems to ahve a personnel screening procedure for its employees with such access. Although DOE will not establish a separate clearance program for contractor and subcontractor employees who are in positions associated with sensitive unclassified computer or telecommunication systems, each contractor shall be required to maintain personnel policies and procedures that ensure that its employees meet standards of qualification, performance, conduct, and business ethics which are commensurate with the sensitivity of the information processed.

**904.7103 Contract clause.**

When the contracting officer has been advised by DOE officials that a contract involves a computer or telecommunication system or data has been designated by that program office as sensitive based on the results of either a sensitivity determination or a risk analysis and as a result the contract employees will have access to sensitive unclassified data as defined in 904.7101, the clause in 952.204-75 shall be included in the contract.

## PART 952—[AMENDED]

4. The authority citation for Part 952 continues to read as follows:

**Authority:** Sec. 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254); (42 U.S.C. 7254); and section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

5. Section 952.204 is amended by adding a new subsection 952.204-75 as follows:

**952.204 Clauses related to administrative matters.**

**§ 952.204-75 Screening requirements for personnel having access to DOE sensitive computer systems, telecommunciation systems, or sensitive unclassified data.**

As prescribed in 904.7103, insert the following contract clause in contracts subject to 904.7100.

**Screening Requirements for Personnel Having Access to DOE Sensitive Computer Systems, or Telecommunication Systems, or Sensitive Unclassified Data**

(a) For purposes of this contract

(1) "Access" means the ability to design, operate, or maintain computer or telecommunication systems or make use of hardware, software, or data stored in computer systems.

(2) "Sensitive computer or telecommunication systems" means automated data processing or telecommunication equipment and related software applications that require a degree of protection because they contain or transmit, at a minimum, sensitive unclassified data or because of the risk and magnitude of loss or harm that could result from improper operation or deliberate manipulation of such equipment, for example, automated decisionmaking systems.

(3) "Sensitive unclassified data" means information requiring a degree of protection due to the risk and magnitude of loss or harm that could result from inadvertent or deliberate disclosures, alteration, or destruction. Sensitive unclassified data may include, but are not limited to: personnel data maintained in systems or records subject to the Privacy Act of 1974, Pub. L. 93-579 (5 U.S.C. 552a); proprietary business data within the meaning of 18 U.S.C. 1905 and the Freedom of Information Act (5 U.S.C. 552);

unclassified controlled nuclear information within the meaning of 42 U.S.C. 2168; energy supply data; economic forecasts; and financial data.

(b) The contractor is responsible for protecting DOE sensitive unclassified information in computer and telecommnication systems from improper use, alteration, manipulation, or unauthorized disclosure as a result of criminal, fraudulent, or other improper actions. As part of its effort to protect this information, the contractor agrees to establish a personnel screening procedure for those employees that have access to DOE sensitive unclassified computer or telecommnication systems or data. Based on the review discussed in paragraph (d) below, the contractor shall make a determination as to an employee's eligibility or continued eligibility for access to such systems and data.

(c) The personnel screening process need not be applied to contractor personnel who currently have a DOE or other government agency access authorization or security clearance for access to classified information or special nuclear materials.

(d) In instances where an individual requiring access is not an employee of the contractor, e.g., a member of the academic community, foreign exchange personnel, or maintenance/vendor personnel, the contractor or subcontractor providing access to the individual shall be responsible for evaluating the risk of granting the individual eligibility for access.

(e) The personnel screening activities listed in (1) through (5) below are to be conducted only to determine an individual's eligibility or continued eligibility for access to sensitive unclassified computer or telecommunication systems or data. Such a determination is not to be construed as a substitute for determining whether an individual is suitable for employment. At a minimum, the activities to be conducted in the personnel screening process are:

(1) A review of the employment forms completed by the individual.

(2) A personal reference check.

(3) For employees hired within the last two years verification of employment for the 2 years prior to current employment.

(4) Verification of education (high school or beyond) within the last 5 years that resulted in the awarding of a degree.

(5) A credit check.

(f) If the checks and verifications enumerated in (e)(1) through (e)(5) above were conducted and completed within 2 years prior to determining an individual's eligibility for access, the activities need not be conducted a second time.

(g) Contractor approval for an individual's access shall be a determination, based upon evaluation of the following criteria, that permitting the individual's access to sensitive unclassified computer or telecommunication systems or data is an acceptable risk and will probably not lead to unauthorized disclosures, improper use, manipulation, alteration, or destruction of sensitive unclassified data.

(1) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(2) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(3) Any criminal, dishonest or immoral conduct (as defined by local law), habitual use of intoxicants to excess, or drug addiction.

(4) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(h) The contractor's screening process shall provide that when an initial determination is made to disapprove the individual for access, the individual shall be informed of the determination and the reasons thereof. The contractor shall afford the individual an opportunity to refute or rebut the information that has formed the basis for the initial determination. If the individual provides new information, the unfavorable information that formed the basis in the initial disapproval of access, as well as the new information presented by the individual, shall again be reviewed in order to render a final determination as to whether access shall be approved. The individual shall be informed of the final determination.

(i) The individual's employment records or personnel file shall contain a copy of the final determination and the basis for the determination. If access is approved, annual reviews of the individual's employment records or personnel file shall be conducted by the employer to assure the individual's continued eligibility for access. Annual reviews and recertification or approvals for access shall be noted in the records or file.

(j) The personnel screening process shall be made available, as required, to DOE officials or their representatives conducting contract audits or computer security program compliance reviews.

(k) The substance of this clause shall be included in any subcontracts in which the subcontractor employees will have access to sensitive unclassified data in computer or telecommunication systems.

[FR Doc. 85-14959 Filed 6-20-85; 8:45 am]
BILLING CODE 6450-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 216

[Docket No. 50692-5092]

### Regulations Governing the Taking and Importing of Marine Mammals

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

**ACTION:** Notice of receipt of a petition to undertake rulemaking.

**SUMMARY:** On May 9, 1985, the National Marine Fisheries Service (NMFS) received a petition from the Safari Club International requesting several modifications to the U.S. marine mammal regulations to require periodic review on the status of marine mammal species and to determine whether the moratorium on any of these species should be waived. Under their proposal, all waivers would be subject to an opportunity for a public hearing on the record and if not implemented within two years of publication of the proposed rulemaking, would be withdrawn not later than thirty days thereafter. The NMFS is required to publish notice of receipt of a petition, solicit comments on its merit and determine whether or not to propose a rule within 120 days of receipt.

**DATE:** Comments on the Petition should be submitted on or before August 5, 1985.

**ADDRESS:** Requests for copies of the petition and all comments should be addressed to the Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Washington, D.C. 20235.

**FOR FURTHER INFORMATION CONTACT:** K.R. Hollingshead (Marine Resources Management Specialist), 202-634-7529.

**SUPPLEMENTARY INFORMATION:** Section 101 of the Marine Mammal Protection Act (MMPA) established a moratorium on the taking and importation of marine mammals and marine mammal products. Under section 101(a)(3)(A), the Secretary,

> On the basis of the best scientific evidence available . . . is authorized and directed, from time to time, having due regard to the distribution, abundance, breeding habits, and times and lines of migratory movements of such marine mammals, to determine when, to what extent, if at all, and by what means, it is compatible with this Act to waive the requirements of this section so as to allow taking, or importing of any marine mammal, or any marine mammal product, and to adopt suitable regulations, issue permits, and make determinations in accordance with sections 102, 103, 104, and 111 of this title permitting and governing such taking and importing, in accordance with such determinations; Provided, however, that the Secretary, in making such determinations, must be assured that the taking of such marine mammal is in accord with sound principles of resource protection and conservation as provided in the purposes and policies of this Act . . .

The NMFS has promulgated regulations to waive the moratorium for taking incidental to commercial fishing operations (39 FR 32117, September 5, 1974; 40 FR 56899, December 5, 1975; 42 FR 12010, March 1, 1977; 42 FR 64548, December 23, 1977; 45 FR 76178, October 30, 1980; and 46 FR 27056, May 15, 1981); to return the management of marine mammals to the State of Alaska (44 FR 2540, January 11, 1979; and 48 FR 20614,

May 6, 1983); and for small takes of marine mammals (47 FR 21231, May 18, 1982). These waiver actions were undertaken in response to requests from U.S. citizens.

On May 7, 1985, the Safari Club International petitioned the Secretary of Commerce as provided under 5 U.S.C. 553(e) for rulemaking requiring the NMFS to conduct a periodic review on the status of marine mammal species and to determine whether the moratorium on any of these species should be waived. The NOAA Directives requires the NMFS to publish notice of the receipt of this petition for public comment.

Specifically, the Petitioner requests the NMFS (1) to add a new subpart J to 50 CFR Part 216 requiring a review of at least once every five years of the status of marine mammal species in order to determine whether the MMPA moratorium on the taking and importing of marine mammals and marine mammal products should be waived for any species.

(2) With respect to the five-year review, the Petitioner requests that § 216.73 of Chapter 50 be amended by adding a new subsection (c) requiring the Director (i.e. Assistant Administrator for Fisheries) to offer the substance of the **Federal Register** notice required by this section for publication in appropriate scientific journals.

(3) That § 216.90(c) be amended by adding the requirement that final regulations waiving the moratorium with respect to any species of marine mammal, or part thereof, shall be published in the **Federal Register** not later than two years after the date of publication of the notice of proposed waiver.

(4) If a final regualtion is not adopted within such two-year period, the Director shall publish notice of such withdrawal in the **Federal Register** not later than 30 days after the end of such period.

(5) The Director shall not prepare a regulation waiving the moratorium with respect to any species of marine mammals, or part thereof, for which a proposed regulation has been withdrawn unless he receives sufficient new information to warrant the proposal of a regulation, or unless three years have elapsed since the withdrawal of a prior proposed regulation to waive the moratorium.

(6) Publication in the **Federal Register** of any final regulation waiving the moratorium shall include a summary by the Director of the data on which such regulation is based and shall show the relationship of such data to such regulations.

In accordance with NOAA Directives, the NMFS has 120 days in which to render a decision on the Petition and rulemaking. The NMFS is required to inform the Petitioner of this determination within 120 days of receipt of this petition. This decision will be published in the **Federal Register**.

Dated: June 12, 1985.

**Carmen J. Blondin,**

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

[FR Doc. 85-14904 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-22-M

# Notices

Federal Register
Vol. 50, No. 120
Friday, June 21, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### Privacy Act; System of Records; Debt Collection Act of 1982

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice of revision of Privacy Act System of Records.

**SUMMARY:** Notice is hereby given that USDA is revising one of its Privacy Act systems of records maintained by the Farmers Home Administration, USDA/FmHA–1, "Applicant/Borrower of Grantee File, USDA/FmHA." This action is necessary to recognize organizational changes involving custodianship of FmHA records and to report information to consumer reporting agencies as authorized by the Debt Collection Act of 1982. The intended effect is to enable FmHA to provide information from a borrower's file to effectively collect and service loans.

**EFFECTIVE DATE:** July 22, 1985. Comments must be received by the contact person listed below on or before July 22, 1985.

**FOR FURTHER INFORMATION CONTACT:** Virgle L. Cunningham, Jr., Freedom of Information Officer, Directives and Administrative Services Division, Farmers Home Administration, USDA, Room 6865, South Building, Washington, D.C. 20250, telephone (202) 382–9638.

**SUPPLEMENTARY INFORMATION:** USDA hereby amends its system of records, USDA/FmHA–1, by: modifying the "System location" to add additional State Offices and to recognize that District Directors are custodians of USDA/FmHA–1 files administered by District Offices; amending the "Routine uses of records maintained in the system, including categories of users and the purposes of such uses" to permit referral of information to other government agencies, courts, magistrates, administrative tribunals, opposing counsels, and servicing contractors; adding a new section, "Disclosures pursuant to 5 U.S.C. 552(b)(12)," to permit referral of information to consumer reporting agencies; and making other minor revisions.

By this action FmHA will (1) be able to report debts to credit reporting agencies, (2) clarify its authority to turn borrower files over to servicing contractors, and (3) be able to use such information in effectively collecting and servicing loans. Accordingly, USDA revises the full text of FmHA's system of records, USDA/FmHA–1, "Applicant/Borrower or Grantee File, USDA/FmHA." (Privacy Act Issuances, 1984 Compilation, volume I, pages 23–24) to read as printed below.

Signed at Washington, D.C., on June 3, 1985.

**John R. Block,**
*Secretary of Agriculture.*

#### USDA/FmHA–1

**SYSTEM NAME:**

Applicant/Borrower or Grantee File, USDA/FmHA.

**SYSTEM LOCATION:**

Each applicant's/borrower's or grantee's file is located in the County, District, or State Office through which the financial assistance is sought or was obtained, and the Finance Office in St. Louis, Missouri. A District Office version of the County Office file may be located in or accessible by the District Office responsible for that County. A State Office version of the County or District Office file may be located in or be accessible by the State Office responsible for that County or District Office. Correspondence about borrowers is located in the National and State Office files.

A list of State offices and any additional States for which an office is responsible follows:

Montgomery, AL
Palmer, AK
Little Rock, AR
Phoenix, AZ
Woodland, CA
Denver, CO
Newark, DE–MD
Gainesville, FL
Athens, GA
Hilo, HI—Western Pacific Terr.
Boise, ID
Champaign, IL
Indianapolis, IN
Des Moines, IA
Topeka, KS
Alexandria, LA
Orono, ME
Amherst, MA–CT–RI
East Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Bozeman, MT
Lincoln, NE
Mt. Holly, NJ
Albuquerque, NM
Syracuse, NY
Raleigh, NC
Bismarck, ND
Columbus, OH
Stillwater, OK
Portland, OR
Harrisburg, PA
Hato Rey, PR
Columbia, SC
Huron, SD
Nashville, TN
Temple, TX
Salt Lake City, UT–NV
Montpelier, VT–NH–VI
Richmond, VA
Wenatchee, WA
Morgantown, WV
Stevens Point, WI
Casper, WY

The address of State, District and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration." The Finance Office is located at 1520 Market Street, St. Louis, Missouri 63103.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and former FmHA applicants/borrowers and grantees including members of associations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system consists of files containing applicant's/borrower's or grantee's characteristics such as gross and net income, sources of income, capital, assets and liabilities, net worth, age, observed race, number of dependents, marital status, credit report, reference material, and operating plans. In addition, a running record of observation concerning the operations of the person being financed is included. A record of deposits in and withdrawals from a person's supervised bank account is also contained in those files where appropriate or, in some County

Offices, maintained in a separate folder containing only information relating to activity within supervised bank accounts. Some items of information are extracted from the person's file and placed in a card file for quick reference.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., 42 U.S.C. 2706.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regultory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

Information not identified with any individual borrower(s) may provide the basis for statistical reports and news releases citing borrowers' progress.

Referral to employers, businesses, landlords, creditors and others to determine repayment ability and eligibility for FmHA programs.

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Referral to a collection or servicing contractor, or a local, State, or Federal agency, when FmHA determines such referral is appropriate for servicing or collecting the borrower's account or as provided for in contracts with servicing or collection agencies.

Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Referral of commercial credit information, which is filed in a system of records, to a commercial credit reporting agency for it to make the information publicly available.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

**DISCLOSURES PURSUANT TO 5 U.S.C. 552A(B)(12):**

Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders at the State, District, County, and National Office. A limited subset of personal, financial, and characteristics data required for effective management of the programs and borrower repayment status is maintained on disc or magnetic tape at the Finance Office, accessible by each appropriate office.

**RETRIEVABILITY:**

Records are indexed by name, identification number and type of loan or grant. Data may be retrieved from paper records or magnetic tape. A limited subset of data is available through telecommunications capability ranging from telephones to intelligent terminals. The telecommunications capability is available to all FmHA offices.

**SAFEGUARDS:**

Records are kept in local offices at the State, District, County, and National Office. A limited subset of data is also maintained in a properly managed tape and disc library and an online retrieval system at the Finance Office. Access is restricted to authorized FmHA personnel. A system of operator and terminal passwords and code numbers is used to restrict access to the online system. These codewords and numbers are changed as necessary.

**RETENTION AND DISPOSAL:**

Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366–380) and in accordance with FmHA's disposal schedules. Disposal of records at the State, District, County, and National Office is accomplished through deposit in office waste containers. Records at the Finance Office are disposed of by overprinting.

Applications which are rejected, withdrawn, or otherwise terminated are kept in the County, District or State Office one full fiscal year after the fiscal year in which final action was taken on the application.

The records of borrowers who have paid or otherwise satisfied their obligation are retained in the County, District, or State Office one full fiscal year. In those instances where real estate has been acquired by the FmHA through foreclosure, conveyance of title, etc., and subsequently sold to a borrower not eligible for FmHA programs, the State Office folder for this borrower will be tranferred to the National Office after the account has been paid in full. The folder will be retained at the Federal Records Center for 10 years.

Correspondence records at the National Office which concern borrowers and applicants are retained three fiscal years after the last year in which there was correspondence.

**SYSTEM MANAGER(S) AND ADDRESS:**

The County Supervisor at the County level, District Director at the District level, and the State Director at the State Office level, the Director of the Finance Office for Finance Office records, and the Administrator, FmHA, for the National Office file.

**NOTIFICATION PROCEDURE:**

Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention: Freedom of Information Officer), USDA/FmHA, Washington, D.C. 20250. A request for information pertaining to an individual should contain: Name, address, FmHA Office where loan/grant was applied for/approved and particulars involved (i.e., date of request/approval, which FmHA program, etc.).

**RECORD ACCESS PROCEDURES:**

Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the Systems Managers referred to in the preceding paragraph.

**CONTESTING RECORD PROCEDURES:**

Same as access.

**RECORD SOURCE CATEGORIES:**

Information in this system comes primarily from the applicant/borrower/grantee.

[FR Doc. 85–15061 Filed 6–20–85; 8:45 am]
BILLING CODE 3410–18–M

## DEPARTMENT OF COMMERCE

### Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for

collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.
Title: Annual Survey of Manufacturers.
Form Number: Agency—MA-1000 (MU), (SU), (S), and (B); OMB—0607-0449.
Type of Request: Extension of a currently approved collection.
Burden: 81,000 respondents; 211,200 reporting hours.
Needs and Uses: This program supplies the key measures of manufacturing activity for intercensal years. Its results are used widely as a benchmark for other statistical programs, including the Federal Reserve Board's Index of Industrial Production, the Bureau of Economic Analysis estimates of the gross national product, and the Department of Commerce's annual production, "Industrial Outlook."
Affected Public: Businesses or other for-profit institutions.
Frequency: Annually.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Timothy Sprehe, 395-4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622,, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: June 18, 1985.

**Edward Michals,**

*Departmental Clearance Officer.*

[FR Doc. 85-14976 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-07-M

## Privacy Act of 1974; Routine Use

**AGENCY:** Office of the Secretary, Department of Commerce.

**ACTION:** Notice of proposed new routine use.

**SUMMARY:** The purpose of this document is to give notice of a proposed routine use to be added to the Commerce Privacy Act System of records, COMMERCE/DEPT-1

The proposed routine use would permit the Commerce Department ot furnish attendance, leave, and other payroll-related data of its employees and certain other persons to the Agriculture Department's National Finance Center which will assume Commerce's functional responsibilities for payroll purposes. This proposed changeover, which would become effective July 21, 1985, follows the intent of Reform 88 to reduce administrative systems, and would afford Commerce a less expensive means of utilizing state-of-the-art automated systems.

Except for the addition of the provision for disclosures to the Agriculture Department's National Finance Center, there are no other changes to COMMERCE/DEPT-1; thus the system is not being published in its entirety. The revised routine use section appears below.

**EFFECTIVE DATE:** The proposed new routine use will become effective, without further notice, 30 days from the date of this publication, unless comments dictate otherwise.

**ADDRESS:** Written comments on the proposed new routine use may be sent or delivered to: Information Management Division, Attention: Ms. Geraldine LeBoo, Office of Information Resources Management, Department of Commerce, Room 6622, Herbert C. Hoover Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** Ms. Geraldine LeBoo, Information Management Division, (202) 377-4217.

Dated: June 17, 1985.

**Marilyn S. McLennan,**

*Chief, Information Management Division, Office of Information Resources Management.*

**COMMERCE/DEPT-1**

**SYSTEM NAME:**

Attendance, Leave, and Payroll Records of Employees and Certain Other Persons—COMMERCE/DEPT-1.

* * * * *

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Transmittal of data to U.S. Departments of Agriculture, and Treasury, and employee-designated financial institutions to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, alimony, child support, and other authorized purposes.

Reporting: Tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health and life insurance to the insurance carriers and the U.S. Office of Personnel Management; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individuals; wage, employment, and separation information to state unemployment compensation agencies, to the U.S. Department of Labor to determine eligibility for unemployment compensation, and to housing authorities for low-cost housing applications; and NOAA Corps data to U.S. Office of Personnel Management for preparation of statistical materials. Disclosure of information from this system of records may also be made to commercial contractors (debt collection agencies) for the purpose of collecting delinquent debts as authorized by the Debt Collection Act (31 U.S.C. 3718). Also, see routine use paragraphs 1-5 and 8-13 of Prefatory Statement.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f), and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

* * * * *

[FR Doc. 85-14975 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-07-M

## International Trade Administration

### Technical Regulations Subcommittee of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Technical Regulations Subcommittee of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held July 10, 1985, at 9:30 a.m., the Federal Building, Room 2007, 450 Golden Gate Avenue, San Francisco, CA. The Technical Regulations Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

**General Session**

1. Opening remarks by the Subcommittee Chairman.

2. Presentation of papers or comments by the public.

3. Review letter of May 31, 1985 to Director, OEA recommending decontrol of floppy disk.

4. Discussion/recommendation on form or format for controlling software.

5. Additional items for decontrol—members recommendation.
6. Action items underway.
7. Action items due at next meeting.

**Executive Session**

8. Discussion of matters properly classifed under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department to Commerce, Telephone: 202–377–4217. For further information or copies of the minutes call (202) 377–2583.

Dated: June 17, 1985.

**Margaret A. Cornejo,**

*Acting Director, Technical Programs Staff, Office of Export Administration.*

[FR Doc. 85–14949 Filed 6–20–85; 8:45 am]

BILLING CODE 3510-DT-M

## Imports of Stainless Steel Round Wire and Cold Drawn Round Bar; Termination of Price Monitoring Program

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce is terminating the price monitoring program for imports of stainless steel round wire (SSRW) and cold drawn round bar (CDRB). These products are subject to quantitative restraints pursuant to the section 201 decision on specialty steels announced July 19, 1983 and the President's Steel Program announced on September 18, 1984.

**EFFECTIVE DATE:** June 18, 1985.

**FOR FURTHER INFORMATION CONTACT:** Marielle M. Hoffman, Office of Agreements Compliance, Import Administration, Room 3709, Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–1102.

**SUPPLEMENTARY INFORMATION:** The monitoring price program, used by the Commerce Department to determine whether antidumping or countervailing duty cases should be self-initiated on imports of SSRW or CDRB, is being terminated. CDRB is subject to quantitative restraints adopted as part of the Section 201 remedy on specialty steels announced July 19, 1983. SSRW imports are covered by the President's program for the steel industry announced September 18, 1984. SSRW is contained in all restraint arrangements concluded to date under that program with countries such as Japan, the source of the cost data upon which the monitoring prices are based.

Dated: June 18, 1985.

**Alan F. Holmer,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 85–14974 Filed 6–20–85; 8:45 am]

BILLING CODE 3510-DS-M

## Davidson College; 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. 85–050. Applicant: Davidson College, Davidson, NC 28036. Instrument: Time correlated single Photon Counting Spectrometer. Manufacturer: Photochemical Research Associates, Canada. Intended Use: See notice at 50 FR 988.

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 a pulsed light mode providing time-correlated single photon counting. The National Institutes of Health advises in its memorandum dated April 15, 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. 85–14979 Filed 6–20–85; 8:45 am]

BILLING CODE 3510-DS-M

## U.S. Geological Survey; 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. 84–191. Applicant: U.S. Geological Survey, Reston, VA 22092. Instrument: Deep-Towed Seismic Profiling System. Manufacturer: Huntec (70) Limited, Canada. Intended Use: See notice at 49 FR 28288.

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 (1) capability for deep towing (to 1500 feet) of a sonic recorder and (2) real time measurements of reflectivity. The National Oceanic and Atmospheric Administration advises in its memorandum dated April 18, 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. 85-14982 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-DS-M

## Massachusetts Institute of Technology; 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. 85-078. Applicant: Massachusetts Institute of Technology, Cambridge, MA 02139. Instrument: Automatic Recording Spectropolarimeter System, Model J-500c and Accessories. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use: See notice at 50 FR 7363.

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 measures circular dichroism spectra using high frequency switching (50,000 times per second) between right- and left-circularly polarized light to detect weak signals. The National Bureau of Standards advises in its memorandum dated April 15, 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. 85-14978 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-DS-M

## Michigan 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. 85-103. Applicant: Michigan State University, East Lansing, MI 48824. Instrument: Nanosecond Fluorometer System, Model 2000 with Accessories. Manufacturer: Photochemical Research Associates, Inc., Canada. Intended Use: See notice at 50 FR 11233.

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 a pulsed light mode providing time-correlated single photon counting. The capability of the foreign instrument described above is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(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. 85-14981 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-DS-M

## Rutgers; Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

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. 85-046. Applicant: Rutgers, The State University, Piscataway, NJ 08854. Instrument: Rapid Kinetics Accessory for UV/VIS Spectrophotometers & Spectrofluorimeters, Model SFA-11. Manufacturer: Hi-Tech Scientific Ltd., United Kingdom. Intended use: See notice at 50 FR 987. Advice submitted by: National Institutes of Health: April 15, 1985.

Docket No. 85-049. Applicant: U.S. Environmental Protection Agency, Dulth, MN 55804. Instrument: Backscatter Electron Detector, Model 1200 EX-BEI-10 with Cabinet and Power Supply. Manufacturer: JEOL, Japan. Intended use: See notice at 50 FR 987. Advice submitted by: National Institutes of Health: April 15, 1985.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instruments, for the purposes for which the instruments are intended to be used, is being manufactured in the United States.

Reasons: These are compatible accessories for instruments previously imported for the use of the applicants. NIH advises us that the accessories are pertinent to the intended uses and that it knows of no comparable domestic accessories.

We know of no domestic accessories which can be readily adapted to the previously imported instruments.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

**Leonard E. Mallas,**

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 85-14977 Filed 6-20-185; 8:45 am]

BILLING CODE 3510-DS-M

## University of California; 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. 98-651, 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. 84-167R. Applicant: University of California, Santa Barbara, CA 93106. Instrument: Magnetometer. Manufacturer: Molspin Ltd., United Kingdom. Original notice of this resubmitted application was published in the **Federal Register** of May 8, 1984.

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 magnetic moment sensitivity of $1.0 \times 10^{-10}$ amperes per square meter for in situ measurements of sample materials. The National Bureau of Standards, advises in its memorandum dated April 22, 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)

**Leonard E. Mallas,**

*Acting Director, Satutory Import Programs Staff.*

[FR Doc. 85-14984 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-DS-M

## The University of Chicago; 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 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. 84-328. Applicant: The University of Chicago, Chicago, IL 60637. Instrument: Model EAF 18D Computer Controlled Electromagnet, Stabilized Power Supply and Type TAO1 Interface. Manufacturer: Drusch Et Cie, France. Intended Use: See notice at 49 FR 42774.

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 magnetic field with the following properties: (1) Field orientation in a vertical plane, (2) stability of $\pm(10^{-5}+2.0$ mA), and (3) homogeneity of 1.0 percent in a spherical space 8.0 centimeters in diameter. The Department of Energy advises in its memorandum dated April 1, 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. 85-14983 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-DS-M

## University of Oregon; 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 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. 84-122R. Applicant: University of Oregon, Eugene, OR 97403. Instrument: Superconducting Solenoid. Manufacturer: Oxford Instruments, United Kingdom. Intended Use: See notice at 50 FR 11232.

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: This application is a resubmission of Docket Number 84-122 which was denied without prejudice to resubmission for informational deficiencies. The foreign article, a high field 360 megahertz solenoid with a wide bore (89.0 millimeters), is an accessory which will be used to enhance the capabilities of two existing NMR spectrometers. The National Institutes of Health advises in its memorandum dated April 15, 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 or 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. 85-14980 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-DS-M

## University of Texas; Consolidated Decision on Applications for Duty-Free Entry of Spectrometers

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. 84-101R. Applicant: University of Texas at Austin. Intended Use: See notice at 50 FR 2845.

Docket No. 84-119R. Applicant: Davidson College, Davidson, NC 28036. Intended Use: See notice at 50 FR 2845.

Article: Time-Correlated Counting Spectrometer. Manufacturer: Protochemical Research Associates, Canada. Advice submitted by: National Bureau of Standards: April 23, 1985.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States.

Reasons: The application are resubmissions originally denied without prejudice to resubmission for informational deficiencies. Each foreign instrument cited by the foregoing applications operates in the nanosecond to millisecond range, with a pulsed light mode providing time-correlated single photon counting. The National Bureau of Standards advises in its respectively cited memoranda that (1) the capability of each of the foreign instruments described above is pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials

Leonard E. Mallas,

*Acting Director, Statutory Import Programs Staff.*

[FR Doc. 85-14985 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-DS-M

## National Oceanic and Atmospheric Administration

### Marine Mammals; Issuance of Permit; Dr. John D. Hall

On April 18, 1985, notice was published in the **Federal Register** (50 FR 15472) that an application had been filed by Dr. John D. Hall, Solace Enterprises, P.O. Box 4885, Anchorage, Alaska 99510 for a permit to take marine mammals for the purpose of scientific research.

Notice is hereby given that on June 14, 1985 as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Permit; (3) and will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with and is subject to Parts 220-222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3000 Whitehaven Street NW., Washington, D.C.; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: June 14, 1985.

Richard B. Roe,

*Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.*

[FR Doc. 85-14907 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-22-M

### Marine Mammals; Issuance of Permit; Glen Oak Zoo (P357)

On April 17, 1985, notice was published in the **Federal Register** (50 FR 15213) that an application had been filed by the Glen Oak Zoo, Peoria Park District, 2218 N. Prospect Road, Peoria, Illinois 61603 for a permit to obtain two (2) captive born California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that on June 13, 1985, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following office(s):

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Bldg., Gloucester, Massachusetts 01930-3799.

Dated: June 13, 1985.

Carmen J. Blondin,

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

[FR Doc. 85-14906 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-22-M

### Marine Mammals; Permit Modification; Dr. Richard H. Lambertsen; Modification No. 1 to Permit No. 393 (P277A)

Notice is hereby given that pursuant to the provision of § 217.33 (d) and (c) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and § 220.24 of the regulations on endangered species (50 CFR Parts 217-227), Scientific Research Permit No. 393 (47 FR 41413) issued to Dr. Richard H. Lambertsen, Department of Physiological Science, College of Veterinary Medicine, Box J-144, J. Hillis Miller Health Center, University of Florida, Gainesville, Florida 32610 on September 13, 1982, is modified as follows:

Section A.1 is replaced by:

"1. Skin biopsies may be collected from up to 520 humpback whales (*Megaptera novaeangliae*) of Atlantic and Pacific stocks as described in the application and modification request. Of these, no more than 235 may be collected from Pacific animals."

Section A.3 is added:

"3. Specimen material may be imported from humpback whales biopsied in Mexican waters as described in the modification request."

Section B.2 is deleted and replaced by:

"2. The Holder shall provide written notification to the appropriate NMFS Regional Director at least two weeks in advance of initiation of the research. The Western Pacific Program Office shall be notified when research is to be conducted in Hawaii. Notification to Regional Directors and the Western Pacific Program Office shall include anticipated dates and locations of the research, the name, description and home port of the vessel and the names of all individuals involved in the research. Each Regional Director will determine the desirability of an NMFS observer accompanying the research efforts, whether more timely notification requirements will be necessary during the course of the research and whether a coordination/consultation between NMFS and the researchers will be required to clarify or discuss specific aspects of the research plans."

This modification is effective on June 14, 1985.

As required by the Endangered Species Act of 1973 issuance of this modification is based on a finding that such modification (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of the modification, and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This modification was issued in accordance with, and is subject to Parts 220-222 of Title 50 CFR of the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367), November 27, 1974.

Documents submitted in connections with the above modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235;

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802;

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930;

Regional Director, Northwest Region, National Marine Fisheries Service,

7600 Sand Point Way, N.E. BIN C15700, Seattle, Washington 98115;
Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and
Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: June 14, 1985.

**Richard B. Roe,**

*Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.*

[FR Doc. 85-14910 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-22-M

## Marine Mammals; Application for Permit: LGL Limited, Environmental Research Associates (P273C)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name, LGL Limited, environmental research associates, 22 Fisher St., P.O.B. 280.

b. Address, King City, Ontario LOG 1KO, Canada.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Unspecified number of bowhead whales (*Balaena mysticetus*) for photogrammetric techniques and twenty (20) bowheads to be radio tagged.

4. Location of Activity: Eastern Alaskan Beaufort Sea.

5. Period of Activity: Two (2) years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;
Director, Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 1668, Juneau, AK 99802.

Dated: June 13, 1985.

**Richard B. Roe,**

*Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.*

[FR Doc. 85-14905 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-22-M

## Marine Mammals; Application for Permit: LGL Limited, Environmental Research Associates (P273D)

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), and the National Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

a. Name, LGL Limited—environmental research associates, 22 Fisher St., P.O.B. 280.

b. Address, King City, Ontario LOG1KO, Canada

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Bowhead whales (Balaena mysticetus), 400 per year.

4. Location of Activity: Alaskan Beaufort Sea.

5. Period of Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;
Director, Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 1668, Juneau, AK 99802.

Dated: June 13, 1985

**Richard B. Roe,**

*Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.*

[FR Doc. 85-14906 Filed 6-20-85; 8:45 am]

BILLING CODE 3510-22-M

## National Marine Fisheries Service; Northwest and Alaska Fisheries Center; Modification No. 3 to Permit No. 143

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit issued to the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 7600 Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115-0070 on July 23, 1976, and modified on October 18, 1977 (42 FR 55631) and July 27, 1984 (46 FR 38950) is further modified as follows:

Section A-1(e) is changed to read:

e. 230 northern sea lions (*Eumetopias jubatus*)

Section A-4(a) is added as follows:

A-4. Capture, attach radio tags and dive recorders, release and recapture to retrieve the radio tags:

a. 20 female northern sea lions (*Eumetopias jubatus*)

These modifications became effective on June 14, 1985.

The Permit as modified and documentations pertaining to the modification is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service,

3300 Whitehaven Street NW., Washington, D.C.
Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, N.E., BIN C1570 Seattle, Washington 98115–0070; and
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: June 14, 1985.

**Richard B. Roe,**

*Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.*

[FR Doc. 85–14909 Filed 6–20–85; 8:45 am]

BILLING CODE 3510-22-M

## Pacific Fishery Management Council; Public Meetings

The Pacific Fishery Management Council and its advisory bodies will convene public meetings at the Holiday Inn-Crowne Plaza, 5985 West Century Boulevard, Los Angeles, CA July 10–11, 1985, as follows:

On July 10, after a short closed session (not open to the public) to discuss litigation and personnel matters, the Council will consider its FY86 budget proposal and other administrative matters. It also will hear from its advisors and the public on the performance of the 1984–85 anchovy fishery and the preliminary 1985 anchovy spawning biomass estimate quotas. The Council will review and adopt an anchovy biomass estimate and quotas. It will hear the sequence of events in the 1985 salmon fishery management, the current status of the fishery, a progress report on comprehensive salmon planning and other salmon management matters. There will be a public comment period at 4 p.m.

A public hearing, sponsored by the National Marine Fisheries Service will be held July 10, at 7 p.m. to obtain public comment on appropriate foreign and joint venture fishing conditions and restrictions for protecting government interests and those of the fishing industry.

On July 11, scoping sessions for amending Council salmon and groundfish management plans will be held. These sessions will be followed by a report from the Groundfish Management Team (GMT) on second trimester landings and projections through 1985. Recommendations for third trimester management adjustments will be heard from the groundfish advisory bodies and the public. The Council will adopt groundfish management measures for the third trimester. The Council will hear further comment on its draft policy for full domestic utilization of underutilized species, take action to adopt this policy and here other reports relating to groundfish matters.

The Council's Budget Committee, Anchovy Advisory Subpanel and Team, selected members of its Groundfish Advisory Subpanel, Scientific and Statistical Committee, GMT and enforcement consultants will meet at the same location on the morning of July 10. Detailed agendas of all meetings will be available to the public around June 21. For further information, contact Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 SW. Mill Street, Portland, OR 97201; telephone: (503) 221–6352.

Dated: June 18, 1985.

**Richard B. Roe,**

*Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.*

[FR Doc. 85–14987 Filed 6–20–85; 8:45 am]

BILLING CODE 3510-22-M

## Marine Mammals; Issuance of Permit; Baltimore Aquarium, Inc.

On February 12, 1985, notice was published in the **Federal Register** (50 FR 5806) that an application had been filed by Baltimore Aquarium, Inc., 501 East Pratt Street, Pier 3, Baltimore, Maryland 21202 for a permit to take and import two (2) Beluga Whales (Delphinaterus leucas) for the purpose of public display.

Notice is hereby given that on June 14, 1985, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407, the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth herein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street N.W., Washington, D.C., and
Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: June 14, 1985.

**Richard B. Roe,**

*Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.*

[FR Doc. 85–15031 Filed 6–20–85; 8:45 am]

BILLING CODE 3510-22-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

**SUMMARY:** Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been scheduled as follows:

**DATE:** 23 August 1985 9:00 a.m. to 5:00 p.m.

**ADDRESS:** The DIAC, Bolling AFB, D.C.

**FOR FURTHER INFORMATION CONTACT:** Lt Col Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373–4930).

**SUPPLEMENTARY INFORMATION:** The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Advanced Air Defense.

Dated: June 18, 1985.

**Linda M. Lawson,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 85–15018 Filed 6–18–85; 3:44 pm]

BILLING CODE 3810-01-M

## 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.

New

Department of Defense Military Emergency Travel Warrant (METW); DD Form xxxx41 (Proposed)

The Military Emergency Travel Warrant is to be used in the event of a national emergency that requires the recall of: (1) Individual members of the reserve components who are not assigned to organized units of the Ready Reserve; (2) military retirees liable for active duty; and (3) Standby Reservists.

Business for profit.
Responses Undetermined
Burden hours 1

**ADDRESSES:** Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

**FOR FURTHER INFORMATION CONTACT:** A copy of the information collection proposal may be obtained from Mr. Robert L. Newhart, OASD MI&L(PI), Room 3C800, Pentagon, Washington, DC 20301-4000, telephone (202) 695-0643.

**Linda M. Lawson,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

June 18, 1985.

[FR Doc. 85-15014 Filed 6-20-85; 8:45 am]

BILLING CODE 3810-01-M

## Defense Science Board; Meetings

**ACTION:** Notice of Advisory Committee meetings.

**SUMMARY:** The Defense Science Board will meet in closed session on 29 July-2 August 1985 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meeting on 29 July-2 August 1985 the Board will examine the substance, interrelationships, and the U.S. national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense and Under Secretary of Defense for Research and Engineering. The subject areas are Practical Functional Performance Requirements, Tactical Directed Energy Weapons, and the Armor Anti-Armor Competition. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under Secretary of Defense for Research and Engineering, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

**Patricia H. Means,**

*OSD Federal Register Liaison Officer, Department of Defense.*

June 11, 1985.

[FR Doc. 85-15007 Filed 6-20-85; 8:45 am]

BILLING CODE 3810-01-M

## Defense Science Board; Meetings

**ACTION:** Notice of Advisory Committee Meetings.

**SUMMARY:** The Defense Science Board will meet in closed session on August 5-9, 1985 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meeting on August 5-9, 1985 the Board will examine the substance, interrelationships, and the U.S. national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense and Under Secretary of Defense for Research and Engineering. The subject areas are Practical Functional Performance Requirements, Tactical Directed Energy Weapons, and the Armor Anti-Armor Competition. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under Secretary of Defense for Research and Engineering, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

**Patricia H. Means,**

*OSD Federal Register Liaison Officer, Department of Defense.*

June 11, 1985.

[FR Doc. 85-15008 Filed 6-20-85; 8:45 am]

BILLING CODE 3810-01-M

## Defense Science Board 1985 Summer Study Panel on Tactical Directed Energy Weapons; Meeting Change

**ACTION:** Change in place of Advisory Committee meeting.

**SUMMARY:** The meeting place for the Defense Science Board 1985 Summer Study Panel on Tactical Directed Energy Weapons scheduled for 25-26 June 1985 in the Pentagon, Arlington, Virginia as published in the **Federal Register** (Vol. 50, No. 105, Friday, May 31, 1985, FR Doc. 85-13078) has been changed to the Systems Planning Corporation, Arlington, Virginia. In all other respects the original notice remains unchanged.

**Linda M. Lawson,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

June 18, 1985.

[FR Doc. 85-15012 Filed 6-20-85; 8:45 am]

BILLING CODE 3810-01-M

## Defense Science Board Task Force on Acquisition Management of Conventional Munitions; Meetings

**ACTION:** Notice of Advisory Committee Meetings.

**SUMMARY:** The Defense Science Board Task Force on Acquisition Management of Conventional Munitions will meet in closed session on 9 July 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meeting on 9 July 1985 the Task Force will continue its evaluation of the acquisition management process of conventional munitions systems.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined

that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

**Linda M. Lawson,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

June 18, 1985.

[FR Doc. 85-15011 Filed 6-20-85; 8:45 am]

BILLING CODE 3810-01-M

## Defense Science Board Task Force on Soviet Imprecisely Located Targets for Strategic Systems; Meetings

**ACTION:** Notice of Advisory Committee meetings.

**SUMMARY:** The Defense Science Board Task Force on Soviet Imprecisely Located Targets for Strategic Systems will meet in closed session on 23-24 September and 21-22 October 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will continue their study on how to hold Soviet imprecisely located targets at risk.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

**Linda M. Lawson,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

June 18, 1985.

[FR Doc. 85-15010 Filed 6-20-85; 8:45 am]

BILLING CODE 3810-01-M

## Strategic Defense Initiative Advisory Committee; Meeting

**ACTION:** Notice of Advisory Committee meetings.

**SUMMARY:** The Strategic Defense Initiative (SDI) Advisory Committee will meet in closed session, in Washington, D.C., on July 30 and 31, 1985.

The mission of the SDI Advisory Committee is to advise the Secretary of Defense and the Director, Stragetic Defense Initiative Organization on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meeting on July 30 and 31, the committee will discuss status of SDI research and management issues.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this SDI Advisory Committee meeting, concerns matters listed in 5 U.S.C., 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

**Linda M. Lawson,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

June 18, 1985.

[FR Doc. 85-15009 Filed 6-20-85; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Air Force

## Privacy Act of 1974

**AGENCY:** Department of the Air Force (DAF), DOD.

**ACTION:** Notice of amendment of Air Force Systems of Records Notices.

**SUMMARY:** The Air Force proposes to amend 10 systems of records notices. Changes are summarized below and the rewritten notices follow in their entirety.

**EFFECTIVE DATE:** The amendments shall be effective without further notice July 22, 1985, unless public comments are received which result in a contrary determination.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jon Updike, HQ USAF/DAQD(S), The Pentagon, Washington, D.C., telephone: 202/694-3431.

**SUPPLEMENTARY INFORMATION:** The Air Force systems of records inventory subject to the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579; 44 Stat. 1896 *et seq.*) has been published in the **Federal Register** as follows:

FR Doc. 84-14822 (49 FR 23104) June 4, 1984
FR Doc. 84-23500 (49 FR 35171) September 6, 1984
FR Doc. 85-10237 (50 FR 22332) May 29, 1985

None of these changes required an altered system report as required by 5 U.S.C. 552a(o).

**P.H. Means,**

*OSD Federal Register Liaison Officer, Department of Defense.*

June 11, 1985.

### Amendments

**F030 AF A**

*System name:*

Automated Personnel Management System (49 FR 35171).

*Changes:*

*Categories of individuals covered by the system:*

Change to "Military personnel, including members of the Air Reserve Forces, and civilian employees assigned to the office or unit specified in the governing directive."

**F035 AFDSC A**

*System name:*

Management Control System (MCS). (50 FR 22390)

*Changes:*

*System identification:*

Change to "F035 AFCC B."

*System location:*

Change to "1st Information Support Group, Directorate of Management Support (1st ISG/XMI), Pentagon, Washington, DC 20330. Command and Control Systems Office, Chief of Administration (CCSO/DA), Tinker AFB, OK 73145."

*System manager(s) and address:*

Change to "MCS Administrator, Directorate of Management Support, 1st ISG, Pentagon, Washington, DC 20330. Chief of Administration, Command and Control Systems Office, Tinker AFB, OK 73145."

**F035 AFSC A**

*System name:*

Personnel Management Information System for AFSC Field Commanders. (50 FR 22395)

*Changes:*

*System name:*

Change to, "AFSC Personnel Management Information System."

*System location:*

Add, "HQ AFSC."

*Categories of records in the system:*

Add "vehicle registration data (including identification, insurance provider, pass expiration date)."

**F035 SAC D**

*System name:*

Officer Quality Force Management Records. (50 FR 23104).

*Changes:*

*System identification:*

Change to "F035 AF A."

*System location:*

Insert "(1)" at beginning and add (2) Headquarters Air Force Communications Command (AFCC), Quality Force Management Division (MPFF), Scott AFB IL 62225–6001.

*Categories of individuals covered by the system:*

Change "SAC" to "(1) SAC or (2) AFCC."

*Purpose(s):*

Change to read "To provide information to (1) Commander in Chief SAC or (2) Deputy Chief of Staff for Manpower and Personnel (AFCC) and staff members as appropriate who make decisions on officer's qualificatins for continuation on active duty, or further consideration for promotion. Used to evaluate and monitor status of actions on subjects."

*Storage:*

Add "or notebooks."

*System manager(s) and address:*

Insert "(1)" at beginning and "(2) Chief, Quality Force Management Division, Directorate of Personnel Programs (HQ AFCC/MPPF), Scott AFB IL 62225–6001."

*Record source categories:*

Change "SAC Judge Advocate General" to "the Judge Advocate General for each command."

**F051 ATC A**

*System name:*

Flying Training Records. (50 FR 22460)

*Changes:*

*System identification:*

Change to "F051 AF A."

*System location:*

Insert "(1)" at beginning and "(2) 557th Flying Training Squadron, USAF Academy, CO 80840–5586" at end.

*Categories of individuals covered by the system:*

Change to "All students entered in T41 training at: (1) Lackland Air Force Base. (2) USAF Academy."

*Categories of records in the system:*

Insert "(1)" at beginning and "(2) Complete record of training including class number, flying and academic course completed, flying hours, whether graduated or eliminated and date, reason for elimination. Faculty Board proceedings, student performance in each category of training, including grades, evaluations and performance documentation, background information including name, grade and Social Security Number " at end.

*Authority for maintenence of the system:*

Insert "(1)" at beginning and "(2) 10 USC Chapter 903, United States Air Force Academy" at end.

*Purpose(s):*

Insert "(1)" at beginning and "(2) Document and record performance, and manage training" at end.

*Storage:*

Insert "(1)" at beginning and "(2) Maintained in file folders, and on computer and computer output products" at end.

*Retrievability:*

Insert "(1)" at beginning and "(2) Filed by name" at end.

*Retention and disposal:*

Insert "(1)" at beginning and "(2) Student grade books are destroyed 18 months after class graduates (June). Faculty Board records are destroyed one year after closeout" at end.

*System manager(s) and address:*

Insert "(1)" at beginning and "(2) 557 FTS/CC, USAF Academy, Colorado Springs, CO 80840–5586" at end.

*Record source categories:*

Insert "(1)" at beginning and "(2) Information comes from source documents such as grade sheets, written examinations, and flight examinations; from reports by instructors and from the individual" at end.

**F051 ATC B**

*System name:*

Flying Training Records—Nonstudent. (50 FR 22460)

*Changes:*

*System identification:*

Change to "F051 AF B."

*System location:*

Insert "(1)" at beginning and "(2) USAF Academy (USAFA), 50th Airmanship Training Squadron (50ATS), Colorado Springs, CO 80840–5434 and Peterson AFB, CO 80914–5000" at end.

*Categories of individuals covered by the system:*

Insert "(1)" at beginning and "(2) Aircrew personnel, academic and staff instructors attached to the Deputy Commandant for Operations in support of Airmanship and 50ATS flying programs" at end.

*Categories of records in the system:*

Change to "Record and document aircrew training, evaluations, performance, and accomplishments. (1) Taped radio transmissions."

*Authority for maintenance of the system:*

Insert "(1)" at beginning and "(2) 10 USC Chapter 903, United States Air Force Academy" at end.

*Purpose(s):*

Insert "(1)" at beginning and "(2) Document aircrew training, evaluations, and performance" at end.

*Storage:*

Change to "maintined in file folders, and on computer and computer output products. (1) Maintained on magnetic tape."

*Retention and disposal:*

Insert "(1) Radio tapes are retained for one week unless circumstances dictate otherwise" at end.

*System manager(s) and address:*

Insert "(1)" at beginning and "(2) Deputy Commandant for Operations, USAF Academy, Colorado Springs, CO 80840–5434; 50 ATC/CC, USAF Academy, Colorado Springs, CO 80840–5566; and NCOIC Operations System Management, Perterson AFB, CO 80914–5000" at end.

**F051 ATC C**

*System name:*

Flying Training Records—Student. (50 FR 22461)

*Changes:*

*System identification:*

Change to: "F051 AFC."

*System location:*

Insert "(1)" at beginning and "(2) 94th Airmanship Training Squadron (94 ATS), USAF Academy (USAFA), Colorado Springs, CO 80840–8876. (3) 50th Airmanship Training Squardon (50 ATS), USAF Academy (USAFA), Colorado Springs, CO 80840–5586" at end.

*Categories of individuals covered by the system:*

Insert "(1)" at beginning and "(2) Students entered into Airmanship flying training courses at the USAFA. (3) Students entered in Aviation Science Courses at USAFA who fly the T–43A as part of these courses" at end.

*Categories of records in the system:*

Insert "(1)" at beginning and "(3) Complete record of evaluations including section number, student name, grades on each phase of flight evaluations and overall flight evaluation grades," at end.

*Authoirty for maintenance of the system:*

Insert "(1)" at beginning and "(2 and 3) 10 USC Chapter 903, United States Air Force Academy," at end.

*Purpose(s):*

Change to "Document and record student performance, analyze student performance in following training in order to evaluate training and revise course content. (1) Provide background information; report to Air National Guard/Air Force Reserve and other Air Force training units on qualifications of graduates; used to monitor student performance by source of entry, education level, and minority status; record and document Faculty Board proceedings. (3) Used to monitor and evaluate student performance and as a record in the event of Faculty Board proceedings."

*Retrievability:*

Change to "(1 and 2) Filed by name or SSN. (3) Filed by name."

*Retention and disposal:*

Change to "(1) Student grade books are destroyed three months after completion of training; Summary Training Records are retained in office files for two years, then retired to Washington National Records Center, Washington, DC, for eight years; other records are retained in office files until superseded, obsolete, no longer needed for reference or on inactivation. Faculty Board Records are retained for one year. (2) Student cadet records are destroyed after graduation. (3) Student grade sheets are retained for 1 year after course completion."

*System manager(s) and address:*

Insert "(1)" at beginning and "(2) 94 ATS/CC, USAF Academy, Colorado Springs, CO 80840-8876. (3) 50 ATS/CC, USAF Academy, Colorado Springs, CO 80840-5566," at end.

*Record source categories:*

Insert "(1 and 2)" at beginning and and add "(3) Information comes from source documents such as Flight Mission grade sheets, from reports by instructors and from individuals" at end.

**F125 AF SP C**

*System name:*

Correction Records. (50 FR 22496)

*Changes:*

*System Identifiction:*

Change to "F125 AF A."

*System name:*

Change to "Correction and Rehabilitation Records."

*System location:*

Change to "(1) Chief of Security Police at local installation where individual is assigned. (2) 3320th Correction and Rehabilitation Squadron, Lowry AFB, Denver CO 80230 and Subunits. Records may also be at: headquarters, United States Air Force; National Personal Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118; or National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, Mo 63132."

*Categories of individuals covered by the system:*

Change to "(1) Individuals placed in confinement at an installation or federal prison as the result of criminal conviction. (2) Individuals placed in confinement or rehabilitation and assigned to the 3320th Correction and Rehabilitation Squadron, or any detachment of operation location."

*Categories of records in the system:*

Change to "Prisoner personnel records consisting of confinement orders, release orders personal history records, medical examiners report, request and receipt for health and comfort supplies, recommendations for disciplinary action, inspection records; prisoner classification summaries and records pertaining to any clemency/parole actions. (1) Corrections officers records including personal deposit fund records and related documents, disciplinary books, correction facility blotters and visitor registers; requests for interview and evaluation reports; prisoner records consisting of daily strength records, and reports of escaped and returned from escaped prisoners. (2) Psychological or rehabilitation test records."

*Authority for maintenance of the system:*

Add, "(2) Air Force Regulation 125-23, Parole of Air Force Prisoners from Disciplinary Barracks."

*Purpose(s):*

Change to "To maintain a life file on the individual as a prisoner on an Air Force installation, or as an Air Force prisoner serving a sentence in a federal prison. The records are used to establish background for either disciplinary or good conduct action as well as general administration uses of the records concerning health and welfare of the individual, as well as clemency and parole actions. (2) Historical records in microform are used as a research data base."

*Retrievability:*

Change to "(1) Filed by name, Social Security Number (SSN) and fingerprint classification. (2) Filed by name, Social Security Number (SSN) and unique 3320th CRS Arrival Number."

*Retention and disposal:*

Change to "(1) Depending on the type of record within the system, it is either destroyed after release of the prisoners, maintained for one year after the release of the individual, or retained in the files at the facility in which the individual was confined for two years, after which time the record is either destroyed or transferred to a staging area for two additional years, then either retired to the Washington National Records Center, Washington DC 20409, for permanent retention. Records pertaining to clemency/parole actions are retained for 5 years after final action. (2) After final disposition of prisoner or rehabilitee, the records is purged of extraneous material and microfiched. One copy is maintained by 3320th CRS, Program Development and Evaluation Branch for 20 years. The original is retired to the National Personnel Records Center, Military Personnel Records. The original hard copy is kept at the Program Development and Evaluation Branch for one year and destroyed. Duplicate copies of some documents are maintained at LTTC/JA for 1 year for individuals separated and for 2 years for people who are retained by the Air Force." *System manager(s) and address:* Change to "(1) Installation Chief of Security Police. (2) Commander, 3320th Correction and Rehabilitation Squadron, Lowry AFB, Denver CO 80230."

*Notification procedure:*

Change to "Requests from individuals should be addressed to the System Manager. (1) Installation Chief of Security Police, Installation Staff Judge Advocate Commander of unit to which individual was last assigned. (2) Commander, 3320th Correction and Rehabilitation Squadron. Records of clemency and parole actions are maintained by the Office of the

Secretary of the Air Force Personnel Council and the Commandant USDB. Requesters should provide full name and proof of identity. When visiting, requester will be required to provide proof of identity."

*Record source categories:*

Change to "(1) Financial and medical institutions, police and investigative officers, state or local government, witnesses or source documents. (2) Installation level confinement facilities, medical institutions, police and investigative officers, witnesses or source documents, court-martials, and court-martial reviews."

**F125 ATC A**

*System name:*

Behavioral Automated Research System (BARS). (50 FR 22502)

*Changes:*

*System name:*

Change to "Management Information and Research System (MIRS)."

*System location:*

Change to "3320th Correction and Rehabilitation Squadron, Lowry AFC, CO 80230."

*Categories of individuals covered by the system:*

Change to "Air Force prisoners who serve sentences to confinement or rehabilitation at the 3320th Correction and Rehabilitation Squadron, including any detachments and/or operating locations."

*Purpose(s):*

Change to "Used for statistical analysis to support management decision making, to evaluate the effectiveness of and improve program elements, and to provide research studies and reports to higher headquarters and other agencies."

*Retrievability:*

Change to "Social Security Number (SSN) and/or 3320th CRS Arrival Number."

*Retention and disposal:*

Change to "Current data base is maintained while individual is in correction or rehabilitation program or appellate leave. Historical data base is retained for 20 years."

*System manager(s) and address:*

Change to "Commander, 3320th Correction and Rehabilitation Squadron, Lowry AFB CO 80230."

**F168 AF SG A**

*System name:*

Automated Medical/Dental Record System. (50 FR 22513)

*Changes:*

*Categories of records in the system:*

Change the last sentence to read: "Subsystems of the Automated Medical/Dental Records System include the following: Tri-Service Medical Information Program systems: Tri-Patient Administration, Tri-Pharmacy, Tri-Radiology, Tri-Laboratory, Tri-Patient Appointment and Scheduling, Automated Cardiac Catherization Laboratory, Computer Aided Processing of Cardiograms, Automated Quality Care Evaluation Support System, Composite Health Care System and Medical Records System tests; OASD-HA systems such as the United Chart of Accounts Automated Source Data Collection System and Air Force unique efforts such as the Dental Data System, Computerized Occupational Health Program, Coronary Artery Risk Evaluation, the Medical Administrative Management System, and applications development under the interim microcomputer program."

**F030 AF A**

**SYSTEM NAME:**

Automated Personnel Management System.

**SYSTEM LOCATION:**

Units or offices at all levels within the Air Force who implement the system under a specific authorizing local or higher directive.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Military personnel, including members of the Air Reserve Forces, and civilian employees assigned to the office or unit as specified in the governing directive for the system.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Data obtained from existing personnel or training records or from the individual. Record includes name, grade, SSN, unit of assignment, security clearance, supervisor, duty title, office and telephone number, home address and telephone number, dependents, education and training, speciality or job qualifications, performance/effectiveness reports, awards/decorations, promotions, duty assignment history and similar information listed in the governing directive for the system.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; delegation by; as implemented by a specific governing directive. The system cannot be operated until a directive is published listing authorized locations, subjects, categories of records, safeguards, and management procedures. A copy of the directive will be provided to the command Privacy Act Officer.

**PURPOSE(S)**

Used to locate, manage and train assigned personnel.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Stored on computer or word processor and output products as listed in the governing directive.

**RETRIEVABILITY:**

Filed by name or Social Security Number.

**SAFEGUARDS:**

Records are accessed by the custodian of the system and by persons servicing the records who are properly cleared for need-to-know. Records are protected in accordance with Air Force Regulation 300-13, Safeguarding Personal Information in Automatic Data Processing Systems.

**RETENTION AND DISPOSAL:**

Computer records are retained until no longer needed. Records will be destroyed no later than 2 years after last entry.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief of the office or unit as specified in the governing directive.

**NOTIFICATION PROCEDURE:**

Requests from individuals should be sent to the System Manager.

**RECORD ACCESS PROCEDURE:**

Individuals can obtain assistance in gaining access from the System Manager.

**CONTESTING RECORD PROCEDURES:**

The Air Force's rules for access to records and contesting and appealing initial determinations by the individual concerned may be obtained from the

System Manager and are published in Air Force Regulation 12-35.

**RECORD SOURCE CATEGORIES:**

Information obtained from personnel records, training records or the individual.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**F035 AF A**

**SYSTEM NAME:**

Officer Quality Force Management Records.

**SYSTEM LOCATION:**

(1) Headquarters Strategic Air Command (SAC), Quality Force Management Division, Directorate of Personnel Programs (DPAA), Offutt AFB NE 68113.

(2) Headquarters Air Force Communications Command (AFCC), Quality Force Management Division (MPFF), Scott AFB IL 62225-6001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Air Force active duty officers assigned or attached to (1) SAC or (2) AFCC whose performance, conduct, or alleged misconduct, may, or has resulted in initiation of administrative action(s).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to substandard performance, unacceptable conduct or unfitness, and status and dates of pending or completed administrative actions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; delegation by; and 8074, Commands, territorial organizations.

**PURPOSE(S)**

To provide information to (1) Commander in Chief SAC or (2) Deputy Chief of Staff for Manpower and Personnel (AFCC) and staff members as appropriate who make decisions of officer's qualifications for continuation on active duty, or further consideration for promotion. Used to evaluate and monitor status of actions on subjects.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

(1) Maintained in computer and computer output products.

**RETRIEVABILITY:**

Retrieved by name or Social Security Number (SSN).

**SAFEGUARDS:**

Records are accessed by the custodian of the record system and by persons responsible for servicing the records in performance of their official duties who are properly screened and cleared for need-to-know. Records and computer software are stored in locked cabinets in locked rooms in buildings protected by guards.

**RETENTION AND DISPOSAL:**

Retained until superseded, obsolete, or no longer needed for reference, whichever is sooner. Files will be destroyed not later than 2 years from last entry.

**SYSTEM MANAGER(S) AND ADDRESS:**

(1) Chief, Quality Force Management Division, Directorate of Personnel Programs (HQ SAC/DPAA), Offutt AFB, NE 68113.

(2) Chief, Quality Force Management Division, Directorate of Personnel Programs (HQ AFCC/MPPF), Scott AFB IL 62225-6001.

**NOTIFICATION PROCEDURE:**

Requests from individuals should be addressed to the System Manager. Full name, military status, grade and SSM are required to determine if the system contains records on an individual. Visitors must provide proof of identity such as a military ID card, valid drivers license, or some item of information which can be verified from the records. The authority for soliciting the SSN is the same as the authority listed for operating the system. Disclosure of the SSN, which will only be used to retrieve records from the system, is voluntary. Failure to disclose the SSN will make it difficult to insure accurate retrievals of information.

**RECORD ACCESS PROCEDURE:**

Individuals can obtain assistance in gaining access from the System Manager.

**CONTESTING RECORD PROCEDURES:**

The Air Force's rules for access to records and for contesting and appealing initial determinations may be obtained from the System Manager and are published in Air Force Regulation 12-35.

**RECORD SOURCE CATEGORIES:**

Information obtained from source documents, the individual concerned, member's commander, Chief Quality Force Management Division, Consolidated Base Personnel Offices, and the office of the Judge Advocate General for each command.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**F035 AFCC B**

**SYSTEM NAME:**

035 AFCC B—Management Control System (MCS).

**SYSTEM LOCATION:**

1st Information Support Group, Directorate of Management Support (1st ISG/XMI), Pentagon, Washington, DC 20330. Command and Control Systems Office, Chief of Administration (CCSO/DA), Tinker AFB, OK 73145.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Air Force active duty military personnel and civilian employees assigned to these organizations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Locator type files including the individual's name, home address, home phone, etc. and records relating to the office the individual is assigned to, their authorized and assigned grade, duty title, duty AFSC, position number, date they were assigned to this organization, date they will depart, control tour code, assignment availability date, overseas tour start date, short tour return date; who their supervisor is, date supervision began, type of performance report, date of last report and date of next report. Also contains training information for military and civilian personnel assigned to 1st ISG and CCSO consisting of course completions by date and educational level. His immediate supervisor's duty phone. This aslo contains training information for military and civilian personnel assigned to AFDSC. This information consists of course completions by date.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; delegation by.

**PURPOSE(S):**

The MCS system was established as a management tool to provide commanders and office managers with information concerning their overall manpower picture to aid them in scheduling workload requirements in

support of their organization's assigned mission. This system also acts as a Central Locator File and also allows a variety of manpower reports to be produced.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force. Locator information is provided for official business or with individual consent.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained on computer and computer output products.

**RETRIEVABILITY:**

Filed by Social Security Number (SSN).

**SAFEGUARDS:**

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and are controlled by computer system software.

**RETENTION AND DISPOSAL:**

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

MCS Administrator, Directorate of Management Support, 1st ISG, Pentagon, Washington, DC 20330. Chief of Administration, Command and Control Systems Office, Tinker AFB, OK 73145.

**NOTIFICATION PROCEDURE:**

Requests from individuals should be addressed to the System Manager.

**RECORD ACCESS PROCEDURES:**

Individual can obtain assistance in gaining access from the System Manager.

**CONTESTING RECORD PROCEDURES:**

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager and are published in Air Force Regulation 12–35.

**RECORD SOURCE CATEGORIES:**

Information obtained from individual or personnel records.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**F035 AFSC A**

**SYSTEM NAME:**

035 AFSC A—AFSC Personnel Management Information System.

**SYSTEM LOCATION:**

HQ AFSC, Divisions, Centers, and Laboratories.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Air Force officer, enlisted, and civilian personnel assigned to or scheduled for assignment to various AFSC organizations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Resumes and other data elements to record name, date of birth, service dates, assignment status, grade, salary, promotion and step increase dates, occupational series, AFSC, skill level, position title, educational level, professional/scientific status, special training, awards, publications, handicap, minority and sex codes, vehicle registration data (including identification, insurance provider, pass expiration date).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C 8012, Secretary of the Air Force: Powers and duties; delegation by.

**PURPOSE(S):**

Provides data concerning the professional qualifications for selection and utilization of assigned personnel, for position management, and to perform certain scientific and technical research efforts in program support.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used to prepare nominations for honors and as awards, and as backgroung for evaluating requests for admission to professional societies or professional training.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained on computer and computer output products and in binders or file cabinets.

**RETRIEVABILITY:**

Normally, data is retrieved by use of non-personal information, such as organizational unit, occupational series, grade, or other workforce characteristics, but may be retrieved by name, SSN, or position member.

**SAFEGUARDS:**

(1) Records are accessed by the records custodian or by other persons responsible for servicing the records system in performance of their official duties.

(2) Records are controlled by personnel screening and by computer system software.

(3) Records are maintained in locked cabinet or other secured containers.

**RETENTION AND DISPOSAL:**

Retained in computer file or secured office file until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating or burning. Upon reassignment or separation, information in the computer file relating to the individual is deleted from the data base.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commanders, Executive Officers, Product Managers of various AFSC subordinate organizations.

**NOTIFICATION PROCEDURE:**

Requests from individuals should be addressed to the specific System Manager/Record Custodian at subordinate AFSC organizations.

**RECORD ACCESS PROCEDURES:**

Individual can obtain assistance in gaining access from the System Manager.

**CONTESTING RECORD PROCEDURES:**

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

**RECORD SOURCE CATEGORIES:**

Information will be obtained from military and civilian personnel records, managers and supervisors of individuals on a voluntary basis.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**F051 AF A**

**SYSTEM NAME:**

051 AF A—Flying Training Records.

**SYSTEM LOCATION:**

(1) Officer Training School USAF, Lackland Air Force Base, TX 78236.

(2) 557th Flying Training Squadron, USAF Academy, CO 80840–5586.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All students entered in T41 training at:
(1) Lackland Air Force Base.
(2) USAF Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Flying training grades continuity summary analysis.
(2) Complete record of training including class number, flying and academic course completed, flying hours, whether graduated or eliminated and date, reason for elimination. Faculty Board proceedings, student performance in each category of training, including grades, evaluations and performance documentation, background information including name, grade and Social Security Number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; delegation by; and Air Training Command Regulation 53-3, Administration of the Officer Training School (OTS) Program.
(2) 10 U.S.C. Chapter 903, United States Air Force Academy.

PURPOSE(S):

(1) Determine flying training potential.
(2) Document and record performance, and manage training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

(1) Maintained in file folders and wall charts.
(2) Maintained in file folders, and on computer and computer output products.

RETRIEVABILITY:

(1) Filed by name or Social Security Number (SSN).
(2) Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

(1) Retained in office files until superseded, obsolete, no longer needed.
(2) Student grade books are destroyed 18 months after class graduates (June). Faculty Board records are destroyed one year after closeout.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Deputy for Flight Operations Officer Training School.
(2) 557 FTS/CC, USAF Academy, Colorado Springs, CO 80840-5586.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORDS PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager and are published in Air Force Regulation 12-35.

RECORD SOURCE CATEGORIES:

(1) Internally generated.
(2) Information from source documents such as grade sheets, written examinations, and flight examinations; from reports by instructors and from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F051 AF B

SYSTEM NAME:

051 AF B—Flying Training Records—Nonstudent.

SYSTEM LOCATION:

(1) Columbus Air Force Base, MS 39701; Lackland Air Force Base, TX 78236; Laughlin Air Force Base, TX 78840; Mather Air Force Base, CA 95655; Randolph Air Force Base, TX 78150; Reese Air Force Base, TX 79489; Sheppard Air Force Base, TX 79720; and Williams Air Force Base, AZ 85244.
(2) USAF Academy (USAFA), 50th Airmanship Training Squadron (50ATS), Colorado Springs, CO 80840-5434 and Peterson AFB, CO 80914-5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Aircrew personnel of Air Training Command (ATC), academic instructors in flying training courses and Trainer Instructors.
(2) Aircrew personnel, academic and staff instructors attached to the Deputy Commandant for Operations in support of Airmanship and 50ATS flying programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1 and 2) Record and document aircrew training, evaluations, performance, and accomplishments.
(1) Taped radio transmissions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; delegation by; and Air Training Command Regulation 51-27, Instructor Qualification and Training.
(2) 10 U.S.C. Chapter 903, United States Air Force Academy.

PURPOSE(S):

(1) Document the training, performance, and qualifications of aircrew and synthetic trainer personnel. Taped radio communications are used to investigate aircraft accidents.
(2) Document aircrew training, evaluations, and performance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

(1 and 2) Maintained in file folders, and on computer and computer output products.
(1) Maintained on magnetic tape.

RETRIEVABILITY:

Filed by name or Social Security Number.

SAFEGUARDS:

Access is by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened.

RETENTION AND DISPOSAL:

(1 and 2) Aircrew evaluation documents, training and qualification records are maintained for the duration of the individual's assignment in ATC or at USAFA. Out-of-date material is returned to the individual. Initial training records are maintained for one year following completion of training.
(1) Radio tapes are retained for one week unless circumstances dictate otherwise.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Deputy Chief of Staff Operations, Air Training Command, Randolph Air Force Base, TX 78150.

(2) Deputy Commandant for Operations, USAF Academy, Colorado Springs, CO 80840-5434; 50 ATC/CC, USAF Academy, Colorado Springs, CO 80840-5566; and NCOIC Operations System Management, Peterson AFB, CO 80914-5000.

**NOTIFICATION PROCEDURE:**

Requests from individuals should be addressed to the System Manager.

**RECORD ACCESS PROCEDURES:**

Individual can obtain assistance in gaining access from the System Manager.

**CONTESTING RECORDS PROCEDURES:**

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager and are published in Air Force Regulation 12-35.

**RECORD SOURCE CATEGORIES:**

Information from source documents prepared by personnel administering training or evaluating performance; voice radio communications.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**F051 AF C**

**SYSTEM NAME:**

051 AF C—Flying Training Records—Student.

**SYSTEM LOCATION:**

(1) Headquarters Air Training Command (ATC) Randolph Air Force Base, TX; Washington National Record Center, Washington, DC 20409; ATC Pilot and Navigator Training Wings; Official mailing addresses are in Department of Defense directory in the appendix to the USAF systems notices.

(2) 94th Airmanship Training Squadron (94 ATS), USAF Academy (USAFA), Colorado Springs, CO 80840-8876.

(3) 50th Airmanship Training Squadron (50 ATS) USAF Academy (USAFA), Colorado Springs, CO 80840-5566.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Students entered into Undergraduate Pilot and Navigator training.

(2) Students entered into Airmanship flying training course at the USAFA.

(3) Students entered in Aviation Science Courses at USAFA who fly the T-43A as part of these courses.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1, 2 and 3) Complete record of training including class number, flying and completed, flying hours, whether graduated or eliminated and date, reasons for elimination, Faculty Board Proceedings, student's performance in each category of training, including grades, evaluations and performance documentation; background information including name, grade, Social Security Number (SSN).

(1) Source of commission, college, subject matter, etc.; past training unit of assignment; class standing prior to Dec. 31, 1974; progress records on minority students academic course completed.

(3) Complete record of evaluations including section number, student name, grades on each phase of flight evaluations and overall flight evaluation grades.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

(1) 10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; Air Training Command Manual 51-4, Primary Flying, Jet; and Air Training Command Regulation 51-8, Flying Training Student Accounting.

(2 and 3) 10 U.S.C. Chapter 903, United States Air Force Academy.

**PURPOSE(S):**

(1, 2 and 3) Document and record student performance, analyze student performance in following training in order to evaluate training and revise course content.

(1) Provide background information; report to Air National Guard/Air Force Reserve and other Air Force training units on qualifications of graduates; used to monitor student performance by source of entry, education level, and minority status; record and document Faculty Board proceedings.

(3) Used to monitor student performance and as a record in the event of Faculty Board proceedings.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in file folders, note books/binders, card files and on computer and computer products.

**RETRIEVABILITY:**

(1 and 2) Filed by name or SSN.

(3) Filed by name.

**SAFEGUARDS:**

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

**RETENTION AND DISPOSAL:**

(1) Student grade books are destroyed three months after completion of training; Summary Training Records are retained in office files for two years, then retired to Washington National Records Center, Washington, DC, for eight years; other records are retained in office files until superseded, obsolete, no longer needed for reference or on inactivation. Faculty Board Records are retained for one year.

(2) Student cadet records are destroyed after graduation.

(3) Student grade books are retained for 1 year after course completion.

**SYSTEM MANAGER(S) AND ADDRESS:**

(1) Deputy Chief of Staff Operations, Air Training Command, Randolph Air Force Base, TX 78150.

(2) 94 ATS/CC, USAF Academy, Colorado Springs, CO 80840-8876.

(3) 50 ATS/CC, USAF Academy, Colorado Springs, CO 80840-5566.

**NOTIFICATION PROCEDURE:**

Requests from individuals should be addressed to the System Manager.

**RECORD ACCESS PROCEDURES:**

Individual can obtain assistance in gaining access from the System Manager.

**CONTESTING RECORDS PROCEDURES:**

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager and are published in Air Force Regulation 12-35.

**RECORD SOURCE CATEGORIES:**

(1 and 2) Information comes from source documents such as grade sheets, written examinations, and flight examinations; from reports by instructors and students, and from the individual, automated system interfaces.

(3) Information comes from source documents such as Flight Mission grade sheets, from reports by instructors and from individuals.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

F125 AF A

SYSTEM NAME:

125 AF A—Correction and Rehabilitation Records.

SYSTEM LOCATION:

(1) Chief of Security Police at local installation where individual is assigned.

(2) 3320th Correction and Rehabilitation Squadron, Lowry AFB, Denver, CO 80230 and subunits. Records may also be at: Headquarters, United States Air Force; National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118; or National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals placed in confinement at an installation or federal prison as the result of criminal conviction.

(2) Individuals placed in confinement or rehabilitation and assigned to the 3320th Correction and Rehabilitation Squadron, or any detachment of operating location.

CATEGORIES OF RECORDS IN THE SYSTEM:

Prisoner personnel records consisting of confinement orders, release orders, personal history records, medical examiners report, request and receipt for health and comfort supplies, recommendations for disciplinary action, inspection records; prisoner classification summaries and records pertaining to any clemency/parole actions.

(1) Corrections officers records including personal deposit fund records and related documents, disciplinary books, correction facility blotters and visitor registers; requests for interview and evaluation reports; prisoner records consisting of daily strength records, and reports of escaped and returned from escaped prisoners.

(2) Psychological or rehabilitation test records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; delegation by, as implemented by Air Force Regulation 125–18, Operation of Air Force Correction and Detention Facilities.

(2) Air Force Regulation 125–23, Parole of Air Force Prisoners from Disciplinary Barracks.

PURPOSE(S):

To maintain a life file on the individual as a prisoner on an Air Force installation, or as an Air Force prisoner serving a sentence in a federal prison. The records are used to establish background for either disciplinary or good conduct action as well as general administration uses of the records concerning health and welfare of the individual, as well as clemency and parole actions.

(2) Historical records in microform are used as a research data base.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force. Any individual record or part thereof can be transferred to any component of the Department of Justice, as well as civilian agencies such as law enforcement agencies, or law firms as a basis for consideration of civil action either against or on behalf of the individual. Records will be returned to the originating installation for retention and disposition when authorized.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in note books/binders, in card files, on computer and computer output products, in microform, and as photographs.

RETRIEVABILITY:

(1) Filed by name, Social Security Number (SSN) and fingerprint classification. (2) Filed by name, Social Security Number (SSN) and unique 3320th CRS Arrival Number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms and controlled by visitor registers.

RETENTION AND DISPOSAL:

(1) Depending on the type of record within the system, it is either destroyed after release of the prisoner, maintained for one year after the release of the individual, or retained in the files at the facility in which the individual was confined for two years, after which time the record is either destroyed or transferred to a staging area for two additional years, then either retired to the Washington National Records Center, Washington DC 20409, for permanent retention. Records pertaining to clemency/parole actions are retained for 5 years after final action.

(2) After final disposition of prisoner or rehabilitee, the records is purged of extraneous material and microfiched. One copy is maintained by 3320th CRS, Program Development and Evaluation Branch for 20 years. The original is retired to the National Personnel Records Center, Military Personnel Records. The original hard copy is kept at the Program Development and Evaluation Branch for one year and destroyed. Duplicate copies of some documents are maintained at LTTC/JA for 1 year for individuals separated and for 2 years for people who are retained by the Air Force.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Installation Chief of Security Police.

(2) Commander, 3320th Correction and Rehabilitation Squadron, Lowry AFB, Denver, CO 80230.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

(1) Installation Chief of Security Police, Installation Staff Judge Advocate Commander of unit to which individual was last assigned.

(2) Commander, 3320th Correction and Rehabilitation Squadron. Records of clemency and parole actions are maintained by the Office of the Secretary of the Air Force Personnel Council and the Commandant USDB. Requesters should provide full name and proof of identity. When visiting, requester will be required to provide proof of identity.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CONTESTING RECORDS PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager and are published in Air Force Regulation 12–35.

RECORD SOURCE CATEGORIES:

(1) Financial and medical institutions, police and investigative officers, state or local government, witnesses or source documents.

(2) Installation level confinment facilities, medical institutions, police and investigative officers, witnesses or source documents, court-martials, and court-martial reviews.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**F125 ATC A**

**SYSTEM NAME:**

125 ATC A—Management Information and Research System (MIRS).

**SYSTEM LOCATION:**

3320th Correction and Rehabilitation Squadron, Lowry AFC, CO 80230.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Air Force prisoners who serve sentences to confinement or rehabilitation at the 3320th Correction and Rehabilitation Squadron, including any detachments and/or operating locations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Significant dates, intelligence quotient and achievement scores, psychological test scores, military history, discipline involvement, military justice data, personal identifier data, personal history, confinement history, rehabilitation history, performance ratings, type of discharge long and short term return-to-duty performance data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 8012, Secretary of the Air Force: Powers and duties; delegation by; and Air Force Regulation 125–18, Operation of Air Force Correction and Detention Facilities.

**PURPOSE(S):**

Used for statistical analysis to support management decision making, to evaluate the effectiveness of and improve program elements, and to provide research studies and reports to higher headquarters and other agencies.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained on computer.

**RETRIEVABILITY:**

Filed by name, Social Security Number (SSN) and/or 3320th CRS Arrival Number.

**SAFEGUARDS:**

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know.

**RETENTION AND DISPOSAL:**

Current data base is maintained while individual is in correction or rehabilitation program or appellate leave. Historical data base is retained for 20 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commander, 3320th Correction and Rehabilitation Squadron, Lowry AFB CO 80230.

**NOTIFICATION PROCEDURE:**

Requests from individuals should be addressed to the System Manager. Name and SSN or notarized request are required.

**RECORD ACCESS PROCEDURES:**

Individuals can obtain assistance in gaining access from the System Manager.

**CONTESTING RECORDS PROCEDURES:**

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager and are published in Air Force Regulation 12–35.

**RECORD SOURCE CATEGORIES:**

FBI and military records, supervisors, commanders, lawyers, doctors, chaplains, other USAF officials, American Red Cross.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**F168 AF SG A**

**SYSTEM NAME:**

168 AF SG A—Automated Medical/Dental Record System.

**SYSTEM LOCATION:**

At Air Force medical centers, hospitals and clincis, major command headquarters and separate operating agency headquarters, Air Force Data Service Center, Air Force Medical Service Center, USAF School of Aerospace Medicine, and USAF School of Health Care Sciences. Official mailing addresses are in the Department of Defense directory in the appendix of the Air Force's Systems notice.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any individual who is hospitalized in, is dead on arrival at, or has received medical or dental care at an Air Force medical treatment facility. Individuals who have received medical care at other DOD or civilian medical facilities but whose records are maintained at or processed by Air Force medical facilities. Any military active duty member who is on an excused-from-duty status, on quarters, on subsistence elsewhere, on convalescent leave, meets Medical Evaluation Board (MEB) or a Physical Evaluation Board (PEB) on an outpatient basis or who is hospitalized in a non-federal hospital and for whom an Air Force medical facility has assumed administrative responsibility. Any individual who has undergone medical or dental examinations at any Air Force medical facility (or who has undergone medical examinations at other medical facilities and whose records are maintained or processed by the Air Force), e.g., preemployment examinations and food handlers examinations, or who has otherwise had medical or dental tests performed at any Air Force medical facility.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Files consist of automated records of treatment received and medical/dental tests performed on an inpatient/outpatient basis in military medical treatment facilities and of military members treated in civilian facilities. These records may include radiographic images and reports, electrocardiographic tracings and reports, laboratory test results and reports, blood gas analysis reports, occupational health records, dental radiographic reports and records, automated cardiac catheterization data and reports, physical examination reports, patient administration and scheduling reports, pharmacy prescriptions and reports, food service reports, hearing conservation tests, cardiovascular fitness examinations and reports, reports of medical waivers granted for flight duty, and other inpatient and outpatient data and reports. They may contain information relating to medical/dental examinations and treatments, inoculations, appointment and scheduling information, and other medical and/or dental information. Subsystems of the Automated Medical/Dental Records System include the following: Tri-Service Medical Information Program systems: Tri-Patient Administration, Tri-Pharmacy, Tri-Radiology, Tri-Laboratory, Tri-Patient Appointment and Scheduling, Automated Cardiac Catheterization Laboratory, Computer Aided Processing of Cardiograms, Automated Quality Care Evaluation Support System, Composite Health Care System and Medical Records System tests; OASD–HA systems such as the

Uniform Chart of Accounts Automated Source Data Collection System and Air Force unique efforts such as the Dental Data System, Computerized Occupational Health Program, Coronary Artery Risk Evaluation, the Medical Administrative Management System, and applications developed under the interim microcomputer program.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 USC Chapter 55, Medical and Dental Care.

**PURPOSE(S):**

Used as a record of patient's medical/dental health, diagnosis, and treatment and disposition while authorized care. Used to help determine individual's qualification for duty, for security clearances and for assignments. Used by an individual or his legal representative for further medical care, legal purposes, or other uses such as insurance requests or compensation claims when specifically authorized by the patient. Used by physicians/dentists and other health care providers for further care of the patient, research, teaching, and legal purposes. Used by medical treatment facility staff for evaluation of staff performance in the care rendered; for preparation of statistical reports; for reporting communicable diseases and other conditions required by law to federal and state agencies. Used by Army, Navy, Veterans Administration, Public Health Service or civilian hospitals for continued medical care of the patient. Used by insurance companies, (only with the patient's written consent for release); for arbitrating insurance claims. Used by other Federal agencies such as Veterans Administration and Department of Labor (Workmen's Compensation) for adjudication of claims; for reporting communicable diseases or other conditions required by law. Used to provide input to other DOD medical records systems including the Medical Records System (F168 AF SG C), the Dental Health Records System (F162 AF SG A) and other DOD agencies (e.g. Army and Navy) when such agency is normally by the primary source or repository of medical information about the individual.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Data maintained primarily on magnetic tape or disks. May also be maintained: In file folders, on computer paper printouts or punched cards, on roll microfilm or microfiche.

**RETRIEVABILITY:**

Filed by Social Security Number (SSN) of the individual or his/her sponsor in combination with the Family Member Prefix (FMP). The FMP describes the relationship of the patient to his sponsor, e.g., second oldest dependent child, spouse, self, etc. May also be retrieved by the individual's name or by other identification or system number such as inpatient register number, laboratory accession number, or pharmacy prescription number.

**SAFEGUARDS:**

Records are accessed by medical records custodians or other person(s) responsible for maintaining the record system in performance of their official duties, by commanders of Air Force medical treatment facilities or by personnel authorized by the medical records custodian(s), i.e., administrative employees, Peer Review and Utilization Review committees, etc. Records are controlled by computer system software including the use of pass words or other user identification system, and by limiting physical access to the computer and computer terminals. Except when under direct physical control of authorized individuals, records will be stored in locked rooms or in locked cabinets. Records are accessed by authorized personnel who are properly screened and cleared for a need to know.

**RETENTION AND DISPOSAL:**

Computer files are retained for variable lengths of time depending upon the type of information involved and the size and mission of the medical treatment facility. Retention time may vary from one day to ten years. Records are disposed of by erasure of the magnetic computer records and destruction of the computer related worksheets on paper, film, or other media by tearing, shredding, pulping, burning or other destructive methods. Identical medical/dental information may be retained for longer periods of time in other medical records systems (such as inpatient or outpatient charts), including the Medical Records System (F168 AF SG C) and Dental Health Records (F162 AF SG A).

**SYSTEM MANAGER(S) AND ADDRESS:**

Major command and separate operating agency headquarters and Air Force Medical Service Center, commanders of USAF medical centers, hospitals, and clinics, USAF School of Health Care Sciences, Aerospace Medical Division, Brooks AFB, Texas, and the USAF School of Aerospace Medicine, Brooks, AFB, Texas. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force Systems notice.

**NOTIFICATION PROCEDURE:**

Requests from individuals should be directed to the System Manager. Requests should include complete name (including maiden name), sponsor's name, Social Security Number of Service Number of person through whom eligibility is established, category of record desired, year in which treatment was provided, whether treatment was inpatient or outpatient. If the individual establishes eligibility through a sponsor other than self, the request should include the relationship to the sponsor, e.g., spouse, second oldest child, parent, etc.

**RECORD ACCESS PROCEDURES:**

Address requests to the System Manager. Official mailing addresses are in the Department of Defense Director in the appendix to the Department of Air Force's systems notices.

**CONTESTING RECORDS PROCEDURES:**

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

**RECORD SOURCE CATEGORIES:**

Information is obtained directly from the individual whenever practical and possible, from other individuals when necessary, e.g., when the patient is a child or is in coma, from other medical institutions, from automated systems interfaces, from medical records, and from patient interactions with physicians and other health care providers.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 85-15062 Filed 6-20-85; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Army

### Public Information Collection Requirements 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.

New

Recruiting Incentives and Career Opportunities Survey (RICOS)

The U.S. Army Recruiting Command wishes to measure the relative desirability of possible enlistment incentives and career opportunities as perceived by a large sample of student volunteers who are attending community/junior colleges, proprietary colleges, and trade/technical schools.

Individuals
Responses 5,600
Burden Hours 2,800

**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 from Mr. David O. Cochran, DAIM-ADI, Room 1D667, The Pentagon, Washington, DC 20310-0700, telephone (202) 695-5111.

**Linda M. Lawson,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

June 18, 1985.

[FR Doc. 85-15013 Filed 6-20-85; 8:45 am]

BILLING CODE 3810-01-M

## Corps of Engineers, Department of the Army

### Intent To Prepare an Environmental Assessment and a Finding of No Significant Impact for the Southwest Pipeline Project

**AGENCY:** U.S. Corps of Engineers, Omaha District, DoD.

**ACTION:** Notice of Intent to Prepare an Environmental Assessment and a Finding of No Significant Impact.

The facility is sponsored by the North Dakota State Water Commission and would supplement the water resources of Dickinson and the area of North Dakota south and west of the Missouri River. It would provide water for multiple purposes, including domestic, rural water district, and municipal uses.

**SUMMARY:** 1. The proposed Federal actions are to issue a Section 10/404 permit, real estate easements and a water storage contract. The project is designed to serve 27 cities and 4 rural water districts in 10 southwestern counties. The system consists of 326 miles of buried pipeline ranging in diameter from 33 to 6 inches, an intake structure, a central water treatment plant, 11 pump stations, and 12 above-ground storage reserviors. The pipeline intake structure would be located in Renner Bay of Lake Sakakawea. The system is designed to divert 11,400 acre-feet per year from Lake Sakakawea but will have the capacity to divert 17,100 acre-feet per year. The project will be funded entirely by the State of North Dakota.

2. The Bureau of Reclamation, Upper Missouri Region, was the lead agency in preparing a draft environmental impact statement for the Dunn-Nokota Methanol Project, a private project developed by the Nokota Company. This project is a coal to methanol conversion facility which would require a make-up water source. The preferred alternative for this water source was to share intake facilities with the Southwest Pipeline project and therefore, both projects were included in the draft environmental impact statement. Since the intake would require a Section 10/404 permit and real estate easements from the U.S. Corps of Engineers, the Omaha District took the lead by providing information on the Southwest Pipeline project to the Bureau of Reclamation for inclusion in the draft environmental impact statement.

3. The 1985 Legislative Assembly of the State of North Dakota appropriated $20 million for construction of the Southwest Pipeline project during 1985-86 biennium.

4. Since the filing of the draft environmental impact statement the Nokota Company has not negotiated a contract with the North Dakota State Water Commission to assist in funding the final design of the intake facilities. This is due to the fact that Nokota is not ready to expend funds for water intake facilities when the Dunn-Nokota Project will not require water until the early 1990's. Sharing intake facilities is no longer the preferred alternative for the Dunn-Notoka Methanol project, although it is still a potential alternative.

5. It has been determined that the two projects are not interdependent and no significant impacts will occur as a result of the Southwest Pipeline project.

**ADDRESS:** Questions concerning the proposed action should be directed to Richard Gorton; Chief, Environmental Analysis Branch; Omaha District, Corps of Engineers; 6014 U.S. Post Office and Courthouse; Omaha, Nebraska 68102-4978, Phone: (402) 221-4605.

Dated: June 5, 1985.

**Arvid L. Thomsen,**

*Chief, Planning Division.*

[FR Doc. 85-14941 Filed 6-20-85; 8:45 am]

BILLING CODE 3710-62-M

## Department of the Navy

### Fleet-Wide Implementation of Organotin Antifouling Hull Paints; Interim Finding of No Significant Impact

Pursuant to the regulations implementing the procedural provisions of the National Environmental Policy Act (§ 1508.13 of Title 40, Code of Federal Regulations), the Department of the Navy gives notice that an environmental impact statement is not being prepared for the decision to initiate Fleet-wide use of organotin antifouling hull paints.

The Navy currently uses copper-based antifouling paints on all vessels except aluminum-hulled craft. Cuprous oxide is the active ingredient. Antifouling paint coatings are applied during regularly scheduled ship overhauls. Most ships are overhauled approximately every 5 years, the exception being aircraft carriers which are overhauled every 7 years.

The copper-based antifouling coatings lose their effectiveness when a nontoxic layer develops on the coating and allows biological fouling communities to become established. To restore the effective toxic release rate the hulls are cleaned periodically by divers while the ships are berthed at piers. Hull cleaning is both time consuming and expensive.

The copper-based antifouling coatings generally lose all of the copper biocide, either from copper releasing from the coating or from paint removal during underwater hull cleanings, before the ship enters a drydock for a new antifouling coating. Therefore, Navy ships do not have effective antifouling coatings during the latter portion of their service prior to overhaul.

The Navy can realize substantial economic and operational benefits by using organotin antifouling paints in lieu of the copper-based paints. Organotin antifouling coatings have an up to 7 year service life which would enhance Fleet readiness and significantly reduce fuel consumption associated with friction from biological fouling. A 15 percent annual fuel consumption savings at an estimated avoidance of 3.2 million barrels of diesel fuel has been estimated for full Fleet implementation of organotin paints. The need for underwater hull cleaning would be eliminated by the use of organotin because they would provide fouling-free hulls for the period between overhauls.

The Navy proposes to implement slowly, over an approximate ten year period, the fleetwide use of organotin antifouling paints that contain tributytin (TBT) as a biocide. The environmental consequences of the proposed action should not be singificant since the proposed action will be carefully formulated and mitigating measures specifically proposed to obviate significant adverse environmental effects. Environmental analyses of projected TBT releases from Navy facilities at six case study harbors indicate that the resulting ambient TBT concentrations should not adversely affect aquatic organisms beyond a localized area around piers and drydocks. The Navy is aware of the uncertainties concerning the environmental fate and effects of TBT. Accordingly, the Navy has proposed four key mitigating measures: (1) Slow implementation of the painting program; (2) use of low TBT-release rate paints; (3) environmental monitoring at major Navy harbors; and (4) a commitment to update the environmental assessment by October 1988, when the results of initial implementation are expected to be available.

The Navy recognizes that the environmental fate and effects of organotins (OT) and TBT have been investigated in laboratory experiments but not fully incorporated in field studies. Chronic toxicities, human health effects, degradation rates, bioconcentration/biomagnification, food chain effects, environmental chemistry, and analytical methods needed and are undergoing additional investigation. Considerable data do exist, and, much additional research is planned or ongoing. The Navy, however, does not believe that the missing information and uncertainties are sufficient to forego or delay commencement of the proposed painting program. The Environmental Protection Agency (EPA) has registered the candidate paints for unrestricted use and the implementation rate for OT paints on the Fleet would be slow. The Navy would monitor evironmental conditions and update this assessment by 1988.

The potential ambient TBT concentrations have been estimated for six case study harbors. The estimated TBT concentrations attributable to ship hull releases after full Fleet implementation would vary from 0.0018 μg/L in the Norfolk harbor to 0.03 μg/L in the San Diego Bay. The estimated ambient TBT concentrations resulting from drydock discharges have also been estimated. The worst-case scenario for drydock discharges is one in which all discharged TBT is the dissolved toxic chemical species.

The EPA has not published water quality criteria for organotins or TBT. The lowest observed acute toxicity level for saltwater organisms is 0.5 μg TBT/L (96-hour $LC_{50}$ for juvenile shrimp). Insufficient chronic toxicity data exist to establish an average TBT concentration to protect aquatic life from long-term exposure. For the purpose of this impact assessment, a 10x safety factor has been applied to the lowest observed acute toxicity value to obtain a target average TBT concentration (0.05 μg/L) that is assumed to protect aquatic life against direct toxic/sublethal effects from long-term exposure to dissolved TBT. Zooplankton appear to be the most sensitive organisms to acute exposure to TBT, whereas larger organisms, fishes, and bottom-dwellers appear to be more tolerant.

The bioavailability of TBT in the water column has not been determined. the sediment-water partitioning coefficient suggests that most TBT would be associated with the aqueous phase of the water column, rather than adsorbed on suspended particulate matter. TBT associated with discharged paint particles has been assumed to be unavailable and, therefore, not toxic to aquatic life. Fish appear to metabolize TBT to less toxic forms and depurate accumulated TBT after exposure ceases. The "no-effect" level of TBT in tissues has not been determined for estuarine organisms; therefore, the effects of potential biomagnification in aquatic food chains cannot be absolutely established. The proposed slow implementation and monitoring program should ensure that significant food chain effects do not occur and the subsequent assessment will have information concerning this subject.

The estimated ambient TBT concentrations for full Fleet implementation at the six case study harbors suggest that aquatic life should not be adversely affected by the proposed action. These assessments are based on assumptions about the environmental fate of TBT and a target ambient TBT concentration of 0.05 μg/L to protect aquatic life. From a programmatic standpoint, no adverse effects on aquatic life are anticipated because the Navy is committed to avoiding such effects and thus the reason for the mitigating measures proposed.

Endangered aquatic species are not believed to inhabit the localized pier areas where major Naval homeports are located. Ambient TBT concentrations would not exceed the target average concentration and, therefore, endangered aquatic species should not be adversely affected. The endangered bird species that inhabit San Diego Bay and Pearl Harbor could be exposed to TBT by consuming TBT-containing aquatic organisms. The potential risk to endangered birds from this exposure cannot be assessed because acceptable TBT ingestion rates or body burdens have not been established. The same factors that would ensure protection of aquatic life and aquatic food chains from adverse effects should ensure protection of endangered birds, e.g., slow implementation, monitoring, and a commitment to update the assessment by October 1988.

The environmental chemistry and fate of TBT in estuaries is complex. How released TBT would partition among water, biota, sediment, surface microlayer, and atmosphere has not been thoroughly investigated. The sediment water partition coefficient suggests that most released TBT (greater than 97 percent) would remain dissolved in the aqueous phase of the water column. TBT contained in discharged paint particles is assumed to be slowly released from the paint matrix, as the paint particles are dispersed in and flushed from the harbors. The Navy would continue its research programs in this area. Reported degradation rates vary from a 24-day half-life for fungi cultures to an 815-day half-life for biodegradation in anaerobic sediments. TBT appears to degrade by dealkylation to the bibutyl, the monobutyl, and

ultimately to the inorganic tin species, but the exact rates and predominant mechanisms for these reactions in estuarine waters and sediments have not been determined. For the purpose of this impact assessment, TBT decay/loss rate of 2 percent per day has been assumed to reflect the combined effects of TBT losses by sedimentation, photodegradation, microbial degradation, biological uptake volatilization, and other mechanisms that might detoxify TBT.

No adverse human health effects from the proposed action should occur. Human exposure to TBT as a result of the proposed action could potentially occur in shipyards when OT paint is applied or removed, or when people consume seafood containing TBT. Workers in and around drydocks should not be exposed to unacceptable TBT levels because the Navy exercises extreme caution to ensure that the required protective clothing and respirators are properly worn by individuals who might be exposed to OT levels higher than the OSHA standard of 0.1 $mg/m^3$.

From a practical standpoint, the only currently feasible alternatives are the use of OT paints or the continued use of the existing copper-based paints. This is the no action alternative. The environmental consequences of other, new materials/paints cannot be assessed at this time because new biocides have not been indentified. Any new copper-based paint formulations should have the same or even fewer impacts as the existing copper-based paints.

In summary, the proposed action by the Navy is to begin implementing (late FY85) the full fleetwide use of organotin-based antifouling paints to replace the copper-based paints. The basic elements of the implementation plan are to:

- Purchase commercially available and EPA-registered OT paints;
- Apply the paints in commercial and/or Naval shipyards, following established Navy procedures for equipment, personnel, and environmental protection;
- Implement OT paints on 5 to 20 percent of Fleet annually until entire Fleet has OT paint (after 1991); Then repaint 20 percent of Fleet annually during regularly scheduled overhauls;
- Monitor drydock OT releases and environmental conditions/effects at major homeports;
- Refine capabilities to predict environmental consequences of full Fleet implementation; and
- Update the Assessment by 1988, when the results of additional research studies, environmental monitoring, and initial implementation are available.

Paint formulators are continually developing newer and better antifouling paints. For the purposes of the Environmental Assessment, the proposed action is the use of organotin biocides, specifically tributyltins, as antifoulants on the ships and not the use of specific paints. The important characteristic of the candidate paints, from an environmental impact standpoint, is that tributyltin (TBT) will be released from the paint coating at a rate of $<0.1$ to 1.0 ug TBT $CM^2$/day of painted surface when ships are berthed at piers. To allow some flexibility for paint selection, the Navy will specify OT paints with TBT release rates no greater than 0.1 ug TBT $CM^2$/ day.

The Environmental Assessment of this action indicates that acquisition of the paints specified and initial implementation will not cause significant impacts on the environment. The Environmental Assessment prepared by the Navy addressing this action is on file and may be reviewed by interested parties at both the point of origin, Commander, Naval Sea Systems Command, Code 56YP, Washington, D.C. 20362, telephone (202) 692-5923 or at the Environmental Protection, Safety and Occupational Health Division (OP-45), Office of the Chief of Naval Operations, Washington, D.C. 20350 telephone (202) 433-2426. Additionally, a limited number of copies of the Environmental Assessment are available to fill single-copy requests.

Dated: June 17, 1985.

**William F. Roos, Jr.,**

*Lieutenant, JAGC, USNR Federal Register Liasion Officer.*

[FR Doc. 85-14535 Filed 6-20-85; 8:45 am]

BILLING CODE 3810-AE-M

## DEPARTMENT OF ENERGY

### Energy Information Administration

### Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective July 1, 1985. These prices are based on the prices of alternative fuel.

**FOR FURTHER INFORMATION CONTACT:** Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue SW., Room BE-034, Washington, D.C. 20585, Telephone: (202) 252-6077.

**Section I.**

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel prices ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

| State | Dollars per million BTU's |
|---|---|
| Alabama | 3.24 |
| Arizona [1] | 3.53 |
| Arkansas [1] | 3.31 |
| California | 3.51 |
| Colorado [2] | 3.44 |
| Connecticut [1] | 3.59 |
| Delaware [1] | 3.66 |
| Florida | 3.26 |
| Georgia [1] | 3.37 |
| Idaho [2] | 3.44 |
| Illinois [1] | 3.48 |
| Indiana | 3.35 |
| Iowa [1] | 3.30 |
| Kansas [1] | 3.30 |
| Kentucky [1] | 3.49 |
| Louisiana [1] | 3.31 |
| Maine [1] | 3.59 |
| Maryland [1] | 3.66 |
| Massachusetts | 3.57 |
| Michigan [1] | 3.48 |
| Minnesota | 3.26 |
| Mississippi [1] | 3.37 |
| Missouri [1] | 3.30 |
| Montana [2] | 3.44 |
| Nebraska [1] | 3.30 |
| Nevada [1] | 3.53 |
| New Hampshire | 3.57 |
| New Jersey | 3.60 |
| New Mexico [1] | 3.31 |
| New York [1] | 3.66 |

| State | Dollars per million BTU's |
|---|---|
| North Carolina [1] | 3.37 |
| North Dakota [1] | 3.30 |
| Ohio | 3.34 |
| Oklahoma [1] | 3.31 |
| Oregon | 3.53 |
| Pennsylvania [1] | 3.66 |
| Rhode Island [1] | 3.59 |
| South Carolina [1] | 3.37 |
| South Dakota [1] | 3.30 |
| Tennessee [1] | 3.37 |
| Texas | 3.09 |
| Utah [1] | 3.44 |
| Vermont [1] | 3.59 |
| Virginia [1] | 3.37 |
| Washington [1] | 3.53 |
| West Virginia [1] | 3.48 |
| Wisconsin [1] | 3.48 |
| Wyoming [1] | 3.44 |

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM-79-21.
[2] Region based price computed as the weighted average price of Regins E, F, G, and H.

## Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during April 1985 was $33.01 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective July 1, 1985, is $7.40 per million BTU's.

## Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

### *A. Data Collected*

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of February 1985, March 1985, and April 1985.[3] All reports of volume sold and price were identified by the State into which the oil was sold.

### *B. Method Used to Determine Alternative Price Ceilings*

#### (1) Calculation of Volume-Weighted Average Price

The prices which will become effective July 1, 1985, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, February 1985, March 1985, and April 1985. Reported prices for sales in February 1985 to April 1985. Prices for March 1985 were similarly adjusted by the percent change in the nationwide volume-weighted average price from March 1985 to April 1985. The volume-weighted 3-month average of the adjusted February 1985 and March 1985, and the reported April 1985 prices were then computed for each State.

#### (2) Adjustment for Price Variation

States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calcualted for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

#### (3) Calculation of Ceiling Price

The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for detemining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of February 1985, March 1985, and April 1985. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weight average price ceilings for Region E, Region F, Region G, and Region H.

#### (4) Lag Adjustment

The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by caluclating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending June 14, 1985, and dividing that price by the correpsonding weighted average price computed from prices published by Platt's for the month of April 1985. A regional lag adjustment factor was similarly calcualted for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

[3] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

**Listing of States by Region**

States were grouped by the FERC to form eight distinct regions as follows:

| *Region A* | *Region B* |
|---|---|
| Connecticut | Delaware |
| Maine | Maryland |
| Massachusetts | New Jersey |
| New Hampshire | New York |
| Rhode Island | Pennsylvania |
| Vermont | |
| | *Region C* |
| | *Region D* |
| Alabama | Illinois |
| Florida | Indiana |
| Georgia | Kentucky |
| Mississippi | Michigan |
| North Carolina | Ohio |
| South Carolina | West Virginia |
| Tennessee | Wisconsin |
| Virginia | |
| | *Region E* |
| | *Region F* |
| Iowa | Arkansas |
| Kansas | Louisiana |
| Missouri | New Mexico |
| Minnesota | Oklahoma |
| Nebraska | Texas |
| North Dakota | |
| South Dakota | |
| | *Region G* |
| | *Region H* |
| Colorado | Arizona |
| Idaho | California |
| Montana | Nevada |
| Utah | Oregon |
| Wyoming | Washington |

Issued in Washington, D.C., June 18, 1985.

**Albert H. Linden, Jr.,**

*Deputy Administrator, Energy Information Administration.*

[FR Doc. 85-15168 Filed 6-19-85; 5:07 pm]

BILLING CODE 6450-01-M

## Economic Regulatory Administration

## Armstrong Petroleum Corporation and City of Newport Beach, CA; Action Taken on Consent Order

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of action taken on Consent Order.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Armstrong Petroleum Corporation (Armstrong) and the City of Newport Beach, California (the City) as a final order of DOE.

**EFFECTIVE DATE:** June 4, 1985.

**FOR FURTHER INFORMATION CONTACT:** David G. Eisenstein, Senior Attorney, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Room 5B-151, Washington, D.C. 20585, 202/252-4945

**SUPPLEMENTARY INFORMATION:** On February 14, 1985, 50 FR 6236, the ERA published a Notice in the **Federal Register** that it had executed a proposed Consent Order with Armstrong and the City on December 4, 1984 which would become effective no sooner than 30 days after publication of that Notice. Both Armstrong, which produced crude oil under contract with the City, and the City, which owned a ⅛ interest in the oil produced, were subject to the Mandatory Petroleum Price Regulations at 10 CFR Parts 210, 211, 212. The Consent Order resolves potential civil liability of Armstrong and the City arising out of alleged violations of those regulations during the period September 1976, through January 27, 1981. Nothwithstanding the fact that Armstrong and the City, on the one hand, and DOE on the other, disagree concerning the proper application of such regulations, and that no party disavows any position it has taken with regard to such issues, Armstrong and the City have agreed to this Consent Order to avoid protracted, expensive litigation. By the terms of this Consent Order, Armstrong and the City, in ⅞ and ⅛ shares respectively, will remit $1,450,000, plus interest earned on that sum since July 1, 1982, in an escrow account set up jointly by Armstrong, the City, and Kern Oil and Refining Corporation, to the DOE within twenty (20) days after the effective date of the Consent Order. That money will be disbursed pursuant to the procedures of 10 CFR Part 205 Subpart V. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Two comments were received. One comment recommended that the refund proceeds, after payment to meritorious claimants, be distributed to the various states and territories affected by the overcharges.

The Consent Order does not address the issue of disposition of refunds, but rather leaves that question open for decision according to the special procedures for distribution of refunds, 10 CFR Part 205 Subpart V. The comment, therefore, which specifically states that refund money be distributed to the States and territories only after refunds are made to other "meritorious" claimants, is fully consistent with the terms of the Consent Order.

The second comment objected to the interest provisions of the proposed Consent Order. The commenter suggested (i) that interest on the settlement amount run from July 1, 1981, rather than July 1, 1982, because the settlement was originally negotiated in 1981, and (ii) that interest be computed at the prime rate rather than the rate earned in the escrow account, both because the prime rate is consistent with the ERA enforcement policy, 46 FR 21412 (April 10, 1981), and because any lower rate would penalize successful claimants in a Subpart V proceeding to determine how the refund amount should be distributed.

The date from which interest accrues under the proposed Consent Order is a compromise which ERA believes serves the public interest in the settlement of price control cases, and which ERA believes is consistent with prior agreements with Armstrong and the City. The commenter asserts that ERA, Armstrong, and the City reached agreement on a settlement figure of $1,450,000 in July, 1981. However, that tentative agreement was not embodied in a draft proposed Consent Order by DOE until late April, 1982. ERA believed, and still believes, that the $1,450,000 is a reasonable settlement of all overcharges plus interest at the prime rate, to July 1, 1982. Accordingly, further interest should begin to run from that date, not one year earlier.

With regard to the appropriate rates of interest, the ERA interest rate policy indicates the rate of interest which ERA will generally seek where there are no circumstances which would warrant a different result. The policy allows flexibility to meet the circumstances of a particular case.

The payment of interest is an adjunct to the requirement that a firm which has violated the petroleum price regulations make restitution for that violation. Restitution serves two purposes. First, restitution prevents unjust enrichment of the party which had use of the illegally obtained funds. Second, restitution compensates the party which paid illegally high prices for loss of funds that would have been available to it.

The interest rate provided in the proposed Consent Order accomplishes the twin goals of restitution in this case. First, Armstrong and the City did not have the use of the settlement amounts because those amounts were placed in an escrow account. Therefore, Armstrong and the City were not unjustly enriched by the use of that money. Second, the interest earned in the escrow account was the highest allowed by law on that type of account, and the only claimant of the money to date, Kern Oil and Refining Co., agreed to accept that rate of interest. Under these circumstances ERA believes that the interest rate in the proposed Consent Order fulfills the objectives of restitution and is in the public interest.

DOE believes, and Armstrong and the City have agreed, that two changes in the proposed Consent Order are necessary to protect the public interest more fully. First, in accordance with DOE's decision to include certain recordkeeping requirements in all orders which impose a refund obligation, (50 FR 4957, February 5, 1985), a new paragraph 404 has been added to the Consent Order requiring appropriate recordkeeping. Second, paragraph 503 of the consent Order has been amended in certain respects, including to allow DOE to seek appropriate remedies for any misrepresentation of material fact, whether or not such misrepresentation was "willful."

Having considered the comments submitted, DOE has determined that the proposed Consent Order with Armstrong and the City should be made final with the modifications noted above. The proposed Consent Order, as amended, therefore, was made final and effective on this date.

Issued in Washington, D.C., on the 4th day of June, 1985.

**Milton C. Lorenz,**

*Special Counsel, Economic Regulatory Administration.*

[FR Doc. 85-15035 Filed 6-20-85; 8:45 am]

BILLING CODE 6450-01-M

## Iowa Public Service Co.; Request To Rescind Prohibition Orders

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Consideration of a request to rescind certain prohibition orders issued to Iowa Public Service Company pursuant to the Energy Supply and Environmental Coordination Act of 1974.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) [1] hereby gives notice that, acting under the authority granted to it in section 2(f) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended (15 U.S.C. 792(f)) and implemented by 10 CFR 303.130(b), it is considering a request by Iowa Public Service Company (IPS) to rescind the Prohibition Orders issued on June 30, 1975, to the powerplants named below:

| Owner | Docket No. | Generating station | Unit No. | Location |
|---|---|---|---|---|
| Iowa Public Service Company | OFU-007<br>OFU-008 | George Neal<br>Maynard | 1<br>14 | Salix, IA<br>Waterloo, IA |

This action is taken in accordance with the provisions of 10 CFR Part 303, subpart j ("Modification of Rescission of Prohibition Orders and Construction Orders") of the ESECA regulations. Detailed information on the proceeding is provided in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** Comment on DOE's intention to consider the requested recission of the above listed Prohibition Orders is invited. Interested persons may submit written data, views or arguments with respect to the proposed action to the Office of Fuels Programs, Room GA-045, 1000 Independence Avenue, SW, Washington, D.C. 20585 (Attn: John Boyd).

All comments and other documents should be identified both on the outside of the envelope and on the document itself with the designation "Consideraton of the Proposed Rescission of Neal No. 1 and Maynard No. 14, Prohibition Orders (OFU-007 & 008)." Written comments are due on or before 45 days following publication of this notice in the **Federal Register.** Written questions should be identified on the envelope and in correspondence with the designation set out above. A request for a public hearing must be made within this same 45-day period. In making its decision regarding the requested rescission action, DOE will consider all relevant information submitted to or otherwise available to it.

Any information considered to be confidential by the person furnishing it must be so identified at the time of submission in accordance with 10 CFR 303.9(f). DOE reserves the right to determine the confidential status of the information and to treat it in accordance with that determination.

The public file on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

John Boyd, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW, Room GA-045, Washington, D.C. 20585, Telephone (202) 252-4523

Steven E. Ferguson, Esquire, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone (202) 252-6947

**SUPPLEMENTARY INFORMATION:** The Prohibition Order to George Neal Generating Unit No. 1 (Neal No. 1) was made effective by the issuance of a Notice of Effectiveness (NOE) on October 16, 1978, to the Iowa Public Service Company (IPS) with the Prohibition Order becoming effective on that date. The actual prohibition on the use of natural gas was to begin on November 15, 1978, and continue through December 31, 1984, pursuant to section 2(f)(2) of ESECA.

The Powerplant and Industrial Fuel Use Act of 1978 (FUA) amended section 2(f)(2) of ESECA by removing the time limits on DOE's authority to issue Prohibition Orders. By letter dated December 21, 1978,

DOE issued an amended NOE, which eliminated the Prohibition Order termination date of December 31, 1984. In effect, this extended the prohibition against the burning of natural gas as the primary energy source of Neal No. 1 indefinitely.

The Prohibition Order to IPS's Maynard Generating Unit No. 14 (Maynard No. 14) was made effective by the issuance of an NOE on April 19, 1977, with the Prohibition Order becoming effective on the following day. By letter dated December 21, 1978, an amended NOE was issued to Maynard No. 14. The amended NOE superseded the NOE issued to the facility on April 19, 1977. This extended the prohibition against burning petroleum products or natural gas as the primary energy source in Maynard No. 14 indefinitely.

By letter dated September 26, 1984, Iowa Public Service Company requested that the Prohibition Orders issued to the company's Neal No. 1 and Maynard No. 14 generating units be rescinded because of a substantial change in the facts and circumstances upon which these orders are based. IPS has informed ERA that their powerplants because of their age and economic dispatch are no longer being used as baseload generating stations. The company wants to operate these powerplants as peakload facilities. They cannot be effectively operated as peaking units if they must use coal. The rescission of the Prohibition Orders to Neal No. 1 and Maynard No. 14 would permit these units to be used efficiently

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 et seq.).

as peaking powerplants burning natural gas.

Issued in Washington, D.C., June 12, 1985.

**Robert L. Davies,**

*Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 85-15036 Filed 6-20-85; 8:45 am]

BILLING CODE 6450-01-M

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**[Docket No. ERA-FC-85-005; OFP Case No. 61052-9267-21,22,23-22]**

## Cogeneration Technology and Development Co.; Order Granting Exemption

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Order Granting to Congeneration Technology and Development Company Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to Cogeneration Technology and Development Company (CTDC or "the petitioner). The permanent exemption permits the use of natural gas as the primary energy source for a 76 MW (net, approximate) combined cycle facility designed to produce electricity and hot water at CTDC's Greenhouse Complex in Rifle (Garfield County), Colorado. The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section, below.

**DATE:** The order shall take effect on August 20, 1985.

The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

George G. Blackmore, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW, Room GA-045, Washington, D.C. 20585, Telephone (202) 252-1774

Steven E. Ferguson, Esquire, Office of the General Counsel Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone (202) 252-6947

**SUPPLEMENTARY INFORMATION:** On March 11, 1985, CTDC petitioned ERA under section 212 of FUA and 10 CFR 503.32 for a permanent exemption to permit the use of natural gas in a 76 MW (net, approximate) combined cycle facility consisting of three gas turbine generators, one condensing steam turbine generator and a dual fuel engine. As all of the net annual generation of electrical power from the unit will be sold to the Public Service Company of Colorado, the unit is, by definition, an electric powerplant under 10 CFR 500.2. The facility will produce approximately 65,000 gallons of hot water per hour which will supply CTDC's greenhouse needs. CTDC will operate the facility.

### Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including CTDC's certification to ERA, in accordance with 10 CFR 503.32, that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit;.

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 (cost calculation) of the regulations;

(3) No alternate power supply exists, as required under § 503.8 of the regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of the regulations; and

(5) Alternative sites are not available, as required under § 503.11 of the regulations.

In accordance with the evidentiary requirements of § 503.32(b) (and in addition to the certifications discussed above), CTDC has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

### Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the **Federal Register** on April 25, 1985 (50 FR 16342), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on June 10, 1985; no comments were received and no hearing was requested.

### NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

### Order Granting Permanent Exemption

Based upon the entire record of this proceeding, ER has determined that CTDC has satisfied the eligibility requirements for the requested permanent exemption, as set forth in 10 CFR 503.32. Therefore, pursuant to section 202(c) of FUA, ERA hereby grants a permanent exemption to CTDC to permit the use of natural gas as the primary energy source for its facility at its Greenhouse Complex in Rifle (Garfield County), Colorado.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register**.

Issued in Washington, D.C. on June 11, 1985.

**Robert L. Davies,**

*Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 85-15034 Filed 6-20-85; 8:45 am]

BILLING CODE 6450-01-M

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## Office of Energy Research

## High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: High Energy Physics Advisory Panel (HEPAP).

Date and Time: Monday, July 1, 1985, 9:00 am–6:00 pm. Tuesday, July 2, 1985, 9:00 am–5:00 pm.

Place: U.S. Department of Energy, Room A-410, 19901 Germantown Road, Germantown, MD 20874.

Contact: Dr. P.K. Williams, Executive Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER–221, Washington, DC 20545, Telephone: 301/353-4829.

Purpose of panel: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

**Tentative Agenda**

*Monday, July 1, 1985*

–Discussion of FY 1986 Budgets for National Science Foundation/Elementary Particle Physics and Department of Energy/High Energy Physics
–Presentation and Discussion of Position Papers Arising from the 1985 HEPAP Summer Study
–Presentation and Discussion of the Report of the Subpanel on Computer Needs for the Next Decade
–Discussion of Initiation of a New Subpanel on Advanced Accelerator R&D and Technology
–Public Comment (10 minute rule)

*Tuesday, July 2, 1985*

–Discussion of US/JAPAN Cooperative Agreement in High Energy Physics
–Discussion of Tentative Conclusions and Recommendations of the 1985 HEPAP Summer Study
–Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on June 18, 1985.

J. Robert Franklin,

*Deputy Advisory Committee Management Officer.*

[FR Doc. 85–15040 Filed 6–20–85; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

**[Docket No. TA85–2–22–000 and TA85–2–22–001]**

## Consolidated Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

June 19, 1985.

Take notice that Consolidated Gas Transmission Corporation (Consolidated) on June 13, 1985, filed a tariff sheet proposing a special, out-of-period, PGA rate decrease to reflect in its rates immediately a rate decrease from one of its major pipeline suppliers and settlement of litigation with members of the Independent Oil and Gas Association of West Virginia. The rate revisions, shown on Fourth Revised Sheet No. 31 would be effective July 1, 1985 and would remain in effect until September 1, 1985, when superseded by Consolidated's regular semiannual PGA.

Consolidated has included in its filing:

(a) Rate decreases from pipeline suppliers amounting to 12.58 cents per dekatherm in the Rate Schedule RQ commodity rate;

(b) An increase in the refund credit under § 12.6 of its tariff in the amount of 3.17 cents per dekatherm in the Rate Schedule RQ commodity rate.

Consistent rate changes are proposed in Consolidated's other sales rate schedules. No changes in the currently effective PGA surcharge rate of 12.59 cents per dekatherm or other components of Consolidated's rates are proposed.

Consolidated requests waiver of the notice requirements to make its rates effective July 1, 1985. Waiver of the PGA time-of-filing requirements is also requested to permit the proposed rates to become effective outside of Consolidated's normal six-month, March 1st and September 1st, PGA rate change schedule. Consolidated cites the Commission practice of accepting out-of-period PGA filings and the need to maintain competitive and accurate rates. Additionally, waiver of § 12.6 of Consolidated's tariff is requested to permit supplier refunds to be amortized over 14 months rather than the 12 months provided for.

Copies of the filing were served upon Consolidated's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 28, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 85–14989 Filed 6–20–85; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. GT85–16–000]**

## El Paso Natural Gas Co.; Tariff Filing

June 17, 1985.

Take notice that on June 12, 1985, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, the following revised tariff sheets to its FERC Gas Tariff:

**Tariff Volume and Tariff Sheet**

First Revised Volume No. 1
- Third Revised Sheet No. 501
- Third Revised Sheet No. 502
- First Revised Sheet No. 503
- Third Revised Sheet No. 504

Third Revised Volume No. 2
- Seventeenth Revised Sheet No. 1
- Thirteenth Revised Sheet No. 1–A
- Seventeenth Revised Sheet No. 1–B
- Sixth Revised Sheet No. 1–C.4
- Sixth Revised Sheet No. 1–C.6
- Fourth Revised Sheet No. 1–C.9
- Fourth Revised Sheet No. 1–C.10

El Paso states that the tendered revised tariff sheets serve to update the Index of Purchasers in its First Revised Volume No. 1 Tariff and the Table of Contents to Third Revised Volume No. 2 consistent with recent Commission orders in certain docketed proceedings, and requests that they be accepted by the Commission and permitted to become effective thirty (30) days after the date of filing.

El Paso states that copies of the filing have been served upon all of its interstate pipeline system customers and all interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of 18 CFR. All such motions or protests should be filed

on or before June 25, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-14990 Filed 6-20-85; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CI85-504-000]**

## Hadson Gas System, Inc.; Application for Blanket Limited Term Certificate and Limited Partial Abandonment Authorization

June 17, 1985.

Take notice that on June 13, 1985, Hadson Gas System, Inc. ("Hadson"), 101 Park Avenue Building, Suite 1400, Oklahoma City, Oklahoma 73102, filed an application pursuant to sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717c, 717f, and the provisions of 18 CFR Part 157, for a blanket limited-term certificate of public convenience and necessity authorizing Hadson to conduct a short-term spot sales marketing program, hereinafter referred to as Hadson Unencumbered Gas Sales ("HUGS"), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Approval would (1) authorize the sale of natural gas for resale in interstate commerce; (2) permit limited-term, partial abandonment of certain natural gas sales; (3) confer pre-granted abandonment authorization for sales of natural gas made pursuant to the requested certificate; (4) authorize transportation of natural gas by interstate pipeline companies able and willing to participate in HUGS; and (5) confer pre-granted abandonment authorization for the transportation service allowed under the requested certificate. Hadson also requests the Commission to declare that, with respect to Hadson and is activities, the Commission will only assert Natural Gas Act jurisdiction over sales for resale and transportation not otherwise exempt from the NGA.

Under HUGS, Hadson proposes to sell natural gas qualifying for the sections 102, 103, 107 and 108 rates under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432. Only contactrually committed gas will be sold. Hadson and participating producers will seek temporary releases of gas from the purchasers in order to meet market demand for natural gas sales. Releasing purchasers will be absolved from take-or-pay liability for any volumes of gas released and sold under the program. Arrangements for transporting the released gas will be made on a case-by-case basis.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make protest with reference to said application should on or before June 24, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under this procedure herein provided for, unless Applicant is otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-14991 Filed 6-20-85; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket Nos. CP85-544-000 et al.]**

## International Paper Co. et al.; Natural Gas Certificate Filings

June 17, 1985.

Take notice that the following filings have been made with the Commission:

### 1. International Paper Company

[Docket No. CP85-544-000]

Take notice that on May 24, 1985, International Paper Company (IPCo), International Paper Plaza, 77 West 45th Street, New York, New York 10036, filed in Docket No. CP85-544-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing IPCo to construct and operate a compressor station and a lateral pipeline for the receipt of a new gas supply from Arkla, Inc. (Arkla), on its Natchez Pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

IPCo proposes to construct a compressor station requiring 200 horsepower that would compress low pressure gas received from the Chevron Oil Company (Chevron) processing plant in Tensas Parish, Louisiana, to the pressure of its Natchez Pipeline for ultimate transportation and delivery to its Natchez Paper Mill in Adams County, Mississippi. IPCo also proposes to construct and operate a 6-inch lateral pipeline to interconnect the pipeline facilities of Southern Natural Gas Company to IPCo's Natchez Pipeline, at the Chevron plant, for the receipt of up to 8,000 Mcf of natural gas from a sale by Arkla. It is explained that the gas would be used in IPCo's mill for process, boiler fuel and space heating purposes.

It is explained that the estimated cost of the proposed compressor station, lateral and related facilities of $229,250 would be financed by IPCo with corporate funds.

*Comment date:* July 8, 1985, in accordance with Standard Paragraph F at the end of this notice.

### Lone Star Gas Company, a Division of ENSERCH Corporation

[Docket No. CP85-559-000]

Take notice that on June 3, 1985, Lone Star Gas Company, a Division of ENSERCH Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP85-559-000 a request pursuant to section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate sales taps and appurtenant facilities for three residential customers and one commercial customer, under the certificate issued in Docket Nos. CP83-59-000 and CP83-59-001, as amended in CP83-59-002, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Lone Star proposes to construct and operate sales taps and appurtenant facilities in order to sell and deliver approximately 100 Mcf of natural gas per year to each of the following residential customers: (1) John C. Taylor in Fillman County, Oklahoma; (2) Wesley Sawyer in Cleveland County, Oklahoma; and (3) M.H. Boddy in Clay County, Texas. Lone Star also proposes to sell approximately 200 Mcf of natural gas per year to Nelda Hagan, a commercial customer in Denton County, Texas.

Lone Star states that these sales would be at its residential and

commercial rates, as approved by the Oklahoma Corporation Commission and the Texas Railroad Commission. It is indicated that the subject volumes of gas are not expected to have any significant impact on Lone Star's peak day or annual system operations.

*Comment date:* August 1, 1985, in accordance with Standard Paragraph G at the end of this notice.

**3. Penn-York Energy Corporation National Fuel Gas Supply Corporation**

[Docket No. CP85-282-001]

Take notice that on May 28, 1985, Penn-York Energy Corporation, 10 Lafayette Square, Buffalo, New York 14203, and National Fuel Gas Supply Corporation (National Fuel), 1100 State Street, Erie, Pennsylvania 16501, jointly referred to as Applicants, filed in Docket No. CP85-282-001 an amendment to its pending application filed in Docket No. CP85-282-000, pursuant to section 7 of the Natural Gas Act to reflect the withdrawal of that portion of Applicants' proposal in Docket No. CP85-282-000 which seeks permanent certificate authorization for summer storage service, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

On February 13, 1985, Applicants filed an application in Docket No. CP85-282-000 requesting authorization for Penn-York to construct and operate certain facilities, for Penn-York to increase the level of base gas in its storage fields, for National Fuel to transport and/or exchange gas to be sold by National Fuel to Penn-York, and for National to provide 2,00,000 Mcf of summer storage service to Penn-York at a rate of 15.42 cents per Mcf.

Applicants request that section II(e) and corresponding Exhibit P of the application filed in Docket No. CP85-282-000 which relates solely to summer injection service be withdrawn from the Commission's consideration. Applicants state that the withdrawal of the request for summer injection service is because of indications of limited customer interest and the small remaining period for service in the current injection season.

*Comment date:* July 8, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

**4. Tennessee Gas Pipeline Company, a Division of Tenneco Inc.**

[Docket No. CP85-532-000]

Take notice that on May 21, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85-532-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Amoco Production Company (Amoco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Amoco has reserved interests in certain quantities of gas produced in Eugene Island Block 300, offshore Louisiana, which Amoco would use to fulfill its November 20, 1964, warranty contract with Florida Gas Transmission Company (FGT). It is explained that Tennessee would transport up to 10,000 Mcf of natural gas per day, for the account of Amoco, from Eugene Island Block 300, offshore Louisiana, and redeliver a thermally equivalent quantity of gas, less volumes for Tennessee's fuel and use, less lost and unaccounted-for gas, and less volumes attributable to processing, to the interconnection between the facilities of Tennessee and FGT at Tennessee's Meter No. 2-0366 near Carnes, Mississippi (Carnes delivery point), and/or the interconnection between Project Sabine 18 and FGT near Vinton, Calcasieu Parish, Louisiana (Vinton delivery point), and for deliveries of plant volume reduction at the Yscloskey Processing Plant in St. Bernard Parish, Louisiana (Yscloskey).

In addition, Tennessee states that pursuant to the terms of the March 27, 1985, transportation agreement between Tennessee and Amoco, should the capacity of the pipeline system through which the gas to be transported thereunder be insufficient to deliver the total of (1) the quantity of up to 10,000 Mcf per day, (2) the volumes of gas which Tennessee has available to it for its own purchase and transportation through the same facilities or a portion thereof, and (3) the volumes of gas which Tennessee is obligated by virtue of other contracts to transport through these same facilities or portion thereof, the quantities to be transported by Tennessee for Amoco would be reduced to a *pro rata* share of all gas available for transmission by Tennessee through such facilities. It is stated that the transportation agreement would become effective on the date of its execution, March 27, 1985, and would be implemented on the date Tennessee commences service and remain in full force and effect until June 30, 1987, or the termination of Amoco's obligation under Amoco's November 20, 1964, warranty contract with FGT, whichever occurs last, at which time it shall terminate subject only to final adjustment between the parties in accordance with the provisions of the March 27, 1985, transportation agreement.

It is asserted that Tennessee would charge Amoco a volume charge equal to the product of 16.02 cents multiplied by the total volume in Mcf of gas delivered by Tennessee for the account of Amoco during the month at the Carnes and/or Vinton delivery points, and a plant volume reduction charge equal to the production of 10.89 cents multiplied by the volume in Mcf of plant volume reduction delivered by Tennessee for the account of Amoco during the month at Yscloskey. It is finally stated that Tennessee would also charge Amoco a minimum monthly bill.

It is further explained that Tennessee would accept the associated liquid hydrocarbons produced with the gas and transport such liquid hydrocarbons for the account of Amoco to the Tenneco Cocodrie facility in Terrebonne Parish, Louisiana, provided that Amoco makes the necessary arrangements for separation, handling, storage of liquid hydrocarbons, gas dehydration and payment for such services with the owners of such onshore facilities. It is asserted that Tennessee would charge Amoco 59.14 cents per barrel for the transportation of liquids.

*Comment date:* July 8, 1985, in accordance with Standard Paragraph F at the end of this notice.

**Consolidated Gas Transmission Corporation**

[Docket No. CP85-499-000]

Take notice that on May 8, 1985, Consolidated Gas Transmission Corporation (Consolidated) 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP85-499-000 an application pursuant to section 7(c) of the Natural Gas Act for a blanket certificate of public convenience and necessity authorizing it to render service under a new rate schedule, DST (Displaced Sales Transportation), all as more fully set forth in the application on file with the Commission and open to public inspection.

Consolidated seeks a limited term, blanket certificate of public convenience and necessity, with pre-granted abandonment, authorizing firm and interruptible transportation services on behalf of end users on Consolidated's system where the effect of the transportation would be to displace Consolidated's system gas supply with natural gas purchased from producers, including production from Consolidated's production division. It is

stated that the rate proposed for this service, together with the proposed revenue treatment, would compensate Consolidated and its remaining customers for fixed costs and the actual costs incurred to maintain gas supply for the beneficial use of all system sales customers. It is stated that this service would enable Consolidated to offer end-users on its system enhanced access to the market place without penalizing traditional, remaining sales service customers.

Consolidated states that all large end-users, i.e. those taking 500 dt equivalent of gas per day or more under the rate schedule, that are customers of Consolidated's Rate Schedule RQ wholesale customers would be eligible for DST service. It is stated that although Consolidated has received several end-user requests for transpaortation service, Consolidated is not now able to identify all customers that may be interested in DSTservice nor the quantities they may wish to transport. Consolidated asserts that the authorization requested, therefore, would permit service to be rendered to all qualifying end-users on a blanket basis. It is stated that these end-users would be required to enter into service agreements with Consolidated whereby end-users and Consolidated would agree to either firm or interruptible transportation service and a term of up to (3) three years.

Consolidated states that it plans to offer DST until December 31, 1986, on an experimental basis. Therefore, Consolidated proposes to abandon individual transactions under the DST blanket certificate consistent with the term of the individual Consolidated/end-user service agreement, but not later than December 31, 1989. Consolidated states that it would file with the Commission copies of all executed service agreements in accordance with Part 154 of the Commission's Regulations.

Consolidated asserts that DST service would be rendered only to end-users that may be considered Consolidated's "core" customers, i.e. existing on-system sales customers.

It is stated that no new facilities need to be constructed in the market area, since, by definition, DST service would displace on-system sales load. It is further stated that receipt of gas in supply areas would be subject to the availability of capacity.

Consolidated states that it is seeking a separate blanket certificate for this service, apart from the current Commission blanket programs, because of the novel rate treatment proposed herein, because the certificate would allow Consolidated to transport pipeline production, because the service is available on a firm basis to better approximate the sales service offering currently received by potential DST customers, and because the contract term limitation of three years exceeds the Commission's current limitations for blanket arrangements and certificates. A three-year contract limit gives DST customers reasonable access to reserves while allowing Consolidated to better manage its own natural gas supply, it is claimed.

It is stated that the maximum rate proposed is currently 71.80 cents per dt equivalent, plus fuel costs. It is stated that this rate is subject to adjustments and refunds. It is also stated that the 71.80 cents-rate is composed of four components. It is stated that the first component is the non-gas contained in Consolidated's currently effective Rate Schedule RQ commodity rate. It is stated that this rate is 12.91 cents per dt equivalent. Consolidated states that since DST gas would be displacing sales Consolidated otherwise would have made under it existing RQ rate schedule, Consolidated must recover, at a minimum, the non-gas costs in its commodity rates so as to prevent underrecovery of fixed costs. Consolidated states that it would retain all revenues collected by this component consistent with its approved rate settlement agreement in Docket No. RP82-115. Since, it is stated, the Rate Schedule applies only to end-users taking gas from rate schedule RQ wholesale customers of Consolidated, Consolidated would continue to charge and receive, under its RQ rate, demand and winter requirement-quantity (WRQ) amounts attributable to DST customers' load. Consolidated states that its RQ customers and DST customers; with the supervision of their governing state commissions, can best determine how to allocate demand and WRQ charges at the local level when end-users, in fact, leave the utility system in favor of direct purchases from producers.

It is stated that the second component of the proposed rate is designed to defray the cost of non-gas minimum commodity bills, if any, payable to Consolidated's pipeline suppliers. It is stated that when DST customers displace sales, Consolidated may incur minimum bill obligations with its pipeline suppliers. To avoid the possibility of other customers subsidizing the proposed service, Consolidated states that it would charge a unit amount equal to the weighted average of the current non-gas costs contained in Consolidated's pipeline supplier's minimum commodity bills. It is explained that this amount is currently 27.67 cents per dt equivalent. Consolidated states that it would credit all amounts collected by this component to a special subaccount of Account 191. At the end of each clendar year, Consolidated states that it would compare such component two credits with minimum commodity bill charges actually paid in the calendar year DST service is rendered. It is asserted that if any excess amounts are received from DST customers, Consolidated would refund such amounts to DST customers and a debit to the subaccount of Account 191 would be made to reverse the initial credit entry. It is further stated that the second component would not be charged in cases where Consolidated receives full minimum commodity bill credits from its pipeline supplier(s) as a result of the transaction or where the natural gas to be transported is wellhead supply released by Consolidated into the transportation program.

In providing the proposed service, Consolidated states that it would be reducing takes from producer and pipeline suppliers, and these suppliers, in turn, may charge or allocate take-or-pay penalties to Consolidated. It is stated that Consolidated's pipeline suppliers would have an opportunity to allocate such take or pay charges to their customers as part of general rate cases. To assure that Consolidated's other customers would not be harmed by displacement of sales service, Consolidated proposes to include in its DST rate an amount equal to one year of carrying charges on take-or-pay amounts which may be charged or allocated by Consolidated's suppliers. It is stated that the 30-cent charge designated, component three, of the DST rate, represents an estimate of the unit amount of increased take-or-pay carrying charge expenses expected to be incurred by affected pipeline suppliers and which may be allocated to Consolidated. Consolidated states that it would credit all amounts collected by this rate component to a subaccount of Account 191 for the benefit of all Consolidated sales customers. It is also stated that every two calendar years Consolidated would compare such credits to actual take-or-pay, non-recoupable prepayments or settlement payments or related carrying charges billed or allocated to Consolidated by its pipeline suppliers for payment during the calendar years DST service was rendered. It is stated that any amounts collected in excess of actual liabilities paid or amounts allocated, would be refunded to DST customers and an

offsetting debit entry to the Account 191 subaccount would be made. It is further stated that refunds would also be made in cases where the Account 191 subaccount credit is supported by a take-or-pay payment, which is later repaid in gas or chase where such repayment is received, refunded, or allocated to Consolidated. It is stated that the third component would not be charged if the end-user obtains its gas supply from a source which affords Consolidated full take-or-pay relief or from a producer source, including the production division of Consolidated, currently connected to Consolidated and part of its system supply.

By applying component two and three revenues against costs, Consolidated states that it would effectively reduce gas costs which would have been tracked to Consolidated's other customers through its PGA. Finally, it is stated that the DST rate would include as its component four the current GRI surcharge.

During the term of the DST blanket transportation certificate, Consolidated states that it would continue its efforts to minimize minimum bill penalties and take-or-pay amounts allocated by pipeline suppliers to it. It is stated that if these efforts are successful, and it is determined that penalties would not, in fact, be incurred in any year of the experimental program, Consolidated would revise its DST rate to eliminate all or part of component two and three amounts. However, it is stated that in 1985, DST customers would be charge components two and three because Consolidated is currently below minimum commodity bill levels with one major pipeline supplier and because payments are being made this year to reimburse Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) for take-or-pay payments pursuant to a settlement agreement approved in Tennessee's Docket Nos. RP83-8, *et al.*

It is stated that although the DST service option would properly charge transportation customers for costs they impose on the system by switching to transportation services, some circumstances would arise where the DST rate would not be competitive with other fuel supply or transportation alternatives that the end-user has. It is asserted that in order to preserve throughout on Consolidated's system, therefore, it may be required to continue to offer Rate Schedule TI service in instances where the end-user has alternate fuel capability or an alternate gas supply which can be delivered through an alternate gas supply which can be delivered through an alternate transportation route where the delivered cost at the burner tip of the alternate supply is at a price lower than the current delivered cost of gas from Consolidated's system supply; or, has an alternate gas transportation route at a cheaper rate than the DST rate.

It is stated that service to new cogeneration facilities recently proposed by Consolidated on April 19, 1985, under a new rate schedule, CT, in Docket No. RP85-139-000 and service to new or incremental loads would not be affected by the instant proposal. It is stated that the DST rate is developed in response to requests for transportation service which, if honored at current transportation rate levels, could have caused harm to Consolidated's remaining system sales customers because they would be left with supporting Consolidated's fixed costs of gas supply.

It is further stated that the goal of DST rate is to give Consolidated system end-users a new gas purchase choice at a rate low enough to make transportation agreements practical and, at the same time, protect system sales customers from the burden of carrying all costs of standby service. The rate would tend to make Consolidated and its customers economically indifferent as between sales and transportation service, it is asserted.

Consolidated states that the proposed rate recognizes that Consolidated acquired and has maintained its long-term gas supply, in part, for the benefit of DST customers. Consolidated states that it is ready to resume sales service to these customers by virtue of its continuing obligations and rights under its sales agreements with its wholesale customers.

It is stated that some of Consolidated's customers may be required to file transportation tariffs with their state regulatory commissions and some of Consolidated's suppliers may utilize existing blanket certificate, special marketing program or other authorities to transport gas for further transportation by Consolidated. Otherwise, it is asserted, Consolidated knows of no other applications to supplement or effectuate the proposals which must be or would be filed by it, its customers, or any other person with any other federal, state, or other regulatory body.

*Comment date:* July 8, 1985, in accordance with Standard Paragraph F at the end of this notice.

**Standard Paragraphs**

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for

filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-15000 Filed 6-20-85; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. SA85-37-000]**

## Midwestern Gas Transmission Co.; Petition for Adjustment

June 18, 1985.

Take notice that on May 23, 1985, Midwestern Gas Transmission Company (Petitioner), 1100 Milam Building, Houston, Texas 77002, filed, in Docket No. SA85-37-000, a petition with respect to its Southern System, for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) for an exemption from the filing requirements of 204(b)(2) of the Commission's Regulations, all as more fully set forth in the petition which is on file with the Commission and open for public inspection.

Petitioner states that the collection and review of its Southern System's essential agricultural use requirements data and the preparation of the annual update of its index of customer requirements under § 281.204(b)(2) of the Commission's Regulations require substantial time and expense on the part of agricultural users and Petitioner's customers, personnel and Data Verification Committee.

Petitioner also states that it anticipates that it would be able to meet the full requirements of its customers in the near term as indicated in Petitioner's FERC Form 16 filed May 15, 1985, and FERC Form 15, for the year ended December 31, 1984. Therefore, Petitioner submits that annual compliance with the filing requirements of § 281.204(b)(2) is currently unnecessary and would result in a special hardship and unfair distribution of burdens to Petitioner and Petitioner's customers on its Southern System.

Petitioner further states that it would make timely and appropriate tariff filings to comply fully with the Commission's Regulations implementing section 401 of the NGPA should Petitioner determine at a future date that it would not be able to meet its full customer requirements on its Southern System or should its FERC Form 16 projections indicate a supply deficiency.

The procedures applicable to the conduct of this adjustment are found in Subpart K of the Commission's Rules of Practic and Procedure.

Any person desiring to participate in the adjustment proceeding shall file a motion to intervene in accordance with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-14992 Filed 6-20-85; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. TA85-2-55-000]**

## Mountain Fuel Resources, Inc.; Informal Conference

June 19, 1985.

Take notice that an informal conference will be convened on Thursday, July 11, 1985, at 10:00 a.m. in the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The conference will address the issues raised by Mountain Fuel Resources, Inc.'s May 1, 1985 purchased gas adjustment filing in the above-captioned docket.

All interested persons and Staff will be permitted to attend.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-14993 Filed 6-20-85; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket Nos. QF85-520-000 et al.]**

## Pagnotti Enterprises, Inc., et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

*Comment date:* Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

### 1. Pagnotti Enterprises, Inc.

[Docket No. QF85-520-000]

June 17, 1985.

On June 3, 1985, Pagnotti Enterprises, Inc., (Applicant), P.O. Box 450, Pittston, Pennsylvania, 18640, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The plant is to be an 80 megawatt facility located at the Hazleton Shaft Colliery in Hazelton, Pennsylvania. The plant will use low heating value anthracite refuse located adjacent to the site for fuel. The facility will use Fluidized Bed Combustion technology and will consist of a FBC boiler, steam turbine and generator.

### 2. The Procter and Gamble Paper Products Company

[Docket No. QF85-524-000]

June 17, 1985.

On June 6, 1985, The Procter and Gamble Paper Products Company (Applicant), P.O. Box 599, Cincinnati, Ohio 45201 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

Natural gas will be the primary energy source of applicant's proposed topping cycle cogeneration facility. The combustion gas turbine facility which will have a power production capacity of approximately 50 megawatts will be located at the applicant's Mehoopany Plant at Mehoopany, Pennsylvania. Heat rejected from the combustion turbine will be used in paper manufacture. Installation of the facility began in September 1984

### 3. Oneida County Department of Public Works

[Docket No. QF85-516-000]

June 12, 1985.

On May 28, 1985, the Oneida County Department of Public Works, Division of Solid Waste Management, of River Road (State Route 365), Rome, New York 13440-6913, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed small power production facility is located in Rome, New York. The facility consists, in part, of a boiler and a steam turbine/generator. The primary source of energy is municipal solid waste. The maximum electric power production capacity of the facility is 2200 kW. The generated steam is sold to Griffiss Air Force Base with excess steam used for the electric power generation.

### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or

protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for pubic inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-14999 Filed 6-20-85; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP85-163-000]**

## Panhandle Eastern Pipe Line Co.; Change in FERC Gas Tariff

June 19, 1985.

Take notice that on June 13, 1985, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following sheet to its FERC Gas Tariff, Original Volume No. 1:

Fourth Revised Sheet No. 3-C

Panhandle states that this sheet is submitted to identify the transportation rate for backhaul service performed pursuant to Panhandle's Rate Schedule IT. Panhandle proposes that this sheet become effective July 1, 1985.

A copy of this filing has been served on Panhandle's jurisdictional customers and respective State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 28, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-14994 Filed 6-20-85; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. G-2629-001 et al.]**

## Phillips Petroleum Company et al.; Applications for Certificates, Abandonments of Service and Petitions to Amend Certificates [1]

June 19, 1985.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 2, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

| Docket No. and dated filed | Applicant | Purchaser and location | Price per 1,000 ft ³ | Pressure base |
|---|---|---|---|---|
| G-2629-001, June 13, 1985 | Phillips Petroleum Co., 336 HS&L Bldg., Bartlesville, OK 74004. | Northern Natural Gas Co., Spraberry Plant, Permian Basin Area, Midland County, Texas. | (1) | 14.73 |
| G-2694-001, D, June 10, 1985 | ARCO Oil & Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, TX 75221. | El Paso Natural Gas Co., Various Fields, Lea County, New Mexico. | (2) | |
| G-4579-032, C, June 10, 1985 | Cities Service Oil & Gas Corp., P.O. Box 300, Tulsa, OK 74102. | Lone Star Gas Co., Katie Field, Garvin County, Oklahoma. | (3) | 14.73 |
| G-5236-006, D, June 4, 1985 | Cabot Corp., 125 High Street, Boston, MA 02110 | Columbia Gas Transmission Corp., (Cabot) Bradley Station, Wyoming Co., WV (Columbia) McDowell Co., WV. | (4) | |
| G-18479-000, F, June 10, 1985 | The George R. Brown Partnership (Succ. in Interest to George R. Brown), 1450 One Allen Center, Houston, TX 77002. | Florida Gas Transmission Co., North Monte Christo Field, Hidalgo County, Texas. | (5) | 14.73 |
| CI78-781-002, E, June 5, 1985 | Fina Exploration, Inc. (Succ. to Petrofina Exploration, Inc.), P.O. Box 2159, Dallas, TX 75221. | Northern Natural Gas Co., High Island Block A-571, Offshore Texas. | (6) | 14.73 |
| CI79-44-001, D, June 6, 1985 | Gulf Oil Corp., P.O. Box 2100, Houston, TX 77252 | Southern Natural Gas Co., East Golden Meadow, Kings Ridge and Coffee Bay Fields, Lafourche Parish, Louisiana. | (7) | |
| CI82-310-002, F & C, June 10, 1985 | Phillips Petroleum Co. (Succ. in Interest to Phillips Oil Co. who Succ. to the Interest of Aminoil, Inc.), 336 HS&L Bldg., Bartlesville, OK 74004. | Texas Eastern Transmission Corp., West Delta Block 86 Field, Offshore Louisiana. | (8) | 14.73 |
| CI85-479-00 & CI85-480-000, E, Apr. 12, 1984. | Hulfco Petroleum Corp. (Succ. in Interest to Coleve and Columbia Gas Development Corp.), P.O. Box 4436, Houston, TX 77210. | Columbia Gas Transmission Corp., West Cameron Block 531, Offshore Louisiana. | (9) | 14.73 |
| CI85-482-000, B, June 6, 1985 | Prenalta Corp., P.O. Box 2514, Casper, WY 82602 | Colorado Interstate Gas Co., State of Wyoming Well 11-36, Point of Rock Field C NW/4 Sec. 36, T20N, R101W, Sweetwater County, Wyoming. | (10) | |
| CI85-483-000, B, June 3, 1985 | Tascosa Gas Company | Phillips Petroleum Co., Millie Brady Lease, Section 220, Block 1-C GH&H RR Survey, Sherman County, Texas. | (11) | |
| CI85-484-000, B June 6, 1985 | Conoco Inc., P.O. Box 2197, Houston, TX 77252 | Phillips Petroleum Co., Bayview Field, Crane County, Texas. | (12) | |

| Docket No. and dated filed | Applicant | Purchaser and location | Price per 1,000 ft³ | Pressure base |
|---|---|---|---|---|
| CI85-485-000 (CI77-283), B, June 7, 1985. | Amoco Production Co., P.O. Box 3092, Houston, TX 77253. | Northern Gas Products Co. (Succ. to Perry Gas Processing), Pecos Valley and Abell McKee Fields, Pecos County, Texas. | (13) | |
| CI85-486-000 (CI66-710), B, June 4, 1985. | Cabot Corp., 125 High Street, Boston, MA 02110 | Columbia Gas Transmission Corp., Huff Creek District, Wyoming Co. and McDowell Co., WV. | (14) | |
| CI85-487-000, B, June 10, 1985 | Conoco Inc | Phillips Petroleum Co., Bayview Field, Crane County, Texas. | (12) | |
| CI85-497-000, B June 10, 1985 | LaPorrita Oil & Gas, Inc., P.O. Box 392, Rosenberg, TX 77471. | Valley Gas Transmission, Inc., Yeary Field, Kleberg County, Texas. | (15) | |
| CI85-501-000 (CI79-507), B, June 11, 1985. | Monsanto Oil Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, TX 77056. | Columbia Gas Transmission Corp., Galveston Area Blocks A-156 and A-157, South Addition, Federal Offshore Texas. | (16) | |
| CI85-505-000, F, June 13, 1985 | Exxon Corp. (Succ. in Interest to Mesa Petroleum Co.), P.O. Box 2180, Houston, TX 77252-2180. | Sea Robin Pipeline Co., Eugene Island Block 330, Offshore Louisiana. | (17) | 14.73 |
| CI85-506-000, A, June 13, 1985 | FMP Operating Co., a Limited Partnership, P.O. Box 6800, Metairie, LA 70009. | Transcontinental Gas Pipe Line Corp., South Marsh Island Area Block 174, Field, Offshore Louisiana. | (18) | 14.73 |

[1] Applicant is filing for an addition of an alternate delivery point.
[2] The pressure at which the gas was being delivered gradually declined until it was too low to allow the gas to enter El Paso's line. Installation of compression facilities by Applicant was not economically feasible.
[3] Applicant is filing under Interstate Rollover Gas Purchase Contract dated 2-14-85 and Amendments dated 3-1-85 and 5-1-85.
[4] Corporate reorganization—transportation to continue by Cranberry Pipeline Corporation.
[5] By General Assignment and Conveyance effective 2-1-84, Alice Pratt Brown, individually and as Independent Executrix of the Estate of George R. Brown, Deceased, conveyed all right, title and interest in the leases dedicated under the Contract to Brown Partnership. George R. Brown died testate on 1-22-83.
[6] Assignments dated 12-28-84 to be effective as of 10-1-84, American Petrofina Company of Texas (APCOT) assigned to Petrofina all APCOT's right, title and interest in the properties and by assignment effective as of 1-1-85, Petrofina assigned to Fina, all of Petrofina's right, title and interest in the properties.
[7] Gulf has now determined that much of the acreage covered by the original contract dated 8-20-56 the replacement contract dated 7-11-76 and the rollover contract dated 7-1-83 was not conveyed to Gulf or the leases have expired or have been terminated.
[8] Effective 1-1-85, Phillips Oil Company assigned to Applicant, its interest in OCS Lease Nos. OCS-G2934, OCS-G-4243 and OCS-G4895 which comprise West Delta Blocks 85 and 86, Offshore Louisiana. Applicant proposes to continue this sale of natural gas to TETCO, pursuant to the terms and provisions of the Gas Purchase Contract dated 5-28-82. Applicant and TETCO by Amendment dated 9-6-84, executed 3-26-85, have agreed to the addition of acreage, by both extension of surface acreage and removal of the prior depth limitation, to the 5-28-82, Contract. Two of the assigned properties, OCS Lease Nos. OCS-G4243 and OCS-G4895, have been determined to be new offshore leases.
[9] Effective as of 12-9-83, Coleve and Columbia Gas Development Corporation (Assignors) assigned their interests in certain properties to Huffco.
[10] Well is depleted with no production since November, 1983. Workover of well indicated only water production. The well needs to be plugged and abandoned to meet lease requirements.
[11] All production under the lease has ceased and the lease has expired for lack of production. Tascosa Gas Company therefore no longer has the right to explore or develop the acreage involved.
[12] Non-production and the contract has passed the primary term.
[13] The primary term for the basic contract expired on 2-1-82. Northern and Amoco have now entered into a rollover contract dated 12-18-84, which is a "percent of proceeds" contract.
[14] Gas supply is depleted.
[15] The Contract expired by its terms on 11-1-83. Valley Gas Transmission's production line constructed in 1963 has experienced significant deterioration which has created line breaks and significant line loss and Valley Gas Transmission has elected not to spend the funds necessary to rebuild its gathering system and has elected to and has consented to the termination of the contract and the abandonment of such acreage.
[16] The dedicated reserves under contract from Blocks A-157 and A-156 have now been depleted, the last production occurring in May 1983.
[17] By assignment dated 12-28-84, Exxon acquired certain undeveloped acreage from Mesa Petroleum Company.
[18] Applicant is filing under Gas Purchase Contract dated 6-7-85.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 85-14995 Filed 6-20-85; 8:45 am]
BILLING CODE 6717-01-M

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**[Docket Nos. ID-1779-002 et al.]**

## Richard E. Disbrow et al.; Interlocking Directorate Applications

June 17, 1985.

Take notice that the following filings have been made with the Commission:

### 1. Richard E. Disbrow

[Docket No. ID-1779-002]

Take notice that on June 6, 1985 Richard E. Disbrow (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

President & Director—AEP Generating Company
* Vice President & Director—Appalachian Power Company
* Vice President & Director—Columbus and Southern Ohio Electric Company
* Vice President & Director—Indiana & Michigan Electric Company
*Director & Vice President—Kanawha Valley Power Company
* Vice President & Director—Kentucky Power Company
* Vice President & Director—Kingsport Power Company
* Vice President & Director—Michigan Power Company
* Vice President & Director—Ohio Power Company
* Vice President & Director—Wheeling Electric Company

* Positions previously authorized.

*Comment date:* July 2, 1985, in accordance with Standard Paragraph E at the end of this notice.

### 2. John T. Newton

[Docket No. ID-1460-002]

Take notice that on June 6, 1985 John T. Newton (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President and Director—Kentucky Utilities Company
Senior Vice President and Director—Old Dominion Power Company
Director—Electric Energy, Inc.

*Comment date:* July 2, 1985, in accordance with Standard Paragraph E at the end of this notice.

### Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-14998 Filed 6-20-85; 8:45 am]
BILLING CODE 6717-01-M

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**[Docket No. EL85-11-003]**

## Southern California Edison Co.; Refund Report

June 17, 1985.

Take notice that on May 29, 1985, Southern California Edison Company submitted for filing a refund report pursuant to the Commission's letter order dated April 29, 1985.

Any person desiring to be heard or to

protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 24, 1985. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 85-14996 Filed 6-20-85; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. RP85-164-000]

## Southern Natural Gas Co.; Filing

June 19, 1985.

Take notice that on June 11, 1985, Southern Natural Gas Company (Southern) tendered for filing the following proposed sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1:

Original Sheet No. 30B
Original Sheet No. 30C
Original Sheet No. 30D

Southern states that it is filing these sheets pursuant to the Commission's June 7, 1985 order in Docket No. CP85-464-000 which authorized Southern to implement its proposed Flexible Discount Rate Schedule. The proposed effective date of the tariff sheets is June 7, 1985.

Southern indicates that copies of the filing have been mailed to all its jurisdictional purchasers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 28, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 85-14997 Filed 6-20-85; 8:45 am]

BILLING CODE 6717-01-M

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[Docket Nos. CP85-556-000 et al.]

## United Gas Pipe Line Company et al.; Natural Gas Certificate Filings

June 14, 1985.

Take notice that the following filings have been made with the Commission:

### 1. United Gas Pipe Line Company

[Docket No. CP85-556-000]

Take notice that on May 31, 1985, United State Pipe Line Company (Applicant), Post Office Box 1478, Houston, Texas 77001, filed in Docket No. CP85-556-000 a request pursuant to § 157.205 of the Regulations under the Natual Gas Act (18 CFR 157.205) for permission and approval to abandon its Magnolia Petroleum Company-Kilgore Camp 2-inch lateral line in Gregg County, Texas, under the authorization issued in Docket No. CP-82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that the Magnolia Petroleum Company-Kilgore Camp 2-inch lateral interconnects with Applicant's Longview-Tyler line at index 8-12 in Gregg County, Texas. Applicant states that the facilities were installed in 1924 and were authorized in Docket No. G-232. It is asserted that the lateral enabled Applicant to deliver natural gas to Entex Inc. (Entex) for resale to Mobil Pipe Line Company (Mobil). It is stated that Entex and Mobil have informed Applicant that such gas service is no longer needed by Mobil.

It is asserted that the proposed abandonment would be without detriment or disadvantage to Applicant's other existing customers.

*Comment date*: July 29, 1985, in accordance with Standard Paragraph G at the end of this notice.

### 2. Columbia Gas Transmission Corporation

[Docket No. CP85-517-000]

Take notice that on May 17, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP85-517-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia proposes to abandon three small storage fields, consisting of eight storage wells and related facilities. Columbia states that these storage fields were activated many years ago by predecessor companies to serve specific local market requirements. It is stated that changes in market requirements, sources of gas supply and the pipeline systems supplying these markets since the storage fields were activiated have eliminated the need for their continued operation.

Specifically, Columbia proposes the following: (1) The abandonment of Poca Storage field and related facilities and leaseholds, located in Kanawha and Putnam Counties, West Virginia; (2) the abandonment of Cross Creek compressor station consisting of one 75-horsepower unit and appurtenances, located in Washington County, Pennsylvania; (3) the abandonment of Cross Creek storage field and related facilities and leaseholds located in Washington County, Pennsylvania; (4) the abandonment of Gilbert compressor station consisting of one 225-horsepower unit and appurtenances, located in Allegany County, New York; and (5) the abandonment of Gilbert storage field and related facilities and leaseholds, located in Allegany County, New York.

Columbia states that the abandonment of Poca, Cross Creek and Gilbert storage and realted facilities would have virtually no effect on the operation of Columbia's underground gas storage system. It is further stated that abandonment of these fields would not affect Columbia's ability to serve its existing and estimated future market requirements and would not result in any reduction of service to existing customers. Columbia estimates that the proposal would reduce its annual operating expense by $64,500.

*Comment date*: July 5, 1985, in accordance with Standard Paragraph F at the end of this notice.

### 3. Texas Gas Transmission Corporation

[Docket No. CP85-547-000]

Take notice that on May 28, 1985, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP85-547-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for permission and approval to abandon the Staunton sales meter station in Clay County, Indiana, under the authorization issued in Docket No. CP82-407-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection. Is is stated that the meter station was used for making deliveries of natural gas to Terre Haute Gas Corporation (Terre Haute), which has

requested that Texas Gas make its deliveries through another existing delivery point, the Brazil Station, also in Clay County. It is asserted that no customers of Texas Gas or Terre Haute would be adversely affected by the proposed abandonment.

*Comment date*: July 29, 1985, in accordance with Standard Paragraph G at the end of this notice.

**4. Colorado Interstate Gas Company**

[Docket No. CP85-398-000]

Take notice that on March 28, 1985, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP85-398-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the establishment of a new transportation tariff, blanket authorization to provide firm and interruptible transportation service under the tariff and blanket authority to permit existing shippers to convert to the new transportation rate schedules, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to establish a new transportation tariff including four new transportation rate schedules for firm and interruptible transportation service to both on-system and off-system shippers. Blanket certificate authority is also requested to provide both firm and interruptible service under the proposed rate schedules. It is stated that transportation service under the blanket authority would be provided only if such service can be accommodated without need for the construction of additional mainline facilities. Applicant states that its customers have made repeated requests for transportation service which are currently being accepted on a case-by-case approach but are very time consuming and that the proposed tariff would allow Applicant to handle such requests in a much more expeditious manner. Further, Applicant proposes that existing shippers for which it is able to negotiate a mutually beneficial agreement could convert to the rate schedules proposed herein.

Applicant states that its proposed Rate Schedule TF-1 would provide for firm transportation service applicable to off-system shippers proposing to serve markets not previously served by Applicant. A two-part rate for service under Rate Schedule TF-1 is proposed consisting of: (1) $1.55 per Mcf demand, and (2) 26.53 cents per Mcf commodity. Applicant further states that a 1.25-cent per Mcf GRI charge would be added to the commodity rate and that the demand charge would be based upon a transportation contract demand volume included in a tranportation service agreement between Applicant and shipper and would be applicable regardless of the volume of gas actually transported. It is stated that the demand charge would be adjusted if Applicant, on any day, fails to accept from shipper volumes tendered up to the transportation contract demand volume and that the commodity rate is applicable to all volumes transported by Applicant for the account of shipper. An overrun charge of 31.63 cents per Mcf is applicable when Applicant transports volumes in excess of the transportation contract demand volume on any given day, it is asserted.

Applicant states that its proposed Rate Schedule TI-1 is for interruptible service provided by Applicant for off-system shippers serving markets not located on its system and on-system shippers proposing to serve markets not previously served by Applicant. It is explained that there is no minimum term applicable to this rate schedule and that the rate proposed for Rate Schedule TI-1 is a commodity of 31.63 cents per Mcf of gas and is applicable to all volumes transported by Applicant for the account of shipper. Applicant states that the same rate is applicable for service provided in excess of the maximum delivery volume to be included in a transportation service agreement to be negotiated between Applicant and a shipper and that a 1.25-cent per Mcf GRI charge would be added, when appropriate.

Applicant further states that its proposed Rates Schedule SDT-1 provides for firm transportation service applicable to those on-system end-users and full requirement customers of Applicant where sales by Applicant would be displaced by the transportation service. It is explained that the rate proposed for Rate Schedule SDT-1 consists of a two-part rate of $3.17 per Mcf demand, and 56.60 cents per Mcf commodity, and that, in addition, when appropriate, a 1.25-cent per Mcf GRI charge would be added to the commodity rate. Applicant states that the demand charge would be based upon a transportation contract demand volume included in a transportation service agreement to be negotiated between Applicant and a shipper and would be payable regardless of the volume of gas actually transported. It is stated that the demand charge would be adjusted if Applicant on any day fails to accept from shipper volumes tendered up to the transportation contract demand volume and that the commodity rate would be applicable to all volumes transported by Applicant for the account of shipper. An overrun charge of 67.02 cents per Mcf would be applicable when Applicant transports volumes in excess of the transportation contract demand on any given day, it is asserted.

Applicant states that it cannot dedicate system capacity to these new firm shippers and at the same time reserve system capacity and gas supply to provide sales service at levels established under the general daily entitlements in Volume 1 of Applicant's FERC tariff for the sales customer affected by the transportation service. Therefore, it is maintained, a revised service agreement under Volume 1 of Applicant's tariff providing for a reduction in general daily sales entitlements and total annual sales entitlements equivalent to shipper's transportation contract demand is required before Applicant would provide transportation service under Rate Schedule SDT-1. Should shipper be an end-user serviced by an on-system distribution company, the revised service agreement would be that of the distribution company serving such end-user, it is said.

Applicant further states that its proposed Rate Schedule SDT-2 provides for interruptible service for on-system end-users and full requirement customers of Applicant where sales by Applicant would be displaced by the transportation service. The rate proposed is 56.60 cents per Mcf for gas transported and a 1.25-cent per Mcf GRI charge would be added, when appropriate. It is stated that this proposed rate is Applicant's margin for its Rate Schedule G-1 commodity charge as settled in Docket No. RP82-54-000. However, as with the rate proposed for service under Rate Schedule SDT-1, this charge does not obviate all risk to Applicant because there continues to be potential take-or-pay obligations resulting from decreased sales, it is asserted.

Applicant states that it recognizes that the rates proposed herein are based on the settlement in Docket No. RP82-54-000. It is stated that a new filing pursuant to section 4 of the Natural Gas Act is being submitted concurrently with this application. Applicant states that the proposed changes in rates would alter the rates contained in the rate schedules proposed herein and that likewise, subsequent rate filings may affect the proposed rate schedules. Therefore, the proposed rate schedules would be subject to change, from time to

time, when new rates are approved by the Commission, it is explained.

Applicant states that it currently provides firm transportation service for certain shippers and that this service is provided under specific certificate authority granted pursuant to applications filed under section 7 of the Natural Gas Act. It is explained that the contracts providing for such service are filed as Rate Schedule X in Applicant's FERC Gas Tariff, Original Volume No. 2. Applicant requests authority to provide future firm transportation service under Rate Schedules TF–1 and SDT–1 pursuant to blanket certificate authority. Applicant proposes to advise the Commission of all such transactions by filing an appropriate change to the Index of Shippers to reflect commencement and termination of such transportation service. These filings are proposed to be made by Applicant within thirty days of such change.

Applicant also states that it provides interruptible transportation service pursuant to specific certificate authorizations and Rate Schedule X. In addition, Applicant holds certificates issued in Docket Nos. CP80–169–000 and CP83–21–000 for authority to provide self-implementing interruptible transaction service pursuant to Part 284 and Part 157, respectively, of the Commission's Regulations. Blanket certificate authority is requested herein to provide future interruptible transportation service under Rate Schedules TI–1 and SDT–2. Applicant proposes to keep the Commission advised of all such transactions by filing an appropriate change to the Index of Shippers to reflect commencement and termination of service.

It is stated that Applicant would no longer have to file Prior Notice applications and related reports for certain self-implementing transportation service to be provided under Rate Schedules TI–1 and SDT–2. In addition, Applicant states it would no longer be required to file section 7(c) applications and related tariff filings as a rate schedule to be included in its FERC Gas Tariff, Original Volume No. 2 for other interruptible service that would not be provided under Rate Schedules TI–1 and SDT–2.

Applicant also states that it provides both firm and interruptible transportation service to shippers under specific section 7(c) certification authorization with corresponding transportation agreements filed in its FERC Gas Tariff, Original Volume No. 2 as Rate Schedule X. In addition, Applicant states that it provides interruptible transportation service to customers under Part 157 and Part 284 of the Commission's Regulations for which no X Rate Schedules are required.

It is maintained that some of these existing transportation shippers may prefer service under the proposed new Volume No. 1–A Tariff to service under their current contract, and that therefore, it may be mutually beneficial to both Applicant and an existing shipper to negotiate a new agreement which would permit the shipper to convert to the appropriate new rate schedules as proposed herein. Applicant states it is not obligated to permit existing shippers to change to the new rate schedules, however, it is requesting such blanket authorization as may be required to permit any existing shipper to change to the appropriate new rate schedule. Such blanket authorization would be applicable only for the same service, firm or interruptible, and for the same volumetric authorization, it is explained.

Applicant states that blanket certificate authority requested herein, whether for firm or interruptible service under all four proposed rate schedules, be applicable only when such service can be provided without need for the construction of additional mainline facilities to increase capacity. Applicant states that it install those facilities required to effect transportation services that are authorized pursuant to its blanket certificate issued in Docket No. CP83–21–000 and that it would request separate section 7(c) authorization for facilities to increase mainline capacity or facilities for which it does not have exising authorization.

Applicant states that it currently has capacity available on most segments of its transmission system to accommodate additional transportation gas and that much of this capacity results from reductions in sales commitments. Applicant states that in the pending application in Docket No. CP85–381–000, Applicant's firm sales peak day markets are to be reduced and that, therefore, capacity is, and would be, available to allocate pursuant to the blanket certificate transportation authority sought herein.

*Comment date:* July 5, 1985, in accordance with Standard Paragraph F at the end of this notice.

**5. El Paso Natural Gas Company**

[Docket No. CP85–553–000]

Take notice that on May 31, 1985, El Paso Natural Gas Company (Applicant), Post Office Box 1492, El Paso, Texas 79970, filed in Docket No. CP85–553–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to permit the receipt of natural gas from Colorado Interstate Gas Company (CIG) and the transportation of natural gas for the account of Mountain Industrial Gas Company (MIG), on behalf of Cominco American Industrial (Cominco), and the delivery of such volumes to Cominco, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Cominco's gas purchase agreement with CIG terminates September 1, 1985, and in order to provide a continued economical source of natural gas as feedstock in Cominco's Borger Plant, Cominco and MIG have entered into a gas agency and sale agreement dated April 15, 1985. It is further stated that pursuant to the terms and conditions of said agreement, MIG would act as Cominco's agent in securing natural gas supplies to satisfy the entire feedstock requirements at Cominco's Borger Plant. It is asserted that since the supply of natural gas to be purchased by MIG is from various supply sources, MIG on behalf of Cominco has entered into transportation agreements with both the Applicant and CIG which would provide for the transportation of such gas from the various sources to Cominco in Hutchinson County, Texas.

Applicant requests authority to transport up to 50,000 Mcf of gas per day pursuant to the terms of a gas transportation agreement dated April 22, 1985. It is stated that the transportation arrangements provide for CIG to deliver volumes of natural gas to Applicant for MIG's account. Applicant would then deliver equivalent volumes, on a thermally equivalent basis, to Cominco at the Borger Plant in Hutchinson County, Texas. It is further stated that the term of the transportation service would commence with the date of the initial deliveries and extend for a primary term of two years and from month to month thereafter not to exceed a total of five years from initial delivery.

Applicant requests authority to construct and operate a tap and valve assembly, with associated appurtenances, at Moore County, Texas, in order to permit the receipt of gas from CIG. Applicant states that the cost of the proposed facilities is estimated to be $36,922 and that it would finance the cost of the facilities through the use of internally generated funds.

Applicant proposes to charge Cominco for each dekatherm of natural gas delivered to the Borger Plant delivery point the "Short Haul Charge" rate in effect and reflected from time to

time on Sheet No. 1-D.2 of Applicant's Volume No. 2 Tariff or superseding tariff. It is stated that the currently effective "Short Haul Charge" is $0.0398 per dekatherm equivalent.

*Comment date:* July 3, 1985, in accordance with Standard Paragraph F at the end of this notice.

**Standard Paragraphs**

F. Any person desiring to be heard or to make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motions believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commissions, staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to §157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is file within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-15001 Filed 6-20-85; 8:45 am]

BILLING CODE 6717-01-M

## Office of Hearings and Appeals

### Cases Filed; Week of May 10 through May 17, 1985

During the Week of May 10 through May 17, 1985, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

June 13, 1985.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 10 through May 17, 1985]

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| May 13, 1985 | Amoco/New York, Albany, New York | RM21-6 | Request for modification/rescission in the Amoco second stage refund proceeding. If granted: The October 4, 1984, Decision and Order (Case No. RQ21-88) issued to New York would be modified regarding New York's application for a second stage refund submitted in the Amoco refund proceeding. |
| May 14, 1985 | Economic Regulatory Administration, Houston, Texas | HRZ-0247 | Interlocutory order. If granted: C. Michael McQueen would be joined in the enforcement proceeding as a party liable in his personal capacity for the overcharge involved in a Proposed Remedial Order issued to Questor Petroleum Corporation (Case No. HRO-0269). |
| May 16, 1985 | Bock Water Heaters, Inc., Madison, Wisconsin | HEL-0126 | Temporary exception from the Energy Conservation Program for Consumer Products. If granted: Bock Water Heaters, Inc. would receive a temporary exception from the provisions of 10 CFR 430 which would permit the firm to modify the energy efficiency test procedures applicable to the Model 32E oil fired water heater. |

**Refund Applications Received**

[Week of May 10 to May 17, 1985]

| Date received | Name of refund proceeding/ name of refund applicant | Case No. |
|---|---|---|
| 5/13/85 | LARCO/Hill Oil | RF112-13 |
| 5/13/85 | Union Texas Petroleum/Small's LP Gas Company. | RF140-20 |
| 5/13/85 | Nielsen/Riteway Service | RF141-7 |
| 5/13/85 | Nielsen/Bob Marens Oil Co., Inc. | RF141-8 |
| 5/13/85 | Seminole/Couch, Inc. | RF111-9 |
| 5/2/85 | Hendel's/Center Groton Auto Center. | RF79-17 |
| 5/14/85 | Bayou/Ida Gasoline/Clary Butane & Oil Company | RF117-7 |
| 5/14/85 | Richards/Defense Logistic Agency. | RF70-27 |
| 5/13/85 | Sid Richardson/Small's LP Gas Company. | RF26-20 |
| 5/14/85 | LARCO/Willis Shaw Express | RF112-14 |
| 5/14/85 | Seminole/Jasper Laundry & Dry Cleaner. | RF111-10 |
| 5/14/85 | LARCO/Harpel Oil Company | RF112-15 |
| 5/14/85 | Tenneco/Capitol Oil Co., Inc. | RF7-128 |
| 5/10/85 | Empire/Inland Lumber | RF150-1 |
| 5/14/85 | Gulf/Howell Oil Co. | RF40-3027 |
| 5/16/85 | Point Landing/System Fuels | RF122-7 |
| 5/15/85 | Alkek/Adams/Indiana Bureau Coop. | RF6-72 |
| 5/16/85 | MCarty/Lin-Mor, Inc. | RF143-6 |
| 5/16/85 | Richards/Cargill, Inc. | RF70-28 |
| 5/16/85 | LARCO/Highland Petroleum, Inc. | RF112-16 |
| 5/17/85 | LARCO/Lynch Oil, Inc. | RF112-17 |
| 5/17/85 | Kiesel/The Bi-State Development Agency. | RF126-12 |
| 5/17/85 | Kiesel/Union Electric Company | RF126-11 |
| 5/17/85 | Westates/Chevron, USA, Inc. | RF151-2 |
| 5/17/85 | Westates/Atlantic Richfield Company. | RF151-1 |
| 5/13/85 | Gulf/Union Camp Corp. | RF40-3025 |
| 5/13/85 | Gulf/Geneva W. Fitch | RF40-3026 |

[FR Doc. 85-15041 Filed 6-20-85; 8:45 am]

BILLING CODE 6450-01-M

## Cases Filed; Week of May 17 through May 24, 1985

During the Week of May 17 through May 24, 1985, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

June 14, 1985.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 17 through May 24, 1985]

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Dec. 21, 1984 | Houston Oil & Refining, Inc., Houston, Texas | HRZ-0253 | Interlocutory. If granted: The Proposed Remedial Order issued to Houston Oil & Refining, Inc. (Case No. HRO-0245) would be dismissed. |
| Feb. 28, 1985 | Economic Regulatory Administration, Washington, D.C. | HRZ-0252 | Interlocutory. If granted: Joseph A. Imparato would be joined as a party to the proceeding involving a Proposed Remedial Order Issued to Houston Oil & Refining, Inc. (Case No. HRO-0245). |
| May 17, 1985 | Leese Oil Company, Washington, D.C. | HEF-0583 | Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V in connection with an October 25, 1983 Consent Order entered into with Leese Oil Company. |
| May 20, 1985 | Gary V. Burrows, Lemoore, California | HEE-0148 | Exception to the reporting requirements. If granted: Gary V. Burrows would not be required to file From EIA-782B "Reseller/Retailers' Monthly Petroleum Product Sales Reports." |
| Do | Lotus Petroleum, Inc., Houston, TX | HRZ-0248 | Interlocutory. If Granted: Lotus Petroleum, Inc. would be permitted to have a deposition stricken from the record of the Proposed Remedial Order proceeding involving alleged overcharges in the resale of crude oil (Case No. HRO-0233) |
| May 21, 1985 | Donald Lee Espenshade, New York, NY | HFA-0284 | Appeal of an information request denial. If granted: The April 8, 1985 Freedom of Information Request Denial issued by the Nevada Operations Office would be rescinded and Donald Lee Espenshade would receive information regarding a 1967 complaint from Bell Systems and a subsequent meeting Bell Systems and the Atomic Energy Commission. |
| Do | Walthall Oil Company, Macon, GA | HEE-0149 | Exception to the reporting requirements If granted: Walthall Oil Company would not be required to file Form EIA 821 "DOE Annual Fuel Oil & Kerosene Sale Report. |
| Do | Texaco, Inc., Washington, D.C. | HRZ-0249 | Interlocutory. If granted: The overcharge claims in the May 1, 1979, Proposed Remedial Order issued to Texaco, Inc. (Case No. DRO-0199) for the period September 1, 1976 through December 31, 1976, would be dismissed. |
| Do | Texaco, Inc., Washington, D.C. | HRZ-0250 | Interlocutory. If granted: The Office of Hearings and Appeals would review two prior Decisions and Orders issued to OSC/Texaco (Case No HRZ-0220) on January 29, 1985 and OSC/Texaco (Case No. HRZ-140) on December 30, 1983. |
| May 22, 1985 | Andi-Co Appliances, Inc., Fort Lee, New Jersey | HHEL-0002 | Temporary exception from the Energy Conservation Program for Consumer Products. If granted: Andi-Co Appliances, Inc. would receive a temporary exception from the provisions of 10 CFR Part 430 which would permit the firm to modify the energy efficiency test procedures of 300 units of the AEG Hausegarate Model 525 dishwasher. |

REFUND APPLICATIONS RECEIVED

[Week of May 17 to May 24, 1985]

| Date received | Name of refund proceeding/ name of refund applicant | Case No. |
|---|---|---|
| 5/17/85 | Alkek/Adams/Atlantic Richfield Co. | RF6-73 |
| 5/20/85 | Hendel's/Henry Breed Hendel's/ Roger L. Wilson. | RF79-18 |
| 5/20/85 | Empire/Servomation Corp. | RF150-2 |
| 5/20/85 | Aminoil/The Rural Natural Gas Co. | RF139-5 |
| 5/20/85 | LARCO/Atlas Electric, Inc. | RF112-21 |
| 5/20/85 | LARCO/Yellow Freight System, Inc. | RF112-20 |
| 5/20/85 | LARCO/Pioneer Petroleum | RF112-19 |
| 5/20/85 | Gulf/Johnson Neubert | RF40-3028 |
| 5/21/85 | Gulf/Dustin's Gulf Service | RF40-3029 |
| 5/21/85 | LARCO/Stone Oil Company, Inc. | RF112-22 |
| 5/21/85 | Stinnes Interoil/J.C. Bangerter & Sons', Inc. | RF125-2 |
| 5/21/85 | Sansesco/J.C. Bangerter & Sons', Inc. | RF152-1 |
| 5/21/85 | LARCO/J.C. Bangerter & Sons, Inc. | RF112-23 |
| 5/22/85 | Seminole/Grumman Aerospace Corp. | RF111-11 |
| 5/22/85 | Wilco Chemcial/Grumman Aerospace Corp. | RF115-2 |
| 5/23/85 | Bayou/IDA Gasoline/Westinghouse Electric Corp. | RF117-8 |

REFUND APPLICATIONS RECEIVED—Continued

[Week of May 17 to May 24, 1985]

| Date received | Name of refund proceeding/ name of refund applicant | Case No. |
|---|---|---|
| 5/23/85 | Kiesel/St. Louis Public Schools | RF126-13 |
| 5/24/85 | LARCO/State of Iowa | RF112-24 |
| 5/24/85 | LARCO/Pitchers's, Inc. | RF112-25 |

[FR Doc. 85-15042 Filed 6-20-85; 8:45 am]

BILLING CODE 6450-01-M

## Objection to Proposed Remedial Order; Period of April 29 Through May 10, 1985

During the period of April 29 through May 10, 1985, the notice of objection to the proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals.

Department of Energy, Washington, D.C. 20585.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

June 14, 1985.

*Big Muddy Oil Processors, Inc., Glenrock, Wyoming; HRO-0289, Crude Oil*

On May 7, 1985, Big Muddy Oil Processors, Inc., Post Office Box 446, Glenrock, Wyoming 82637, filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration (ERA) issued to the firm on March 21, 1985. In the PRO the ERA found that during May 1979 through December 31, 1980, Big Muddy sold crude oil at prices in excess of those permitted under the DOE regulations to purchasers other than ultimate consumers.

According to the PRO the violation resulted in $1,454,876.35 of overcharges.

[FR Doc. 85-15037 Filed 6-20-85; 8:45 am]

BILLING CODE 6450-01-M

## Issuance of Decisions and Orders Week of May 20 Through 24, 1985

During the week of May 20 through May 24, 1985, the decisions and orders summarized below were issued with respect to appeals and applications for the relief filed with the office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dimissed by the Office of Hearings and Appeals.

**Appeal**

*Island Closeup News Service, 5/20/85, HFA-0285*

Island Closeup News Service (Closeup News) Filed an Appeal from a determination issued to it by the Director of Reference and Information of the Office of Administrative Services (Director) of the Department of Energy (DOE). In the determination, the Director denied Closeup News' request for a waiver of fees in connection with a request which Closeup News had submitted under the Freedom of Information Act. Closeup News' request for information relates to a DOE-published article, in which the agency reported plans of the National Aeronautics and Space Administration to use nuclear-powered generators in two satellites. Closeup News sought DOE information regarding any consequences which would result if the satellites were to explode or crash back to earth. In considering the Appeal, the Office of Hearing and Appeals found that there was a significant public interest in the information; that Closeup News would effectively disseminate the information; and that there was no overriding commercial benefit which the firm would derive by us of the information. Accordingly, the Appeal was granted.

**Motions for Discovery**

*Lotus Petroleum, Inc., 5/23/85, HRD-0236, HRH-0236, HRZ-0248*

Lotus Petroleum, Inc. (Lotus) filed Motions for Discovery and for Evidentiary Hearings and a Motion to Strike in connection with its Statement of Objections to a Proposed Remedial Order (PRO) that was issued to the firm and to William T. Tootle and Lynn O. Castle. In its motions, Lotus sought discovery of information pertaining to various rulemakings applicable to crude oil resellers and to the DOE's contemporaneous construction of portions of the crude oil reseller regulations. The DOE determined that Lotus' Motion for Discovery should be denied since Lotus had failed to show that the regulations were sufficiently ambiguous or that other special circumstances existed which would warrant discovery.

The DOE also determined that the Motion for Evidentiary Hearing should be denied since Lotus had failed to make the requisite showing that there were any material factual issues in dispute.

The DOE also denied Louts' Motion to Strike from the record a transcript of a deposition of Lynn O. Castle which was affixed as an attachment to the PRO. The DOE found that Lotus had failed to demonstrate that retention of the transcript would result in significant prejudice to the firm. The DOE further determined that, contrary to Lotus' contention, the transcript was procedurally valid.

*Petroleum Carrier Company, Inc., Max B. Penn, Rodney Siegfried, 5/22/85, HRD-0245, HRH-0245*

Petroleum Carrier Company, Inc., Max B. Penn, and Rodney Siegfried (collectively referred to as Respondents) filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with a Proposed Remedial Order (PRO) issued jointly to the Respondents on April 6, 1984. The DOE found that both motions were filed in an untimely manner and could be denied on that basis. The DOE also found that the motions fail to meet the criteria for granting of such motions as set forth at 10 CFR 205.198 and 205.199. Accordingly, the Respondents requests for discovery and evidentiary hearing were denied. However, on its own motion, the DOE determined that certain relevant material should be exchanged between the ERA and the Respondents. Specifically, the Respondents should be given access to relevant ERA audit workpapers which have not previously been made available to them, and the Respondents should submit the relevant and material documentation they claim to possess.

**Interlocutory Order**

*Theodore M. Ragsdale, 5/23/85, HRZ-0244*

Theodore M. Ragsdale filed a Motion to Dismiss a Proposed Remedial Order which was issued to him d/b/a Salem Ventures, Inc. The PRO sought to hold Ragsdale liable for crude oil pricing violations allegedly committed by Ragsdale on Salem Venture's behalf. According to Ragsdale's motion, Salem should be held liable for any overcharges. Although the Economic Regulatory Administration amended the original PRO to hold Salem Ventures liable for the alleged overcharges, the ERA continued to seek to hold Ragsdale personally liable as well. The DOE determined that the amended PRO established a *prima facie* case of a regulatory violation by Ragsdale in his individual capacity. The DOE therefore rejected Ragsdale's Motion to Dismiss.

**Implementation of Special Refund Procedures**

*Coline Gasoline Corp., 5/21/85, HQF-0504*

The Department of Energy issued a Decision and Order providing for the second-stage disbursement of $375,324 in consent order funds made available by Coline Gasoline Corporation. The DOE found that the adverse effects of Coline's pricing practices of propane were regional in nature, since the firm sold that product primarily in California. The DOE also pointed out that some of the Coline product was purchased by Mobil Oil Corporation, and that since NGLPs such as propane are used in the petroleum refining process, increased costs of Coline product were probably incorporated into Mobil's prices for motor gasoline. The DOE therefore determined that of the remaining Coline funds, $207,399, representing the remaining share of Coline product sold in California, should be distributed to that State. The DOE further decided that the remaining $167,804 should be divided among the states in proportion to Mobil gasoline sales in each state. The DOE further provided that upon submission of an appropriate plan by an eligible jurisdiction, the proportionate share of the Coline fund would be disbursed.

*Crystal Petroleum, 5/23/85, HEF-0059*

On May 23, 1985, the Office of Hearings and Appeals of the Department of Energy issued a final Decision and Order establishing procedures for the disbursement of $5,577.96 (plus accrued interest) obtained as a result of a Consent Order entered into by the DOE and Crystal Petroleum (Crystal). The funds will be available to customers who purchased motor gasoline or No. 2 diesel fuel from Crystal during the period June 13, 1973 through March 31, 1980. Successful applicants will receive refunds proportionate to the volume of motor gasoline or No. 2 diesel fuel they purchased from Crystal during the consent order period.

*E.M. Bailey Distributing Company, Inc., 5/21/85, HEF-0033*

The Office of Hearings and Appeals issued a final Decision and Order implementing first-stage procedures for the distribution of $6,193.20 remitted to the Department of Energy by E.M. Bailey Distributing Company, Inc. (EMB) pursuant to a 1979 Consent Order. In the Decision, the OHA considered and rejected EMB's contentions that the implementation of special refund procedures was prohibited under the terms of the Consent Order and would constitute an adjudication without providing EMB due process. The OHA stated that, in keeping with the language of the Consent Order, refunds would be made available to members of three categories of EMB customers who provide the information specified in the Decision.

**Refund Applications**

*Grimes Gasoline Company/San Company, Inc., 5/22/85, RF123-0001*

Sun Company Inc. (Sun) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order with Grimes Gasoline Company (Grimes). The DOE determined that Sun's allocable share of the Grimes consent order funds was below the $5,000 injury presumption threshold. Accordingly, the DOE determined that Sun would not be required to submit further proof of injury, and that the firm would receive a refund of $4,758 plus $2,155 in interest on that amount.

*Midwest Industrial Fuels, Inc. Gateway Foods, Inc., Big Bear Farm Stores, Inc., 5/23/85, RF32-1 RF82-2*

The DOE issued a decision granting refunds to two purchasers of No. 2 fuel oil from the Midwest Industrial Fuels, Inc. deposit escrow fund. The refunds to these firms total $2,720.89, representing $1,852.81 in principal and $868.08 in interest. The DOE also determined that the remainder of the escrow account, $13.42 plus interest, should be deposited into the United States Treasury.

*Seminole Refining, Inc., Couch, Inc., 5/21/85, RF111-0009*

Couch, Inc. (Couch) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order with Seminole Refining, Inc. (Seminole). The DOE determined that Couch was an ultimate consumer of Seminole diesel fuel. Accordingly, the DOE determined that Couch would not be required to submit further proof of injury, and that the firm would receive a refund of $6,092 plus $4,434 in interest on that amount.

*Tenneco Oil Company, Blue Oil Co., Inc., 5/21/85, RF7-120*

The DOE issued a Decision and Order concerning an Application for Refund filed by Blue Oil Co., a retailer of Tenneco middle distillates and motor gasoline. Blue applied for a refund for purchases of both Tenneco middle distillates and motor gasoline based upon the presumption of injury and the procedures for filing small claims outlined in *Office of Special Counsel*, 9 DOE ¶ 82,538 (1982). After examining the evidence and supporting information submitted by the firm, the DOE concluded that Blue should receive a refund of $362 based on its purchases of motor gasoline and middle distillates.

*Tenneco Oil Company/H.V. Johnson & Son, Inc., 5/23/85, RF7-116*

The DOE issued a Decision and Order concerning an Application for Refund filed by H. V. Johnson & Son, Inc., a retailer of Tenneco middle distillates and motor gasoline. Although the firm's purchases to Tenneco motor gasoline and middle distillates during the consent order period exceeded the threshold level established in *Office of Special Counsel*, 9 DOE ¶ 82,538 (1982) (*Tenneco*), Johnson elected to file its refund application in accordance with the presumption of injury and procedures for filing small claims outlined in the *Tenneco* decision. After examining the evidence and supporting information submitted by the firm, the DOE concluded that Johnson should receive a refund of $3,719 based on its purchases of motor gasoline and middle distillates.

*Vickers Energy Corporation/Denny Klepper Oil Company, 5/21/85, RF1-375*

Pursuant to a remand ordered in *Denny Klepper Oil Co.* v. *DOE*, Civil Action No. 84-0547 (D.D.C. 1984), the Department of Energy reconsidered the Application for Refund filed by Denny Klepper Oil Company in the Vickers Energy Corporation special refund proceeding. After analyzing the firm's profit margin data as directed by the district court, the DOE concluded that Denny Klepper was injured by the alleged overcharges, and should receive an additional refund, based upon the volume of its Vickers motor gasoline purchases for which it made a showing of injury under this analysis, reduced by the volume of its Vickers purchases for which the firm had previously received a refund (*Vickers Energy Corp./Denny Klepper Oil Co.*, 11 DOE ¶ 85,040 (1983)).

*Waller Petroleum Co./Defense Logistics Agency, 5/20/85, RF78-0010*

The Office of Hearings and Appeals awarded a payment of $25,008 to the Defense Logistics Agency (DLA) from the settlement fund obtained as a result of the consent order entered into by Waller Petroleum Company and DOE. DLA purchases fuel for the departments and agencies of the U.S. Government. A DOE audit found that Waller allegedly overcharged several government agencies in its sales of fuel oil. The audit identified the government as an end-user, and in *Waller Petroleum Company, Inc.*, 12 DOE ¶ 85,148 (1985), OHA found that end-users were injured by Waller's pricing practices. Accordingly, OHA authorized the refund to DLA.

**Dismissal**

The following submission was dismissed:

*Name and Case No.*

Government Sales Consultants, Inc., HFA-0288

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

June 13, 1985.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 85-15038 Filed 6-20-85; 8:45 am]

BILLING CODE 6450-01-M

## Issuance of Decisions and Orders; Week of May 13 Through May 17, 1985

During the week of May 13 through May 17, 1985, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

**Appeal**

*H. Michael Clyde, 5/17/85, HFA-0283*

H. Michael Clyde filed an Appeal from a final determination by the Director, Classification and Technical Information Division of the DOE Albuquerque Operations Office, concerning a request for information under the Freedom of Information Act. Mr. Clyde sought access to documents concerning the Los Alamos National Laboratory (LANL) and the University of California's (UC) compliance with affirmative action and equal employment opportunity obligations. In considering the Appeal, the DOE found that several documents were properly withheld pursuant to Exemption 5. The DOE found that the documents were necessary to a determination of future DOE action regarding the UC/DOE contract and LANL's compliance with federal obligations. The DOE noted, however, that several of these documents contained segregable material which should be released. The DOE further determined that the names of individuals contained in certain court settlement documents were properly withheld pursuant to Exemption 6. Accordingly, the Appeal was granted in part.

**Requests for Exemption**

*C&B Warehouse Distributing, 5/17/85, HEE-0122*

C&B Warehouse Distributing filed an Application for Exemption in which the firm sought to be relieved of the requirement to file Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." In considering the request, the DOE found that the firm would not suffer an inordinate burden by fulfilling its reporting obligation. Accordingly, exception relief was denied.

*Delaware County Oil Co., 5/17/85, HEE-0118*

Delaware County Oil Company filed an Application for Exception seeking relief from the requirement that it prepare and file Form EIA-782B with the DOE Energy Information Administration. In considering the request, the DOE found that there was some merit to the firm's contention that it was burdened by the filing requirement. After balancing this burden against the public interest in gathering reliable energy data, the determination was made that a limited form of exception relief was appropriate. Accordingly, exception relief was granted to simplify the reporting requirements and thereby reduce any burden on Delaware.

*Northrup Oil Company, 5/17/85, HEE-0112*

On January 15, 1985, Northrup Oil Company filed an Application for Exception seeking relief from the requirement to prepare and file Form EIA-782B with the DOE Energy Information Administration. In considering the request, the DOE found that there was merit to the firm's contention that it was unduly burdened by the filing requirement.

After balancing this burden against the public interest in gathering reliable energy data, the DOE determined that the firm's reporting obligation should be simplified to allow for the filing of estimated reports. Accordingly, the request for exception relief was granted in part.

*Dell Oil Ltd., 5/17/85, HEE-0120*

Dell Oil Ltd., filed an Application for Exception in which the firm sought to be relieved of the requirement to file Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." In considering the request, the DOE found that the firm would not suffer an inordinate burden by fulfilling its reporting obligation. Accordingly, exception relief was denied.

**Motions for Discovery**

*Clark Oil & Refining Corporation/Apex Oil Company; Economic Regulatory Administration, 5/13/85, HRD-0257, HRD-0267*

Clark Oil & Refining Corporation and the Apex Oil Company (Clark) filed a Motion for Discovery in connection with Clark's Statement of Objections to the Proposed Remedial Order which the Economic Regulatory Administration (ERA) issued to the firm on August 1, 1984. The PRO alleged that Clark filed to reduce its crude oil costs to reflect $82,500 paid to it by the Texaco Corporation for use of Clark's fee-free licenses to import foreign crude oil. In its Motion for Discovery, Clark sought all audit materials generated by the ERA in its investigations of Clark, as well as administrative record and contemporaneous construction discovery of the statutes and regulations governing Clark's treatment of the fee-free license payment. The ERA also submitted a Motion for Discovery requesting information from Clark aimed at determining the exact date on which Clark incurred the $82,500 payment from Texaco for purposes of the regulations.

The DOE concluded that Clark's discovery requests should be denied. First, the DOE found that Clark had furnished no adequate justification for its broad request for audit records. With respect to Clark's administrative records and contemporaneous construction discovery requests, the DOE concluded that Clark's disagreement with the ERA regarding the meaning and scope of the regulations did not warrant such discovery and that it would not yield useful information. The DOE also rejected the ERA's discovery requests. It found that the requested information would not clarify a material issue and would unduly delay the conduct of the proceeding.

*Storey Oil Company, Inc., 5/17/85, HRD-0215, HRH-0215*

Storey Oil Company, Inc., a reseller-retailer, filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with its of Statement of Objections to a Proposed Remedial Order issued to the firm. Storey sought discovery relating to: (i) why alternative audit methodologies were not used; (ii) the ERA's calculation of overcharges; and (iii) the firm's allegation that the PRO was issued in bad faith. The DOE found that Storey's alternative audit methodologies were incorrect, and therefore, discovery relating to these methodologies was not useful. However, the DOE found that the PRO had insufficient documentation of the ERA's calculation of the firm's weighted average unit product costs, and therefore, discovery of the ERA calculations of these costs was warranted. In addition the DOE found insufficient evidence to show that the PRO had been issued in bad faith. Accordingly, the Motion for Discovery was granted in part. Finally, the Motion for Evidentiary Hearing was denied.

**Interlocutory Order**

*Marathon Petroleum Co./Marathon Oil Co., 5/14/85 HRZ-0246*

On September 17, 1984, Marathon Petroleum Company/Marathon Oil Company (Marathon) filed a Statement of Objections to the pending (unaudited violations) portions of a Proposed Remedial Order (PRO) issued to the firm by the Economic Regulatory Administration (ERA) on May 1, 1979. *See Marathon Petroleum Co.; Marathon Oil Co.*, 12 DOE ¶83,010, *modified sub nom. Economic Regulatory Administration*, 23 DOE ¶82,525 (1984) (final Remedial Order issued regarding audited violations alleged in the May 1, 1979 PRO). After considering the ERA's Response to Statement of Objections filed on October 24, 1984, the Office of Hearings and Appeals (OHA) found that the ERA had substantially changed its position regarding the alleged overcharges and remedial provisions described in the pending portions of the PRO. Accordingly, the OHA issued an Interlocutory Order directing that, in order for the ERA to continue the enforcement proceeding, the ERA issue an amended Proposed Remedial Order to which Marathon could file a new Statement of Objections.

**Supplemental Order**

*Mid-Continent Systems, Inc., 5/17/85 HCX-0045*

The DOE issued a Decision and Order concerning an issue remanded to the DOE by the United States Court for the Eastern District of Arkansas in *Mid-Continent, Inc.* v. *Edwards*, 3 Fed. Energy Guidelines ¶ 26,416 (E.D. Ark. 1982). The district court sustained in most respects two decisions that the OHA and its predecessor issued to Mid-Continent Systems, Inc. during the course of an enforcement proceeding, but remanded the case to the DOE for a determination of whether the separate inventories amendment set forth at 10 CFR 212.92 should be applied retroactively to Mid-Continent's sales of No. 2 fuel oil to Georgia Power Company. The DOE found that Mid-Continent failed to meet its burden of proving that it historically and consistently utilized separate inventory accounting methods for cost management and pricing purposes with respect to those sales. Accordingly, the DOE concluded that the firm failed to meet the requirements of the separate inventory accounting policy, and that retroactive application of the separate inventories amendment was therefore inappropriate.

**Implementation of Special Refund Procedures**

*Arkansas Louisiana Gas Company, Arkla Chemical Company, 5/17/85, HEF-0030, HEF-0201*

The Office of Hearings and Appeals issued a final Decision and Order setting forth procedures to be used in filing applications for refund for a portion of approximately $2.9 million in settlement funds obtained as the result of consent orders which the DOE entered into with Arkansas Louisiana Gas Company and its subsidiary, Arkla Chemical Company (collectively referred to as Arkla). The funds will be available to individuals and firms who purchased Arkla covered products during the period September 1973 to December 1975. Applications for refund must be postmarked within 90 days of the publication of the Decision in the **Federal Register.**

*Husky Oil Company, 5/17/85, HEF-0213*

The DOE issued a Decision and Order establishing special refund procedures for distributing $2,000,000 plus accrued interest received as the result of a consent order with Husky Oil Company. The funds will be available to identifiable purchasers of Husky petroleum products during the period August 19, 1973 through January 28, 1981. Applications for refund must be received within 90 days of publication of the Decision in the **Federal Register.** Specific information to be included in refund applications is discussed in the Decision.

**Refund Applications**

*Amtel, Inc./Linwood Freeway et al., 5/17/85, RF46-2 et al.*

Twenty-six purchasers of motor gasoline and middle distillates from Amtel, Inc. (Amtel) filed Applications for Refund in the Amtel special refund proceeding. *See Amtel, Inc.*, 12 DOE ¶ 85,073 (1984). With three exceptions, all of the applicants chose to rely upon both the per gallon volumetric refund amount and the presumption of injury for small claims as set forth in the *Amtel* Decision. In analyzing the applicants' claims, the Office of Hearings and Appeals stated that the two applicants seeking per gallon refunds in excess of the volumetric amount and the claimant seeking a refund in excess of the volumetric amount and the claimant seeking a refund in excess of the threshold had failed to submit information sufficient to generate refunds greater than those to which they were entitled under the presumptions established in the *Amtel* Decision. Accordingly, all 26 applicants received refunds based upon the volumetric amount and limited to the small claims threshold. Refunds granted in this proceeding totalled $106,937, including interest.

*Eddy Refining & Key Oil Company/Texas Gulf Gas Corporation, Springer Oil Company, 5/15/85, RF145-1, RF145-2*

The DOE issued a Decision and Order concerning Applications for Refund filed by two resellers of Eddy/Key refined petroleum products. Both applicants purchased Eddy/Key covered products directly, and applied for refunds below the threshold amount for small claims in accordance with the

presumption of injury established in the Eddy/Key special refund proceeding. *See Eddy Refining Company/Key Oil Company*, 12 DOE ¶ 85,167 (1985). After examining the statements and supporting information submitted by the applicants, the DOE decided to approve refunds totalling $5,043, including interest.

*Gary Energy Corp./Acorn Petroleum, Inc.*, 5/14/85, *RF47-9*

Acorn Petroleum, Inc. filed an Application for Refund, seeking a portion of funds remitted by Gary Energy Corporation pursuant to a consent order that Gary Energy entered into with the DOE. In this Decision, the DOE found that Acorn's allocable share of the Gary consent order fund based on the volumetric allocation methodology was less than the $5,000 threshold level. The DOE therefore granted Acorn a refund of $.105.59 plus accrued interest, which equals the share of the Gary Energy consent order fund allocated to Acorn on the basis of the firm's natural gas liquid products purchase volume.

*The Hertz Corp./Conoco, Inc. et al.*, 5/16/85 *RF76-001 et al.*

The DOE issued a Decision and Order concerning 54 Applications for Refund filed by firms who rented motor vehicles from Hertz Corporation and incurred refueling charges as the result of returning the vehicles with less motor gasoline than when rented. Each of the firms elected to apply for a refund based on the formula outlined in *the Hertz Corp.*, 12 DOE ¶ 85,113 (1984). In considering these applications, the DOE concluded that the applicants should receive a refund based upon the total volume of motor gasoline they purchased from Hertz through payment of refueling charges. The refunds granted in this proceeding total $91,675.

*The Hertz Corp./IBM Corporation*, 5/1/85 *RF76-34*

The DOE issued a Decision and Order concerning an Application for Refund filed by IBM Corporation in The Hertz Corporation special refund proceeding. *See the Hertz Corp.*, 12 DOE ¶ 85,113 (1984). IBM elected to apply for a refund based upon the formula set forth in the *Hertz* Decision with respect to refund applications filed by firms that incurred refueling charges as the result of returning rented motor vehicles to Hertz with less motor gasoline than when the vehicle was rented. In considering the IBM application, the DOE concluded that the firm should receive a refund based upon the total number of gallons purchased from Hertz through payment of refueling charges. The refund granted in this Decision totals $31,719.

*J.M. Haber Corporation/Farmland Industries, Inc.*, 5/17/85 *RF84-1*

The DOE issued a Decision and Order concerning an Application for Refund filed by an agricultural cooperative, Farmland Industries, Inc., in connection with the J.M. Haber Corporation (J.M. Haber) refund proceeding. In its application, Farmland claimed it made "secondary" purchases of natural gas liquid products (NGLPs) from J.M. Haber. Farmland's application showed only that Farmland purchased NGLPs from Atlantic Oil Company (Atlantic) at one gas plant in Oklahoma. Although J.M. Haber had sold products at the Oklahoma plant, no records were submitted indicating that J.M. Haber sold its products to Atlantic. In addition, no evidence was submitted demonstrating that Atlantic sold J.M. Haber products to Farmland. Without any evidence demonstrating that Farmland's purchases were traceable to NGLPs sold by J.M. Haber, the DOE was unable to conclude that the cooperative was injured by J.M. Haber's alleged overcharges. Farmland's Application for Refund was therefore denied.

*Reinhard Distributors, Inc./Nebert Brothers et al.*, 5/13/85, *RF72-1 et al.*

The DOE issued a decision concerning applications for refund filed by three firms in connection with the Reinhard Distributors, Inc. special refund proceeding. After examining the statements and supporting information submitted by the three firms, the DOE determined that the Reinhard consent order funds should be distributed to the three claimants in proportion to the amount of Reinhard's settlement payment attributable to each. The refunds to these purchasers totalled $17,681.25, representing $9,940.19 in principal and $7,141.06 in interest.

*Standard Oil Company (Indiana)/Deluxe Service Station*, 5/14/85, *RF21-12392*

The DOE issued a Decision and Order concerning duplicate refunds applied for and received by a retailer of Amoco motor gasoline in the Amoco special refund proceeding. Deluxe Service Station received two refunds when it was entitled to only one. The owner of Deluxe Service Station, however, submitted an adequate explanation for the double filing and failure to realize that Deluxe had received duplicate refunds. The DOE therefore decided that the owner should remit only one of the duplicate refunds as well as accrued interest on that refund.

**Dismissals**

The following submissions were dismissed:

*Name and Case No.*

American Petrofina, Inc.—RF21-4760
Augy's Gulf Service—RF40-410
Commonwealth Oil Refining—RF21-10342
CPI Oil & Refining, Inc.—RF6-32
Howard Industries—RF117-3
Howell Corp.—RF21-8838
Kerr-McGee Corp.—RF21-10703
Koch Industries, Inc.—RF6-25
Midland Cooperatives, Inc.—RF21-10343
Mobil Oil Corp.—RF21-8086
Pride Refining, Inc.—RF21-8843
Seaview Petroleum Co.—RF6-23
Union Oil Co. of California—RF21-10341

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

June 10, 1985.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 85-15043 Filed 6-20-85; 8:45 am]

BILLING CODE 6450-01-M

## Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, Department of Energy.

**ACTION:** Notice of implementation of special refund procedures and solicitation of comments.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $1,800,000 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving GCO Minerals Company, formerly known as General Crude Oil Company, a subsidiary of International Paper during the Consent Order period. GCO Minerals was a gas plant owner and operator and a producer of crude oil, natural gas liquids, and condensate.

**DATE AND ADDRESS:** Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF-0570.

**FOR FURTHER INFORMATION CONTACT:** Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2094.

**SUPPLEMENTARY INFORMATION:** In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to a consent order entered into by GCO Minerals which settled possible violations of DOE price controls in sales of all petroleum and natural gas liquid products by the firm and its predecessors to their customers, during the August 1973 through June 1979 period.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of an escrow account

funded by GCO pursuant to the consent order. The DOE has tentatively established procedures under which pruchasers of covered GCO products and participants in the Entitlements Program during the audit period may file claims for refunds from the consent order fund. Applications for Refund should *not* be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceedig will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: June 13, 1985.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

**Proposed Decision and Order of the Department of Energy**

*Implementation of Special Refund Procedures*

June 13, 1985.

Name of Firm: GCO Minerals Company.

Date of Filing: March 11, 1985.

Case Number: HEF–0570.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to make refunds in order to remedy the effects of actual or alleged violations of DOE regulations. *See* 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where DOE is unable readily to ascertain the persons who were injured or the amounts that such persons may be eligible to receive as a result of enforcement proceedings. *See Office of Enforcement*, 9 DOE ¶ 82,553 at 85,284 (1982).

**I. Background**

GCO Minerals Company (hereinafter referred to as GCO), formerly known as General Crude Oil Company, a subsidiary of International Paper during the Consent Order period, was a gas plant owner and operator within the meaning of 10 CFR 212.262, and a producer of crude oil, natural gas liquids, and condensate. A DOE audit of GCO's records revealed possible regulatory violations with respect to the firm's pricing of natural gas liquids (NGLs) natural gas liquid products (NGLPs), crude oil, and condensate during the period August 19, 1973 through June 30, 1979 (hereinafter referred to as the consent order period). In order to settle all claims and disputes between GCO and the DOE regarding the firm's pricing of NGLs, crude oil and condensate during the consent order period, GCO and DOE entered into a consent order on June 7, 1984. Under the terms of the consent order, GCO remitted $1,800,000 to the DOE on November 26, 1984. That sum is beng held in an interest-bearing escrow account established with the United States Treasury pending a determination of its proper distribution. As of April 30, 1985, the GCO escrow account had earned $69,140 in interest. This Proposed Decision concerns the distribution of the $1,800,000 that was deposited into the escrow account, plus the accrued interest.

**II. Jurisdiction**

We have considered ERA's Petition for the Implementation of Special Refund Procedures and determined that it is appropriate to establish such a proceeding with respect to the GCO consent order fund. As we have stated in previous Decisions, refunding moneys obtained through DOE enforcement proceedings is the focus of Subpart V proceedings. *See, e.g., Office of Enforcement*, 8 DOE ¶ 82,597 (1981). Based upon our experience with Subpart V cases, we believe that the distribution of refunds in the present case should take place in two stages. In the first stage, we will attempt to refund money to identifiable purchasers of petroleum products who may have been injured by GCO's pricing practices during the period August 1973 through June 1979. After meritorious claims are paid in the first stage, a second stage refund procedure may become necessary. *See generally Office of Special Counsel*, 10 DOE ¶85,048 (1982) (hereinafter cited as *Amoco*) (refund procedures established for first stage applicants, second stage refund procedures proposed.

**III. Proposed Refund Procedures**

*A. Crude Oil Claims*

Because the consent order resolves possible regulatory violations concerning all of GCO's products, we propose to divide the escrow account funds into two pools. *See Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). According to filings with the Securities and Exchange Commission, crude oil (and condensate) accounted for 93.25% of GCO's sales. We therefore propose that a pro rata portion of the consent order fund—a pool of $1,658,208 plus accrued interest—be set aside to satisfy claims filed by participants in the Crude Oil Entitlements Program and their downstream customers. Claimants in this category must show that they were injured by GCO's alleged violations of those regulations.

We have previously established refund procedures for consent orders involving crude oil-related violations comparable to those resolved in the present consent order. In *Office of Enforcement: In the Matter of Alfred B. Alkek*, 9 DOE ¶ 85,521 (1982), 47 FR 2196 (January 14, 1982) (hereinafter cited as *Alkek*) and *Office of Enforcement: In the Matter of Adams Resources and Energy, Inc.*, 9 DOE ¶ 82,553 (1982), 47 FR 16381 (April 16, 1982) (hereinafter cited as *Adams*), and *A. Johnson & Company, Inc.*, 12 DOE ¶ 85,102 (1984) (hereinafter cited as *Johnson*) which involved settlements with a total of 252 firms, we established a two-stage refund procedure for funds received as a result of alleged crude oil-related regulatory violations. Because the type of alleged violation that underlies the crude oil-related portion of the present proceeding would have an impact similar to those that were the subject of the *Alkek*, *Adams*, and *Johnson* proceedings, we have determined that it is appropriate to formulate a two-stage refund proceeding modeled after those proceedings. We therefore propose to establish refund procedures for the GCO crude oil pool in which we will accept refund applications to be adjudicated in the same manner and using the same principles as those refund applications that were filed pursuant to the *Alkek*, *Adams*, and *Johnson* determinations. For details regarding those procedures, see those determinations.

*B. Refunds to NGL and NGLP Purchasers*

We propose that the remainder of the GCO consent order funds, $141,792 plus interest, be distributed to the firms NGL and NGLP customers who satisfactorily demonstrate that they were injured by GCO's alleged pricing violations. The information available to us at this time regarding GCO's operations during the audit period does not provide names and addresses of the firm's customers. However, from our experience we believe that the claimants in this proceeding will fall into the following

categories: (1) resellers of NGLs or NGLPs, (2) petroleum refiners that used NGLs or NGLPs as a fuel source or a raw material in refining crude oil, and (3) firms, individuals, or organizations that were consumers (end-users). The petroleum products purchased by these claimants were purchased either directly from GCO or from other firms in a chain of distribution leading back to GCO. In order to receive a refund, each claimant will be required to submit a schedule of its monthly purchases of GCO NGLs for the period August 1973 through June 1979. If the products were not purchased directly from GCO, the claimant must include a statement setting forth its reasons for believing the product originated with GCO. In addition, a reseller or retailer that files a claim will be required to establish that it was injured by the alleged overcharges. To make this showing, a reseller or retailer claimant will first be required to show that it maintained "banks" of unrecovered increased product costs in order to demonstrate that it did not subsequently recover those costs by increasing its prices. *See Office of Enforcement*, 10 DOE ¶ 85,029 at 88,125 (1982) (hereinafter cited as *Ada*). A reseller or refiner can establish that it was injured by showing that it experienced a competitive disadvantage because GCO's prices were higher than the prevailing area. *National Helium Corp./Atlantic Richfield Corporation*, 12 DOE ¶ 85,257 (1984).

As in many prior special refunded cases, we will adopt certain presumptions. First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of products made by GCO during the consent order period. OHA has referred to this presumption in the past as a volumetric refund amount. Second, we will adopt a presumption of injury with respect to small claims.

Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> [I]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring disproportionate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

The pro rata, or volumetric, refund presumption assumes that alleged overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact on an individual purchaser could have been greater, and any purchaser is allowed to file a refund application based on a claim that it bore a disproportionate share of the alleged overcharges. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 (1984) and cases cited therein at 88,164.

The presumption that claimants seeking smaller refunds were injured by the pricing practices settled in the GCO consent order is based on the number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost (to the firm) of gathering this factual information, and the cost (to the OHA) of analyzing it, may be many times the expected refund amount. Failure to allow simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions is also desirable from an administrative standpoint, because it allows the OHA to process a large number of routine refund claims quickly, and use its limited resources more efficiently. Finally, these smaller claimants did purchase covered product from GCO and were in the chain of distribution where the alleged overcharges occurred. Therefore, they bore some impact of the alleged overcharges, at least initially. The presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of that initial impact.

Under the presumptions we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is below a threshold level. Previous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the consenting firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. We believe that the same approach should be followed in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchased is based on several factors. As noted above, we are especially concerned that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In this case, we believe that the establishment of a presumption of injury for all claims of $5,000 is reasonable.[1] *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984); *Office of Special Counsel: In the Matter of Conoco, Inc.*, 11 DOE ¶ 85,226 (1984) and cases cited therein.

In addition to the presumptions we are adopting, we are making a finding that end-users or ultimate consumers whose business is unrelated to the petroleum industry were injured by the alleged overcharges settled in the consent order. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209 and cases cited therein. We have therefore concluded

[1] Resellers whose monthly purchases during the period for which a refund is claimed result in a volumetric refund of greater than $5,000 but who cannot establish that they did not pass through the price increases, or who limit their claims to the threshold amount, will be eligible for a refund of the $5,000 threshold amount without being required to submit additional evidence of injury. *See Vickers* at 85,396; *see also Ada* at 88,122.

that end-users of GCO NGLPs need only document their purchase volumes from GCO to make a sufficient showing that they were injured by the alleged overcharges.

However, crude oil refiners that purchased NGLs or NGLPs that were consumed as fuel or as raw material in a refining process will not be considered as "consumers" for this purpose. Rather, the exception from the requirement of a separate, detailed showing of injury for end-users or ultimate consumers will be limited to those whose business operations were unrelated to the petroleum industry and whose prices were therefore not subject to the DOE regulatory scheme. A refund applicant that was subject to the DOE regulatory program will be required to provide a detailed demonstration of injury with respect to the purchase of NGL and NGLPs of which is was an end-user. *People's Energy Corporation*, 12 DOE ¶ 85,129 (1984).

We believe that if a reseller or retailer made only spot purchases from GCO, it is not likely to have suffered an injury. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

*Office of Enforcement*, 8 DOE ¶ 82,597 (1981) at 85,396–97 (hereinafter cited as *Vickers*). We believe the same rationale holds true in the present case. Accordingly, a spot purchaser which files a claim should submit additional evidence to establish that it was unable to recover the increased prices it paid for GCO petroleum products. *See Amoco* at 88,200.

A successful refund applicant will receive a refund based upon a volumetric method of allocating refunds. Under this method, a volumetric refund amount is calculated by dividing the settlement amount by our estimate of the total gallonage of products covered by the consent order. In the present case, based on the information available to us at this time, the volumetric refund amount is $0.0007761 per gallon, [2] exclusive of interest. As of April 30, 1985, accumulated interest increased the volumetric refund amount to $.0008059. A refund will be determined by the total number of gallons purchased by an applicant at prices above the market price, times the volumetric amount.

As in previous cases, we will establish a minimum refund amount of $15.00 for first stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15.00 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982).

Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received as a result of the consent order involved in this proceeding, we intend to publicize widely the distribution process to solicit comments on the proposed refund procedures and to provide an opportunity for any affected party to file a claim. In addition to publishing notice in the **Federal Register**, notice will be provided to the National LP Gas Association and the National Council of Farmer Cooperatives. These organizations should be helpful in advising potential claimants of this proceeding.

*B. Distribution of the Remainder of the Consent Order Funds*

In the event that money remains after all first stage claims have been disposed of, undistributed funds could be distributed in a number of different ways. For example, the funds may be distributed through plans formulated by state governments to benefit consumers who were likely injured by GCO's alleged overcharges. *See, e.g.*, Northeast Petroleum Industries, 11 DOE ¶ 85,199 (1983). However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed. We encourage the submission of comments containing proposals for alternative distribution schemes.

It is therefore ordered that:

The refund amount remitted to the Department of Energy by GCO Minerals Company pursuant to the consent order executed on June 7, 1984, will be distributed in accordance with the foregoing Decision.

[FR Doc. 85–15039 Filed 6–20–85; 8:45 am]

BILLING CODE 6450–01–M

[2] According to information available to us, during the consent order period, GCO sold 182,697,290 gallons of NGLs. The volumetric refund amount is obtained by dividing the NGL pool of the consent order by this volume amount. ($141,792 divided by 182,697,290 gallons = $.0007761 per gallon).

## Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, DOE.

**ACTION:** Notice of Implementation of Special Refund Procedures.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy announces the procedures for filing Applications for Refund from a fund of $210,000 obtained from Ayers Oil Company in settlement of enforcement proceedings brought by DOE's Economic Regulatory Administration.

**DATE AND ADDRESS:** Applications for refund must be postmarked by September 19, 1985, should conspicuously display a reference to case number HEF–0563, and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:** Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2094.

**SUPPLEMENTARY INFORMATION:** In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order establishes procedures to distribute funds obtained as a result of consent order between Ayers Oil Company and DOE. The consent order settled all disputes between DOE and Ayers concerning possible violations of DOE price regulations with respect to the firm's sales of refined petroleum products to its customers, during the period November 1973 through January 1981.

Any members of the public who believe that they are entitled to a refund in this proceeding may file Applications for Refund. All Applications should be postmarked by September 19, 1985, and should be sent to the address set forth at the beginning of this notice. Applications for refunds must be filed in duplicate and these applications will be made available for public inspection between the hours of 1:00 and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: June 11, 1985.

George B. Breznay,

*Director, Office of Hearings and Appeals.*

**Decision and Order of the Department of Energy**

*Implementation of Special Refund Procedures*

June 11, 1985.

Name of Firm: Ayers Oil Company.
Date of Filing: February 20, 1985.
Case Number: HEF-0563.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request the Office of Hearings and Appeals (OHA) to formulate and implement a specially-designed process to distribute funds obtained at the resolution of an enforcement proceeding in order to remedy the effects of alleged or actual violations of DOE regulations. 10 CFR Part 205, Subpart V. Pursuant to the provisions of Subpart V, on February 20, 1985 the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order that it entered into with Ayers Oil Company (Ayers).

On April 24, 1985, we issued a Proposed Decision and Order tentatively setting forth procedures to distribute refunds to parties who were injured by Ayers' alleged violations. In the proposed decision we described a two-stage process for the distribution of the funds made available by the Ayers consent order. In the first stage, we will refund money to identifiable purchasers of covered products who may have been injured by Ayers' pricing practices during the period November 1973 through January 1981. This decision describes the information that a purchaser of Ayers petroleum products should submit in order to demonstrate eligibility to receive a portion of the consent order funds.

After meritorious claims are paid in the first stage, a second stage refund procedure may become necessary. *See generally Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (hereinafter cited as *Amoco*) (refund procedures established for first stage applicants, second stage refund procedures proposed). However, because our determination concerning the disposition of any remaining funds will necessarily depend on the size of the fund, it is premature for us to address this issue. In response to our April 24, 1985 proposed decision, several states filed comments concerning the disposition of possible funds remaining at the conclusion of the first stage proceedings. Those comments will not be discussed here.

**I. Jurisdiction**

We have considered ERA's Petition for the Implementation of Special Refund Procedures and determined that it is appropriate to establish such a proceeding with respect to the Ayers consent order fund. In our proposed decision and in other recent decisions, we have discussed at length our jurisdiction and authority to fashion special refund procedures. *See, e.g., Office of Enforcement, Economic Regulatory Administration: In re Adams Resources and Energy, Inc.*, 9 DOE ¶ 82,553 (1982). We have received no comments challenging our authority to fashion special refund procedures in this case. We will therefore grant ERA's petition and assume jurisdiction over the distribution of the Ayers consent order funds.

**II. Background**

Ayers was a motor gasoline and fuel oil reseller-retailer, as those terms were defined in 10 CFR 212. The firm consisted of three companies: Ayers Oil Company of Canton, Missouri, Ayers Oil Company of Pike County, Missouri, and Ayers Oil Company of Quincy, Illinois. A DOE audit of Ayers' records revealed possible regulatory violations by the firm. In order to settle all claims and disputes between Ayers and the DOE regarding the firm's compliance with DOE regulations during the period November 1973 through January 1981, Ayers and the DOE entered into a consent order on April 11, 1984. Under the terms of the consent order, Ayers agreed to remit $210,000 to the DOE. These funds are being held in an interest-bearing escrow account established with the United States Treasury pending a determination of their proper distribution, and as of April 30, 1985, the Ayers escrow account had earned $19,848 in interest. This Decision concerns the distribution of the funds in the escrow account, plus the accured interest.

**III. Proposed Refund Procedures**

The Ayers fund shall be distributed to claimants who can demonstrate that they have been adversely affected by Ayers' alleged violations in sales of refined petroleum products during the consent order period. The petroleum products purchased by these claimants were purchased either directly from Ayers or from other firms in a chain of distribution leading back to Ayers. In order to receive a refund, each claimant will be required to submit a schedule of its monthly purchases of Ayers refined petroleum products for the period November 1973 to January 1981. If the product was not purchased directly from Ayers the claimant must include a statement setting forth its reasons for maintaining the product originated with Ayers. In addition, a reseller or retailer that files a claim generally will be required to establish that it absorbed the alleged overcharges and was thereby injured. To make this showing, a reseller or retailer claimant will be required to show initially that it maintained "banks" of unrecovered increased product costs in order to demonstrate that it did not subsequently recover those costs by increasing its prices. *See Office of Enforcement*, 10 DOE ¶ 85,029 at 88,125 (1982) (hereinafter cited as *Ada*). In addition, it will have to demonstrate that it was injured by the alleged overcharges. *Id.*

As in many prior special refund cases, we will adopt certain presumptions. First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of products made by Ayers during the consent order period. OHA has referred to this presumption in the past as a volumetric refund amount. Second, we will adopt a presumption of injury with respect to small claims. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> [i]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring disproportionate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.[1]

The pro rata, or volumetric, refund presumption assumes that alleged overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better

[1] The State of Texas has objected to some aspects of the use of presumptions in this case. We have considered and ultimately rejected identically-worded comments from Texas in several recent cases. *See, e.g., Amtel, Inc.* 12 DOE ¶ 85,073 (1984). Because no new arguments have been offered by the State which would lead us to reverse our previous holdings, it is not necessary to address the merits of the Texas comment in the present decision.

information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact on an individual purchaser could have been greater, and any purchaser is allowed to file a refund application based on a claim that the impact of the alleged overcharge on it was greater than the pro rata amount determined by the volumetric presumption. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./ Siouxland Propane Co.*, 12 DOE ¶ 85,054 (1984) and cases cited therein at 88,164.

The presumption that claimants seeking smaller refunds were injured by the pricing practices settled in the Ayers consent order is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generaly time-consuming and expensive, and in the case of small claims, the cost (to the firm) of gathering this factual information, and the cost (to the OHA) of analyzing it, may be many times the expected refund amount. Failure to allow simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions is also desirable from an administrative standpoint, because it allows the OHA to process a large number of routine refund claims quickly, and use its limited resources more efficiently.

Finally, these smaller claimants did purchase covered products from Ayers and were in the chain of distribution where the alleged overcharges occurred. Therefore, they bore some impact of the alleged overcharges, at least initially. The presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of that initial impact.

Under the presumptions we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a threshold level. Previous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the consenting firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. We believe that the same approach should be followed in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchased is based on several factors. As noted above, we are especially concerned that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In this case, we believe that the establishment of a presumption of injury for all claims of $5,000 is reasonable.[2] *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984); *Office of Special Counsel: In the Matter of Conoco, Inc.*, 11 DOE ¶ 85,226 (184) and cases cited therein.

In addition to the presumptions we are adopting, we are making a finding that end-users or ultimate consumers whose business is unrelated to the petroleum industry were injured by the alleged overcharges settled in the consent order. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209 and cases cited therein. We have therefore concluded that end-users of Ayers petroleum products need only document their purchase volumes from Ayers to make a sufficient showing that they were injured by the alleged overcharges.

We note that if a reseller or retailer made only spot purchases from Ayers, it is not likely to have suffered an injury. As we have previously stated with respect to spot purchases:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

*Vickers* at 85,396–97. We believe the same rationale holds true in the present case. Accordingly, a spot purchaser which files a claim should submit specific and detailed evidence to establish that it was unable to recover the increased prices it paid for Ayers petroleum products. *See Amoco* at 88,200.

A successful refund applicant will receive a refund based upon a volumetric method of allocating refunds. Under this method, a volumetric refund amount is calculated by dividing the settlement amount by our estimate of the total gallonage of products covered by the consent order. In the present case, based on the information available to us at this time, the volumetric refund amount is $.000575 per gallon, exclusive of interest.[3] As of April 30, 1985, accumulated interest increased the per gallon refund amount to $.000630 per gallon.

As in previous cases, we will establish a minimum refund amount of $15.00 for first stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15.00 outweights the benefits of restitution in those situations. *See, e.g., Uban Oil Co., 9 DOE ¶ 82,541 at 82,525 (1982).*

## IV. Applications for Refund

After having considered all the comments received concerning the first stage proceedings tentatively adopted in our February 20, 1985 proposed decision, we have concluded that applications for refund should now be accepted from parties who purchased Ayers petroleum products. An application must be in writing, signed by the applicant, and specify that it pertains to the Ayers Refund Proceeding, Case Number HEF-0563.

An applicant should indicate from whom the covered product was purchased and, if the applicant is not a direct purchaser from Ayers, it should

[2] Resellers or retailers whose monthly purchases during the period for which a refund is claimed result in a volumetric refund of greater than $5,000 but who cannot establish that they did not pass through the price increases, or who limit their claims to the threshold amount, will be eligible for a refund of the $5,000 threshold amount without being required to submit additional evidence of injury. *See Vickers* at 85,396; *see also Ada* at 88,122.

[3] During the consent order period, Ayers sold 365,097,794 gallons of regulated petroleum products. The volumetric refund amount is obtaiend by dividing the portion of money remitted by Ayers by the volume of products sold ($210,000 divided by 365,097,794 gallons = $0.000575 per gallon.)

also indicate the basis for its belief that the petroleum product purchased originated from Ayers. Each applicant should report its volume of purchases by month for the period of time for which it is claiming it was injured by the alleged overcharges. Each applicant should specify how it used the Ayers petroleum product, such as whether it was a reseller or ultimate consumer.

If the applicant is a reseller applying for a refund of greater than $5,000, it should state whether it maintained banks of unrecouped product cost increases from the date of the alleged violation through January 27, 1981. An applicant who did maintain banks should furnish the OHA with a schedule of its cumulative banks calculated on a quarterly basis from November 1973 through January 27, 1981. The applicant must submit evidence to establish that it did not pass on the alleged injury to its customers, if the applicant is a reseller. For example, a firm may submit market surveys or information about changes in its profit margins or sales volume to show that price increases to recover alleged overcharges were infeasible. The applicant should report any past or present involvement as a party in DOE enforcement actions. If these actions have terminated, the applicant should furnish a copy of a final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. The applicant is under a continuing obligation to keep the OHA informed of any change in status while its application for refund is being considered. *See* 10 CFR 205.9(d).

Each application must also include the following statement: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name, position title, and telephone number of a person who may be contacted by us for additional information concerning the application.

All applications for refund must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E-234, 1000 Independence Avenue, Washington, D.C. Any applicant that believes that its application contains confidential information must so indicate on the first page of its application and submit two additional copies of its application from which the confidential information has been deleted, together with a statement specifying why any such information is privileged or confidential.

All applications should be sent to: Ayers Special Refund Proceedings, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. Applications for refund of a portion of the Ayers consent order funds must be postmarked within 90 days after publication of this Decision and Order in the **Federal Register.** *See* 10 CFR 205.286. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

**V. Distribution of the Remainder of the Consent Order Funds**

In the event that money remains after all first stage claims have been disposed of, undistributed funds could be distributed in a number of different ways. However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed.

It is Therefore Ordered That:

(1) Applications for Refunds from the funds remitted to the Department of Energy by Ayers Oil Company and its subsidiaries pursuant to the consent order executed on April 11, 1984 may now be filed.

(2) All applications must be postmarked within 90 days after publication of this Decision and Order in the **Federal Register.**

Dated: June 11, 1985.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 85-15033 Filed 6-20-85; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

**[OPTS-59719; FRL-2852-6]**

### Certain Chemicals Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984 (49 FR 48066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of five such PMNs and provides a summary of each.

**DATES:** Close of Review Period:

Y 85-90, Y 85-91, and Y 85-92—June 30, 1985.

Y 85-93 and Y 85-94—July 2, 1985.

**FOR FURTHER INFORMATION CONTACT:** Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street SW., Washington, DC 20460 (202-382-3725).

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

**Y 85-90**

*Importer.* Confidential.

*Chemical.* (G) Hydroxy terminated polymer of an aromatic diisocyanate, alkane polyols, alkanolamine, alkanedioic acid.

*Use/Import.* (G) Coating for textile fabrics. Import range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* No data submitted.

*Environmental Release/Disposal.* No data submitted. Disposal by incineration.

**Y 85-91**

*Importer.* Confidential.

*Chemical.* (G) Ketoxime blocked urethane polymer of an aromatic diisocyanate, alkane polyols, alkanedioic acid.

*Use/Import.* (G) Coating to impart leather like appearance. Import range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* No data submitted.

*Environmental Release/Disposal.* No data submitted. Disposal by incineration.

**Y 85-92**

*Importer.* Confidential.

*Chemical.* (G) Acrylic Polymer.

*Use/Production.* (S) Coating for industrial applications. Prod. range: 100,000–250,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Processing: Dermal, a total of 9 workers, up to 8 hrs/da, up to 100 da/yr.

*Environmental Release/Disposal.* .5 kg/batch released to ater and .5 to 10 kg/batch to land. Disposal by publicly owned treatment works by (POTW) and landfill.

**Y 85–93**

*Importer.* Ricoh Corportation.

*Chemical.* (G) Styrene, acrylic polymer.

*Use/Import.* (S) Commercial and consumer copier toner electrostatically charged and developed for image transfer, then applied onto the surface of paper as image registration after fusing. Import range: 500–1,700 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* No data submitted.

*Environmental Release/Disposal.* No data submitted.

**Y 85–94**

*Importer.* Confidential.

*Chemical.* (S) Polymer of phthalic anhydride, 2,2,4-trimethyl-1,3-pentanediol,2,2'-oxybis(ethanol), 2-ethyl hexanol, triphenyl-phosphite and Fascat 4100.

*Use/Production.* (S) Site-limited and industrial polymer for general metal finishing. Prod. range: 100,000–250,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* No data submitted.

*Environmental Release/Disposal.* No data submitted.

Dated: June 15, 1985.

**Linda A. Travers,**

*Acting Director, Information Management Division.*

[FR Doc. 85–14867 Filed 6–20–85; 8:45 am]

BILLING CODE 6560–50–M

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**[OPTS–51576; FRL–2852–3]**

## Certain Chemicals Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-two PMNs and provides a summary of each.

**DATES:** Close of Review Period:

P 85–1053 and 85–1054—September 4, 1985.

P 85–1055, 85–1056, 85–1057, 85–1058, 85–1059 and 85–1060—September 7, 1985.

P 85–1061, 85–1062, 85–1063, 85–1064, 85–1065, 85–1066 and 85–1067—September 8, 1985.

P 85–1068, 85–1069 and 85–1070—September 9, 1985.

P 85–1071, 85–1072, 85–1073 and 85–1074—September 10, 1985.

Written comments by:

P 85–1053 and 85–1054—August 5, 1985.

P 85–1055, 85–1056, 85–1057, 85–1058, 85–1059 and 85–1060—August 8, 1985.

P 85–1061, 85–1062, 85–1063, 85–1064 85–1065, 85–1066 and 85–1067—August 9, 1985.

P 85–1068, 85–1069, 85–1070—August 10, 1985.

P 85–1071, 85–1072, 85–1073 and 85–1074—August 11, 1985.

**ADDRESS:** Written comments, identified by the document control number "[OPTS–51576]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Room E–201, 401 M Street SW., Washington, DC 20460 (202–382–3532).

**FOR FURTHER INFORMATION CONTACT:** Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Room E–611, 401 M Street SW., Washington, DC 20460 (202–382–3725).

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacture on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address.

**P 85–1053**

*Importer.* Confidential.

*Chemical.* (G) Perfluoroalkyl methacrylate copolymer.

*Use/Import.* (G) Fabric stain repellent. Import range: Confidential.

*Toxicity Data.* Acute oral: 15.450 g/kg.

*Exposure.* Processing and use: Dermal, a total of 3 workers, up to 4 hrs/da, up to 2 da/wk.

*Environmental Release/Disposal.* Less than 10 to less than 25 grams released. Disposal by sanitary sewer system.

**P 85–1054**

*Importer.* Confidential.

*Chemical.* (G) Perfluoroalkyl methacrylate copolymer.

*Use/Import.* (G) Fabric stain repellent. Import range: Confidential.

*Toxicity Data.* Acute oral: 15.450 g/kg.

*Exposure.* Processing and use: Dermal, a total of 3 workers, up to 4 hrs/da, up to 1 da/wk.

*Environmental Release/Disposal.* Less than 10 to less than 25 grams released. Disposal by sanitary sewer system.

**P 85–1055**

*Manufacturer.* Stepan Company.

*Chemical.* (G) Polyester polymer.

*Use/Production.* (G) Industrial and commercial polyol—to be used in the production of urethane and isocyanurate foams. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal, a total of 6 workers, up to 0.5 hr/da, up to 241 da/yr.

*Environmental Release/Disposal.* 1 kg/batch released to water. Disposal by navigable waterway.

**P 85–1056**

*Manufacturer.* Stepan Company.

*Chemical.* (G) Polyester polymer.

*Use/Production.* (G) Industrial and commercial polyol—to be used in the production of urethane and isocyanurate foams. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal, a total of 6 workers, up to 0.5 hr/da, up to 241 da/yr.

*Environmental Release/Disposal.* 1 kg/bacth released to water. Disposal by navigable waterway.

**P 85–1057**

*Manufacturer.* Phillips Petroleum Company.

*Chemical.* (G) Alkatriene.

*Use/Production.* (G) Intermediate chemical substance. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture, processing and use: Dermal, a total of 7 workers.

*Environmental Release/Disposal.* Release to air. Disposal by Resource Conservation Recovery Act (RCRA) and approved incineration.

**P 85–1058**

*Manufacturer.* Hercules Incorporated.

*Chemical.* (G) Alkyl ketene dimer

*Use/Production.* (S) Industrial sizing agent for use in photographic printing paper. Prod. range: Confidential.

*Toxicity Data.* Acute oral: Male and female: >5.0 g/kg.

*Exposure.* Manufacture and processing: Dermal, a total of 22 workers, up to 8 hrs/da, up to 150 da/yr.

*Environmental Release/Disposal.* 0.004 kg/batch released to air, 23 kg/batch to land with 1 kg/batch to less than 1 pound to water. Disposal by publicly owned treatment works (POTW) and landfill.

**P 85-1059**

*Manufacturer.* Confidential.

*Chemical.* (G) Aliphatic anthranilate.

*Use/Production.* (G) Open, non-dispersive use. Prod. range: 5,000-20,000 kg/yr.

*Toxicity Data.* Acute oral: >5,000 m/kg<8,891 mg/kg. Irritation: Skin-Mild.

*Exposure.* Manufacture and processing: Dermal, a total of 8 workers, up to 3 hrs/da, up to 10 da/yr.

*Environmental Release/Disposal.* 0.2 to 2 kg/batch released to water. Disposal by navigable waterway.

**P 85-1060**

*Importer.* Naarden International.

*Chemical.* (S) 1-Oxaspiro (4.5) deca-3,6-diene,2,7-dimethyl-10-(1-methyl ethyl)-.

*Use/Import.* (S) Consumer fragrance ingredient for use in fragrance compounds. Prod. range: Confidential.

*Toxicity Data.* Acute oral: Between 2 & 5 ml/kg; Irritation: Skin—Moderate, Eye—Not an irritant; Phototoxicity: Not phototoxic; Ames Test: Not mutagenic; Skin sensitization: Nonsensitizer.

*Exposure.* Processing: Dermal, a total of 7 workers, up to 5 hrs/da, up to 5 da/yr.

*Environmental Release/Disposal.* 50 parts per million (ppm) maximum released to air.

**P 85-1061**

*Manufacturer.* Hach Company.

*Chemical.* (G) DPD-(2-naphthalene sulfonate).

*Use/Production.* (S) Industrial and consumer powder formulation to be used as analytical reagent for the determination of free and total chlorine in water. Prod. range: 200-250 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture and processing: Inhalation, a total of 7 workers, up to 8 hrs/da, up to 40 da/yr.

*Environmental Release/Disposal.* 0.1 kg air and 1 kg to water. Disposal by POTW.

**P 85-1062**

*Manufacturer.* Confidential.

*Chemical.* (G) Acrylic modified alkyd resin.

*Use/Production.* (G) Paint, open non-dispersive use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal, a total of 9 workers, up to 4 hrs/da, up to 60 da/yr.

*Environmental Release/Disposal.* 2 to 6 kg/batch released to land. Disposal by incineration and controlled landfill.

**P 85-1063**

*Manufacturer.* Confidential.

*Chemical.* (G) Functionally modified urethane.

*Use/Production.* (G) Coatings polymer with a non-dispersive use. Prod. range: 50,000-225,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal, a total of 18 workers, up to 8 hrs/da, up to 50 da/yr.

*Environmental Release/Disposal.* 5 to 60 kg/batch released to land. Disposal by inceneration and landfill.

**85-1064**

*Manufacturer.* Confidential.

*Chemical.* (G) Biphenolphosphite.

*Use/Production.* (G) Promoter for catalyst in manufacture of oxygen functionalized hydrocarbons. Prod. range: Confidential.

*Toxicity Data.* Acute oral: Males and female—>8.0 g/kg, Combined 2.83 g/kg; Acute dermal: Male and female: 2.46 g/kg; Irritation: Skin—No irritation, Eye—Moderate; Inhalation: 1,792 mg/m³.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**P 85-1065**

*Manufacturer.* Confidential

*Chemical.* (G) Biphenol.

*Use/Production.* (G) Chemical intermediate for manufacture of catalyst promoter. Prod range: Confidential.

*Toxicity Data.* Acute Oral: Male and female—8.0 g/kg; Acute dermal: Male and female: >8.0 g/kg; Irritation: Skin—No irritation, Eye—Moderate; Inhalation: 2.490 mg/m³.

*Exposure.* Confidential.

*Environmental Release/Disposal.* 8 kg/batch released to water. Disposal by industrial waste water treating facility.

**P 85-1066**

*Manufacturer.* The Dow Chemical Company.

*Chemical.* (G) Substituted phenol.

*Use/Production.* (S) Site-limited raw material for the synthesis of polymers. Prod. range: Confidential.

*Toxicity Data.* Acute oral: >1,000 mg/kg; Acute dermal: Between 63 and 125 mg/kg; Irrigation: Skin—Corrosive, Eye—Severe; Ames Test: Non-mutagenic.

*Exposure.* Manufacture and use: Dermal, a total of 30 workers.

*Environmental Release/Disposal.* Release to air. Disposal by incineration.

**P 85-1067**

*Manufacturer.* Confidential.

*Chemical.* (S) N/(5-fluorosulfonyl-2-methoxyphenyl)ethanamide.

*Use/Production.* (G) Chemical intermediate. Prod. range: 750-850 kg./yr.

*Toxicity Data.* Acute oral: Males—1,600 mg/kg and Female—1,345 mg/kg; Irrigation: Skin—Slight, Eye—Slight; Skin sensitization: Moderate.

*Exposure.* Manufacture and use: Dermal, a total of 4 workers, up to 0.9 hr/da, up to 4 da/yr.

*Environmental Release/Disposal.* No release. Less than 5 kg/batch incinerated.

**P 85-1068**

*Manufacturer.* Confidential.

*Chemical.* (G) Polyester polyurethane.

*Use/Production.* (G) Speciality coating. Prod. range: 25,000-100,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal, a total of 17 workers, up to 8 hs/da, up to 14 da/yr.

*Environmental Release/Disposal.* 12 to 169 kg/batch released to land. Disposal by incineration and landfill.

**P 85-1069**

*Manufacturer.* Confidential.

*Chemical.* (G) Copper phthalocyanato-, poly[[alkyl-monohydroxyethyl imidazolium]methylene] deriv., compound with alkanoate.

*Use/Import.* (S) Paper dye. Import range: Confidential.

*Toxicity Data.* Acute oral: 2.9 g/kg; Irritation: Skin—Non-irritant, Eye—Minimal; Ames Test: Negative; E. coli reverse mutation assay: Non-Mutagenic.

*Exposure.* Processing: Dermal.

*Environmental Release/Disposal.* No release.

**P 85-1070**

*Manufacturer.* Confidential.

*Chemical.* (G) Copper phthalocyanato-, poly[[alkyl bis-hydroxyethyl imidazolium]methylene] deriv., compound with alkanoate.

*Use/Import.* (S) Paper dye. Import range: Confidential.

*Toxicity Data.* Acute oral: 2.9 g/kg; Irritation: Skin—Non-irritant, Eye—

Minimal; Ames Test: Negative; E. coli reverse mutation assay: Non-Mutagenic.

*Exposure.* Processing: Dermal.

*Environmental Release/Disposal.* No release.

**P 85-1071**

*Manufacturer.* Confidential.

*Chemical.* (G) Modified acrylic copolymer.

*Use/Production.* (G) Open, non-dispersive use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**P 85-1072**

*Manufacturer.* Confidential.

*Chemical.* (S) Tetra isobutyl titanate.

*Use/Production.* (G) Contained use. Prod. range: Confidential..

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal, a total of 10 workers, up to 0.5 hr/da.

*Environmental Release/Disposal.* -0.5 to -1.0 kg, residue and wash solvent released. Waste is recycled, retained or sent to offsite disosal and landfill.

**P 85-1073**

*Importer.* Ciba-Geigy Corporation.

*Chemical.* (G) Substituted xanthene.

*Use/Import.* (G) Dye for paper. Import range: Confidential.

*Toxicity Data.* Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Irritant; Ames Test: Negative; Skin sensitization: None; COD: 2519.5 mg/g *2; $BOD_5$: 0 mg/kg *2; Micronucleus test: Negative; $EC_0$ 24 hr (Daphnia Magna): >100 mg/l; $LC_0$ 96 hr (Zebra fish): >96 mg/1; $IC_{50}$ 3 hr: >100 mg/l; Ready biodegradability (28d): Not readily biodegradable.

*Exposure.* Process: inhalation, a total of 2 workers, up to 0.5 hr/da.

*Environmental Release/Disposal.* 0.03 kg/batch released to water. Disposal by POTW, biological treatment system and navigable waterway.

**P 85-1074**

*Importer.* Ciba-Geigy Corporation.

*Chemical.* (G) Substituted xanthene.

*Use/Import.* (G) Dye for paper. Import range: Confidential.

*Toxicity Data.* Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Non-irritation, Eye—Irritant; Ames Test: Negative; Skin sensitization: None; COD: 2192.2 mg/g *2; $BOD_5$: 0 mg/kg *2; Micronucleus test: Negative; $EC_0$ 24 hr (Daphnia Magna): >117 mg/l; $LC_0$ 96 hr (Zebra fish): >163 mg/l; $IC_{50}$ 3 hr: >100 mg/l; Ready biodegradability (28d): Not readily biodegradable.

*Exposure.* Process: Inhalation, a total of 2 workers, up to 0.5 hr/da.

*Environmental Release/Disposal.* 0.03 kg/batch released to water. Disposal by POTW, biological treatment system and navigable waterway.

Dated: June 17, 1985.

**Linda A. Travers,**

*Acting Director, Information Management Division.*

[FR Doc. 85-14870 Filed 6-20-85; 8:45 am]

BILLING CODE 6560-50-M

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**[OPTS-59197; FRL-2852-5]**

## Polyfunctional Methacrylate of Polyisocyanate Adduct of Alkoxylated Polyol; Premanufacture Exemption Application

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting of the exemption.

**DATE:** Written comments by: July 8, 1985.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-59197]" and the specific TME number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Room E-201, 401 M Street SW., Washington, DC 20460 (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:** Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460 (202-382-3725).

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

**T 85-52**

*Close of Review Period.* July 26, 1985.

*Manufacturer.* Confidential.

*Chemical.* (G) Polyfunctional methacrylate of polyisocyanate adduct of alkoxylated polyol.

*Use/Production.* (S) Industrial graphic arts printing plates. Prod. range: Confidential.

*Toxicity Data.* No data on the TME substance submitted.

*Exposure.* Manufacture a total of 4 workers.

*Environmental Release/Disposal.* No release.

Dated: June 15, 1985.

**Linda A. Travers,**

*Acting Division Director, Information Management Division.*

[FR Doc. 85-14868 Filed 6-20-85; 8:45 am]

BILLING CODE 6560-50-M

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**[OPTS-59194B; TSH-FRL 2853-5]**

## Certain Chemicals; Approval of Test Marketing Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-85-43. The test marketing conditions are described below.

**EFFECTIVE DATE:** June 10, 1985.

**FOR FURTHER INFORMATION CONTACT:** Jane Talarico, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm E-611E, 401 M St., SW., Washington, DC. 20460, (202) 382-5506.

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test

marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-85-43. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-85-43. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, each Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bill of lading that acompanies each shipment of the TME substance.

4. The applicant must maintain records of persons who wear impervious gloves and chemical safety goggles during manufacturing, processing, and use of the TME substance.

5. The applicant must maintain records of determinations that the gloves are impervious to the TME substance.

6. The applicant must maintain copies of any Material Safety Data Sheet used.

7. The applicant must maintain the following information on disposal of the TME substance: dates waste material is disposed of, location of disposal sites, volume of any disposed material, estimated volume of any liquid wastes containing the TME substance, and method of disposal.

TME 85-43.

*Date of Receipt:* April 30, 1985.

*Notice of Receipt:* May 10, 1985 (50 FR 19802).

*Applicant:* Air Products and Chemicals, Incorporated.

*Chemical:* (G) Alkylated aromatic diamine.

*Use:* (G) Polyurethane chain extender.

*Production Volume:* Confidential.

*Number of Customers:* Three.

*Toxicity Data:* Acute Oral: Male and female > 500.0 mg/kg; Acute dermal > 1.0 g/kg; Irritation Skin—Mild. Ames test: Negative.

*Worker Exposure:* Confidential.

*Test Marketing Period:* One year. *Commencing on:* June 10, 1985.

*Risk Assessment:* EPA identified potential adverse health and environmental effects associated with exposure to the TME substance. However, EPA has determined that, under the conditions outlined above, and the restrictions outlined below, the estimated exposure to the test market substance will not be significant. Therefore, the test marketing activities will not present any unreasonable risk to human health. Wastes resulting from manufacturing, processing, and use will be incinerated or landfilled. Therefore, the test market substance will not pose any unreasonable risk to the environment.

*Additional Restrictions:* During manufacture, processing, and use by the applicant and its three customers, workers are required to wear impervious gloves and chemical safety goggles during operations that may result in dermal exposure to the substance. The Material Safety Data Sheet (MSDS) must include the requirements for workers to wear impervious gloves and chemical safety goggles.

The gloves must be determined by the applicant to be impervious to the TME substance under the conditions of exposure, including the duration of exposure. The applicant shall make this determination either by testing the gloves under the conditions of exposure or by evaluating the specifications provided by the manufacturer of gloves. Testing or evaluation of specifications shall include consideration of permeability, penetration, and potential chemical and mechanical degradation of the gloves by the TME substance and associated chemical substances.

The applicant and its three customers shall dispose of all wastes containing the PMN substance in a incinerator or landfill factility that complies with all applicable federal, state, and local laws and regulations.

*Public Comments:* None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: June 10, 1985.

Don R. Clay,

*Director, Office of Toxic Substances.*

[FR Doc. 85-14971 Filed 6-20-85; 8:45 am]

BILLING CODE 6560-50-M

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[OPTS-53071; TSH-FRL-2831-7]

## Premanufacture Notices Monthly Status Report for February 1985

*Correction*

In FR Doc. 85-11015, beginning on page 19453 in the issue of Wednesday, May 8, 1985, make the following corrections:

1. The docket number in the heading should have read as set forth above.

2. On page 19455, in table I, in the Identity/generic name column for PMN No. P 85-576, "2,2'2-oxybis (ethanol)" should have read "2,2'-oxybis(ethanol)".

3. On page 19457, in table III:

(a) The entry in the Identity/generic name column for PMN No. P 85-112 should have read: "Generic name: alkanediol-maleic anhydride copolymer".

b. The entry in the Identity/generic name column for PMN No. P 85-115 should have read: "Generic name: Aromatic polyisocyanate adduct".

4. On page 19459, in table V, the entry in the Date suspended column for PMN No. P 83-1006 reading "Do." should have read "July 19, 1984".

BILLING CODE 1505-01-M

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[ER-FRL-2852-8]

## Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements filed June 10, 1985 Through June 14, 1985 Pursuant to 40 CFR 1506.9.

EIS No. 850243, Final, FHW, OH, OH-79 Improvement, OH-79 to OH-16 Expressway, Construction, Licking County, Due: July 22, 1985, Contact: Byrd Finley Jr. (614) 466-0162.

EIS No. 850244, Final, SCS, MS, Tallahaga Creek Watershed Flood Protection Plan, Winston, Choctaw and Neshoba Counties, Due: July 22, 1985, Contact: A.E. Sullivan (601) 960-5205.

EIS No. 850245, DSuppl, COE, NY, Saw Mill River Basin Flood Protection Project, Elmsford and Greenburgh Areas, Westchester County, Due: August 5, 1985, Contact: Peter Doukas (212) 264-4662.

EIS No. 850246, Final, FHW, PA, Newton Bypass Extension, Newton Pike to I-95 Interchange, Completion, Bucks County, Due: July 22, 1985, Contact: Louis Papet (717) 782-2222.

EIS No. 850247, Draft, BLM, NV, CA, Mead/McCollough-Victorville/ Adelanto 500 kV Transmission Line, Design, Construction, Operation and Maintenance, Right-of-Way Grants, Temporary Use Permit and Borrow Pit Permit, Clark County, NV and San Bernardino County, CA, Due: September 19, 1985, Contact: William Collins (714) 351-6373.

EIS No. 850248, Final, USN, WA, Puget Sound Area, Carrier Battle Group Homeporting, Construction and Operation, Snohomish County, Due: July 22, 1985, Contact: L. S. Sonerance (206) 526-3075.

EIS No. 850249, Draft, FHW, PA, I-95 Completion, between Benjamin Franklin and Walt Whitman Bridges, Right-of-Way Improvements, Philadelphia County, Due: August 9, 1985, Contact: Robert Rowland (215) 964-6532.

EIS No. 850250, DSuppl, COE, AL, Frank Jackson State Park Earth Fill Dam and Reservoir Construction, 404 Permit, Covington County, Due: August 5, 1985, Contact: Davis Findley (205) 694-3770.

EIS No. 850251, Final, COE, VA, Beaverdam Swamp Water Supply Dam and Reservoir Construction, 404 Permit, Glouchester County, Due: July 22, 1985, Contact: Bob Hume (804) 441-3657.

EIS No. 850252, Final, FHW, MS, I-59 and US 84 Corridors Relocation, Laurel Bypass, Improvements, Jones County, Due: July 22, 1985, Contact: James Iverson (601) 960-4222.

EIS No. 850253, Draft, BPA, ID, Fall River-Lower Valley Transmission System Reinforcement, Stability, Due: August 5, 1985, Contact: Anthony Morrell (503) 230-5136.

EIS No. 850254, Draft, BLM, TX, CA, AZ, NM, Pacific Texas Pipeline Project, Construction and Operation, Right-of-Way Grant, Tempoary Use Permits and Section 10 and 404 Permits Due: August 5, 1985, Contact: William Haigh (714) 351-6428.

EIS No. 850255, Final, AFS, MI, Manistee River Wild and Scenic Area Study, Designation, Manistee National Forest, Manistee, Lake, and Wexford Counties, Due: July 22, 1985, Contact: Ronald Scott (616) 775-2421.

EIS No. 850256, Final, AFS, CO, Cache La Poudre River, Wild and Scenic River Study, Designation, Arapaho and Roosevelt National Forest, Larimer County, Due: July 22, 1985, Contact: Roger Tarum (303) 482-5155.

**Amended Notices**

EIS No. 850206, Draft, NPS, AZ, NV, Lake Mead National Recreation Area, General Management Plan, Improvement, Due: July 31, 1985, Published FR 5-24-85—Filing date reestablished.

EIS No. 850235, Draft, AFS, NM, Alvarado Realty Land Exchange, Cibola National Forest, Acquistion, Bernalillo County, Due: August 83, 1985, Published FR 6-14-85—Review period extended.

EIS No. 850127, Draft, BLM, CO, Grand Junction Resource Area, Resource Management Plan, Garfield and Mesa Counties, Due: July 17, 1985, Published FR 4-5-85—Review period extended.

Dated: June 18, 1985.

**William D. Dickerson,**

*Acting Director, Office of Federal Activities.*

[FR Doc. 85-15059 Filed 6-20-85; 8:45 am]

BILLING CODE 6560-50-M

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**[ER-FRL-2852-9]**

## Environmental Impact Statements and Regulations; Availabilityy of EPA Comments

Availability of EPA comments prepared June 3, 1985 through June 7, 1985 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-507/76. An explanation of the ratings assigned to draft environmental impacts statements (EISs) was published in FR dated October 19, 1984 (49 FR 41108).

**Draft EISs**

ERP No. D-COE-D32032-DE, Rating EC2, Wilmington Harbor Federal Navigation Project, Dredged Material Disposal Area, Development and Designation, Christina R., DE. **SUMMARY:** EPA recommended that the FEIS include a well-defined mitigation plan, better use of dredge spoil, structural modification, turbidity and fishery monitoring. Further, EPA noted the necessity to coordinate additional activities to resolve these issues.

ERP No. DS-COE-K85029-HI, Rating EC2, West Beach Resort Development, Construction, Permit, Oahu Island, HI. **SUMMARY:** EPA expressed the need for: 1) additional data and discriptions of ground water resources, 2) sufficient descriptions of the alternatives, 3) further discussion of physical and chemical impacts on marine environment, and 4) mitigation for noise impacts.

**Final EISs**

ERP No. F-AFS-E65025-SC., Francis Marion Nat' Forest, Land and Resource Mgmt. Plan, SC. **SUMMARY:** EPA's review concluded that the FEIS adequately addressed the concerns raised during the DEIS review.

ERP No. F-COE-C36047-NY, Oneida Creek Watershed Flood Control Plan, NY. **SUMMARY:** The FEIS adequately addresses EPA's DEIS comments concerning recommended mitigation measures. EPA believes the proposed project will not significantly impact the environment, including aquatic resources in the Watershed.

ERP No. F-COE-L35010-AK, Auke Bay Breakwater and Marina Development, Construction and Expansion, Permit, AK. **SUMMARY:** EPA has no objections to the environmentally preferred alternatives, but has strong objections to the Horton Properties Inc. proposal, as it would be in non-compliance with the 404(b)(1) Guidelines. EPA recommended as chemical monitoring program to assess the long-term impacts of marina development on the Auke Bay ecosystem.

ERP No. F-NAS-E12001-00, Centaur Upper Stage Launch Vehicle, Design and Development, Space Transportation System, FL. **SUMMARY:** EPA's review concluded that no significant, long-term, adverse impacts will occur from implementation of this project as proposed.

ERP No. F-NRC-L06003-WA, Washington Public Power Supply System (WPPSS) Nuclear Project No. 3, Operation, License, WA **SUMMARY:** EPA made no formal comments EPA reviewed the FEIS and found it to be satisfactory.

Dated: June 18, 1985.

**William D. Dickerson,**

*Acting Director, Office of Federal Activities.*

[FR Doc. 85-15060 Filed 6-20-85; 8:45 am]

BILLING CODE 6560-50-M

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**[SAB-FRL 2854-1]**

## Science Advisory Board; Radiation Advisory Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Biological Effects Subcommittee of the Science Advisory Board's (SAB) Radiation Advisory Committee will be held on July 8-9, 1985 in Room 1112 of the U.S. Environmental Protection Agency, Crystal Mall II, 1921 Jefferson Davis Highway, Arlington, Virginia 22202. The meeting will begin at 9:00 a.m. on July 8

and will adjourn no later than 5:00 p.m. on July 9.

The Subcommittee is beginning a review of Chapters 6 and 7 of the March 13, 1985 draft Background Information Document for Proposed Low-Level Radiative Waste Standards (40 CFR Part 193) prepared by EPA's Office of Radiation Programs.

The meeting is open to the public; however, seating is limited. Any member of the public wishing to attend or obtain information should contact Mrs. Kathleen Conway, Executive Secretary, Radiation Advisory Committee, Science Advisory Board, by the close of business on July 5, 1985. The telephone number is (202) 382–2552.

Dated: June 19, 1985.

**Terry F. Yosie,**

*Director, Science Advisory Board.*

[FR Doc. 85–15101 Filed 6–20–85; 8:45 am]

BILLING CODE 6560–50–M

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[OPP–00207; PH–FRL 2853–7]

## Partially Closed Meeting of FIFRA Scientific Advisory Panel

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** There will be a 2-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) to review certain materials in connection with the application for registration of certain pesticide products containing glyphosate; the issue of oncogenicity being considered by the Agency in connection with the Special Review on dicofol; the Special Review of the non-wood uses of creosote, coal tar, and coal tar neutral oil; certain aspects of the Tolerance Assessment System (TAS); a Notice of Intent to Cancel certain simazine pesticide registrations; and the Special Review of the non-wood uses of pentachlorophenol. The Panel will meet in executive session (i.e., in a closed meeting) for the first part of the morning of Tuesday, July 9. The meeting will be open to the public all day July 8 and beginning at approximately 10 a.m. on July 9 until adjournment.

**DATES:** Monday and Tuesday, July 8 and 9, 1985, from 8:30 a.m. to 5 p.m. each day.

**ADDRESS:** The meeting will be held at: Ramada Inn, 901 North Fairfax St., Alexandria, VA 22314, (703–683–6000).

**FOR FURTHER INFORMATION CONTACT:**

By mail: Philip H. Gray, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (TS–766C), 401 M St. SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1117, Crystal Mall, Building No. 2, Arlington, VA (703–557–7096).

**SUPPLEMENTARY INFORMATION:**

### A. Reason for Closed Meeting

Section 10(d) of the Federal Advisory Committee Act (FACA) and section 552b of the Administrative Procedures Act (APA) provide that an advisory committee meeting may be closed to the public if it is determined that the meeting will concern trade secrets or other confidential business information (CBI). A portion of the July 9, 1985, meeting of the Scientific Advisory Panel is being closed because CBI will be considered during this portion of the meeting. A written determination that the meeting shall be closed was made the Administrator on June 7, 1985, for the following reason:

On August 31, 1982, Judge H. Kenneth Wangelin entered a Judgment in *Monsanto* v. *Administrator*, C.A. No. 79–0366–C(1) requiring that EPA submit certain materials for consideration by the Scientific Advisory Panel before the Agency can take action on any applications for registration of pesticide products containing as an active ingredient one of an identified category of chemicals. In particular, for any application covered by the Judgment, EPA is required to submit to the Panel the confidential statement(s) of formula and the data submitted with the covered application in the areas of toxicology, residue and metabolism, and environmental fate in soil. EPA must also submit certain documents which contain information about the active ingredient glyphosate submitted to EPA by the Monsanto Company and about the formula for the glyphosate-containing Monsanto product which bears the trade name Round-up. These documents were inadvertently disclosed by EPA to an attorney. EPA is further required to instruct the Panel to review these materials to determine whether the data and formula information submitted with the new application covered by the Judgment were developed independently of the disclosed information.

Under the terms of the Judgment, the Panel may evaluate the materials in any reasonable manner suited to the purposes of this review. The only constraints are (1) that deliberations must be in executive session and other steps must be taken to preserve the confidentiality of all materials submitted to the Panel; (2) that both Monsanto and the new applicant must have an opportunity to "make presentations to the Panel and answer any inquiries put by the Panel" on these matters; and (3) that the Panel must either: (a) Make a finding whether the materials submitted with the new application were developed independently of the material contained in the disclosed documents; or (b) provide a written report regarding its inability to make such a finding.

EPA has determined that applications submitted by Stauffer Chemical Company for registration of certain pesticide products are covered by the August 31, 1982, Judgment in *Monsanto* v. *Administrator*. Accordingly, we are submitting to the Panel the new applicant's formula information and the data submitted in the areas of toxicology, residue and metabolism, and environmental fate in soil. In addition, the disclosed documents have been submitted in the manner prescribed by the Judgment.

### B. Agenda Topics

The agenda for this meeting is:

1. Certain materials in connection with the application for registration by Stauffer Chemical Company of certain pesticide products containing glyphosate (see above).

2. The issue of oncogenicity being considered by the Agency in connection with the Special Review on dicofol.

3. The proposed decision options being considered by the Agency to conclude the Special Review of the non-wood uses of creosote, coal tar, and coal tar neutral oil.

4. Update of status of the TAS and review of TAS "menu selection" project.

5. The proposed decision options being considered by the Agency to conclude the Special Review of the non-wood uses of pentachlorophenol.

6. A Notice of Intent to cancel registrations for simazine pesticides with terrestrial use directions and for which labeling has not been revised to incorporate the restricted use classification.

7. Completion of any unfinished business from previous Panel meetings.

8. In addition, the Agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Copies of documents relating to items 2 and 3 above may be obtained by contacting:

Bruce Kapner, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711, Crystal Mall No. 2, 1921

Jefferson Davis Highway, Arlington, VA, (703–557–7400).

Copies of documents relating to item 3 above may be obtained by contacting:

Paul Parsons, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711, Crystal Mall No. 2 Arlington, VA, (703–557–7400).

Copies of documents relating to item 4 above may be obtained by contacting:

Christine Chaisson, Hazard Evaluation Division (TS–769C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 821, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7351).

Copies of documents relating to item 5 above may be obtained by contacting:

Spencer Duffy, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7420).

Copies of documents relating to item 6 above may be obtained by contacting:

Richard Mountfort, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 237, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1830).

Any member of the public wishing to submit written comments should contact Philip H. Gray, Jr. at the address or phone listed above to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interested persons are permitted to file such statements before the meeting, and may, upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. All statements will be made part of the record and will be taken into consideration by the Panel. Persons wishing to make oral and/or written statements should notify the Executive Secretary and submit 10 copies of a summary no later than July 2, 1985, in order to ensure appropriate consideration by the Panel.

Dated: June 18, 1985.

**John A. Moore,**

*Assistant Administrator for Pesticides and Toxic Substances.*

[FR Doc. 85–15104 Filed 6–20–85; 8:45 am]

BILLING CODE 6560–50–M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

**[Docket: FEMA–REP–3–MD–2]**

### Maryland Radiological Emergency Response Plan

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice of Receipt of Plan.

**SUMMARY:** For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of Maryland has submitted its radiological emergency plans to the FEMA Regional Office. These plans support nuclear powerplants which impact on Maryland, and include those of local governments near the Philadelphia Electric Company's Peach Bottom Atomic Power Station, located in Peach Bottom Township, York County, Pennsylvania.

**DATE PLANS RECEIVED:** May 13, 1985.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul P. Giordano, Regional Director, Federal Emergency Management Agency Region III, Liberty Square Building, 105 South 7th Street, Philadelphia, Pennsylvania 19106, (215) 597–9419.

Notice: in support of the Federal requirement for emergency response plans, FEMA has promulgated a Rule describing its procedures for review and approval of State and local governments's radiological emergency response plans. Pursuant to this FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 48 FR 44338, the State Radiological Emergency Plan for the State of Maryland was received by the Federal Emergency Management Agency Region III Office on May 26, 1980.

Plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the Peach Bottom Atomic Power Station were received on May 13, 1985. Plans are included for Cecil and Harford counties.

Copies of the Plan are available for review at the FEMA Region III Office, or they will be made available upon request in accordance with the free schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 572 pages in the Cecil and Harford County documents.

Comments on the Plan may be submitted in writing to Mr. Paul Giordano, Regional Director, at the above address within thirty days of the **Federal Register** notice.

FEMA Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of the meeting were contained in *The Aegis, The Record, The Sun,* and the *News American* at least two weeks prior to the meeting. Local radio stations also announced the meeting, which was scheduled for Thursday, April 18, 1985. No one from the public attended

**Paul P. Giordano,**

*Regional Director.*

[FR Doc. 85–14950 Filed 6–20–85; 8:45 am]

BILLING CODE 6718–01–M

**[FEMA–737–DR]**

### Amendment to Notice of a Major-Disaster Declaration; Pennsylvania

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the Commonwealth of Pennsylvania (FEMA–737–DR), dated June 3, 1985, and related determinations.

**DATED:** June 17, 1985.

**FOR FURTHER INFORMATION CONTACT:** Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3616

Notice: The notice of a major disaster for the Commonwealth of Pennsylvania, dated June 3, 1985, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 3, 1985: Lycoming County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**Samuel W. Speck,**

*Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.*

[FR Doc. 85–14951 Filed 6–20–85; 8:45 am]

BILLING CODE 6718–02–M

## FEDERAL RESERVE SYSTEM

### First Bancorporation of Ohio et al.; Application To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 12, 1985.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First Bancorporation of Ohio*, Akron, Ohio; to engage *de novo* through its subsidiary, FBOH Credit Life Insurance Company in underwriting credit life, accident and health insurance that is directly related to an extension of credit by the bank holding company system in the State of Ohio.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Midland Bank plc*, London, England, *Midland California Holdings Limited*, London, England and *Crocker National Corporation*, San Francisco, California; to expand the activities of their subsidiaries, Crocker Financial Corporation, Honolulu, Hawaii, and CNC Insurance Agency, Inc., San Francisco, California, to engage in the sale of insurance that is limited to assuring repayment of the outstanding balance due as a specific extension of credit by a bank holding company or its subsidiary in the event of the involuntary unemployment of the debtor, engage in and to expand the geographic area in which the above named subsidiaries would offer previously approved credit life, accident and health insurance and the proposed unemployment insurance, to now include the entire United States, pursuant to section 4(c)(8) of the Act.

Board of Governors of the Federal Reserve System, June 17, 1985.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 85-14947 Filed 6-20-85; 8:45 am]

BILLING CODE 6210-01-M

### First National Talladega Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 12, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First National Talladega Corporation*, Talladega, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Talladega, Talladega, Alabama.

2. *Ocean Bankshares, Inc.*, Miami, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Ocean Bank of Miami, Miami, Florida.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Sand Ridge Financial Corp.*, Highland, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Highland, Highland, Indiana.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Capitalbank Corporation*, San Antonio, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Union Bank, San Antonio, Texas.

Board of Governors of the Federal Reserve System, June 17, 1985.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 85-14946 Filed 6-20-85; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OBM) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on June 14, 1985.

**Health Care Financing Administration**

Subject: Information Collection Requirements in 42 CFR Part 434, Subparts A through E, Medicaid Contracts with Health Maintenance Organizations (HMOs) and Prepaid

Health Plans (PHPs)—HCFA–R–27 and R–28—Extension (0938–0326).

Respondents: State/local governments, businesses or other for-profit institutions.

Subject: Nature Process, and Modes of Hospice Care Delivery—Hospice Survey Profile and Hospice Assessment and Survey-HCFA–494—New.

Respondents: Individuals or households, businesses or other for-profit institutions, small businesses or organizations.

OMB Desk Officer: Fay S. Iudicello.

**Public Health Service, Centers for Disease Control**

Subject: Centers for Disease Control Reproductive Outcome Surveillance System—New.

Respondents: Individuals.

**Office of the Assistant Secretary for Health**

Subject: Evaluation of the National Center for Health Statistics Population-Based Survey-Medical Expenditure Survey—Revision (0937–0121).

Respondents: Individuals.

Subject: Cognitive Aspects of Survey Methodology: Development of New Methodology for Design and Testing of National Health Interview Survey—Revision (0937–0140).

Respondents: Individuals.

**Health Resources and Services Administration**

Subject: Nursing Student Loan Program Financial Aid Transcript, Costs of Attendance, and Evidence of Loans—Reinstatement (0915–0048).

Respondents: Individuals, non-profit institutions.

OMB Desk Officer: Fay S. Iudicello.

**Food and Drug Administration**

Subject: Medical Device Listing—Revision (0910–0057).

Respondents: Medical device manufacturers.

Subject: Medical Device Good Manufacturing Practice Regulation—Reinstatement (0910–0073).

Respondents: Businesses, small businesses.

OMB Desk Officer: Bruce Artim.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer).

Dated: June 17, 1985.

**K. Jacqueline Holz,**

*Deputy Assistant Secretary for Management Analysis and Systems.*

[FR Doc. 85–14961 Filed 6–20–85; 8:45 am]

BILLING CODE 4150–04–M

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## Food and Drug Administration

**[Docket No. 85E–0162]**

## Determination of Regulatory Review Period for Purposes of Patent Extension; Coactin® Sterile

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) has determined the regulatory review period for the human drug product, Coactin® Sterile, and is publishing this notice of the determination as required by law. This determination follows the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent that claims this human drug product.

**ADDRESS:** Written comments and petitions should be directed 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 W. Cogan, Office of health affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

**SUPPLEMENTARY INFORMATION:** The Drug Price Competition and Patent Term Restoration Act of 1984, Pub. L. 98–417, generally provides that a patent may be extended for a period of up to five years, provided the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit clinical investigation of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Coactin® Sterile, a sterile injectable preparation of the antibiotic amdinocillin, for the treatment of complicated and uncomplicated urinary tract infections caused by susceptible strains of *E. coli, Klebsiella pneumoniae, Klebsiella* species, and *Enterobacter* species.

Based on the recent approval of Coactin ® Sterile, Leo Pharmaceutical Products Ltd., applied for patent term restoration. As part of the review of this application, FDA has determined that the applicable regulatory review period for Coactin ® Sterile is 2,690 days. Of this time, 1,957 days occurred during the testing phase of the regulatory review period and 733 days occurred during the approval phase. These periods were calculated from the following dates:

1. *The date an exemption under section 507(d) of the Federal Food, Drug, and Cosmetic Act involving this drug became effective: August 12, 1977.* The applicant correctly states that the testing phase began on August 12, 1977, the date an application for an investigational exemption became effective (30 days after it receipt by the agency; see 21 CFR 312.1 and 433.17).

2. *The date an application was initially submitted with respect to the human drug product under section 507 of the Federal Food, Drug, and Cosmetic Act: December 20, 1982.* The applicant claimed that the Antibiotic Form 5 application was initially submitted on April 15, 1982; however, the applicant did not submit two parts of the Form 5 application (the manufacturing/controls sections and the preclinical/clinical sections) until December 20, 1982.

The patent extension applicant points out in its application that the agency's acknowledgement of the April 15, 1984, submission specifically states that the Form 5 application, as then submitted, was not sufficiently complete to start FDA review. Only upon FDA's receipt on December 20, 1982, of the final sections of the Form 5 application did the application contain all information necessary for agency review to begin.

3. *The date the application was approved: December 21, 1984.* FDA has

verified that the Form 5 application (NDA 50–565) was approved on December 21, 1984, as stated by the applicant.

This determination of the regulatory review period establishes the maximum potential amount of patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculation of the actual period of patent extension. In its application for patent extension, this applicant seeks 730 days of patent extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before August 20, 1985, submit to the Dockets Management Branch (adress above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before December 18, 1985, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. The petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41–42, 1984.) Petitions should be in the format specified by 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Received comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 14, 1985.

Stuart L. Nightingale,

*Associate Commissioner for Health Affairs.*

[FR Doc. 85–14940 Filed 6–20–85; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### Availability of Public Review Draft Experimental Stewardship Program Report

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability of Public Review Draft of a Report on the Experimental Stewardship Program.

**SUMMARY:** The Bureau of Land Management and the Forest Service have jointly completed a public review draft of a report on the Experimental Stewardship Program authorized by the Public Rangelands Improvement Act of 1978. Copies of the report will be available approximately June 24, 1985. To facilitate public review and comment, copies of the report will be available at Bureau of Land Management and Forest Service Offices in the Western States and will be mailed to individuals requesting a copy.

**DATES:** Comments received by July 26, 1985, will be considered in developing the Secretaries' report to Congress.

**ADDRESSES:** Requests for a copy of the report and comments on the report should be sent to:

Experimental Stewardship Program, Director (221), Bureau of Land Management, 18th and C Streets NW., Washington, DC 20240

or

Experimental Stewardship Program, Director, Range Management, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013

**Additional Information**

Individuals desiring additional information may contact:

Bob Alexander (202) 633–9210, Bureau of Land Management

or

Ray Hall (703) 235–8142, Forest Service.

**SUPPLEMENTARY INFORMATION:** The Public Rangelands Improvement Act of 1978 directed the Secretary of the Interior and the Secretary of Agriculture to:

> * * * develop and implement, on an experimental basis * * * a program which provides incentives to, or rewards for, the holders of grazing permits and leases whose stewardship results in an improvement of the range condition * * *.

Section 12 of the Public Rangelands Improvement Act also requires that the Secretaries report to Congress on the results of this program no later than December 31, 1985.

The report prepared by the Forest Service and the Bureau of Land Management addresses the two agencies efforts at implementing an Experimental Stewardship Program. The report describes the Experimental Stewardship Program areas, explains how they function, and presents the results. The report also presents tentative conclusions drawn from the results and identifies some alternatives for consideration. Public comments on the agencies' report will be considered in preparing the Secretaries' report to Congress.

Dated: June 17, 1985.

**Robert F. Burford,**

*Director.*

[FR Doc. 85–14903 Filed 6–20–85; 8:45 am]

BILLING CODE 4310-04-M

[CA 7560 WR]

### California; Proposed Continuation of Withdrawal

June 12, 1985.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Reclamation, Mid-Pacific Region, proposes the continuance of a withdrawal containing 7.12 acres of public land withdrawn for the Klamath Project for an additional 50 years. The lands will remain closed to surface entry and mining. The land is under administration of the Fish and Wildlife Service and is permanently dedicated as a wildlife conservation area by the Act of September 2, 1964 (Pub. L. 88–567). Mineral leasing on such land is governed by Title 43 of the Code of Federal Regulation.

**DATE:** Comments should be received by September 19, 1985.

**ADDRESS:** Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E–2841), Sacramento, California 95825.

**FOR FURTHER INFORMATION CONTACT:** Sonia Santillan, California State Office, (916) 484–4431.

The Bureau of Reclamation proposes that an existing withdrawal of land made by the Secretarial Order of May 28, 1926, be continued for a period of 50 years, pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714. The withdrawal is described as follows:

**Mount Diablo Meridian**

T. 47 N., R. 3 E.,
Sec. 12, lot 6;
Sec. 13, lot 5.
The area described aggregates, 7.12 acres in Siskiyou County.

The purpose of the withdrawal is to protect lands around the Tulelake Sump of the Klamath Project. The withdrawal segregates the lands from operation of the public land laws generally, including the mining laws. The land, located on the Pacific Flyway near Lower Klamath National Wildlife Refuge, is under administration of the Fish and Wildlife Service and is permanently dedicated as a wildlife conservation area by the Act

of September 2, 1964 (Pub. L. 88-567). Mineral leasing on such land is governed by Title 43 of the Code of Federal Regulation. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the California State office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

**Sharon N. Janis.**

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 85-14913 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-84-M

## Colorado; Craig District Advisory Council Meeting

In accordance with Pub. L. 94-579, notice is hereby given that there will be a meeting of the Craig District Advisory Council on July 24, 1985.

The meeting will begin at 10 a.m. at the Little Snake Resource Area Office, 1280 Industrial Avenue, Craig, Colorado.

Agenda items will include:

1. BLM/FS Land Interchange—Results of public hearings.

2. Briefing on Industrial Resources, Inc. proposed nahcolite solution mine.

3. Update on status of Green River/Hams Fork.

4. Little Snake Resource Management Plan:

Management Priority Areas.
Comments on the Alternatives.

The meeting will be open to the public and interested persons may make oral statements to the Council beginning at 10:30 a.m. The District Manager may establish a time limit for oral statements, depending on the number of people wishing to speak. Anyone wishing to address the Council or file a written statement, should notify the District Manager, Bureau of Land Management, 455 Emerson Street, Craig, Colorado 81625, by July 18, 1985.

Summary minutes of the Council Meeting will be maintained in the Craig District Office and will be available for public inspection and reproduction during regular business hours.

Dated: June 14, 1985.

**William J. Pulford,**

*District Manager.*

[FR Doc. 85-14944 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-JB-M

## Realty Action; Land Sale Butte District, Montana

**AGENCY:** Bureau of Land Management, Butte District Office, Interior.

**ACTION:** Notice of realty action M57660, competitive sale of public land in Madison County.

**SUMMARY:** The following described lands were previously offered for public sale and no bids were received. They are suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976, 43 U.S.C. 1713 (1976), at no less than the fair market value of $34,000.

**Principal Meridian Montana**

T. 5 S., R. 3 W.,
Sec. 30, S½NE¼.

The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action.

The land will be offered for sale by sealed bid utilizing competitive bidding procedures on August 29, 1985.

The subject land is located in the southwestern part of Montana, approximately 6½ miles northwest of Virginia City. The land has limited resource values and no unique values. Management opportunities are limited by residential development occurring on the private lands surrounding the tract. There are no rare, endangered, or threatened plants and animals. It is not within a potential wilderness area or an area of critical environmental concern.

Public access to the land is via the Ruby-Beebe Park Road (*f* 140) maintained by Madison County.

The proposed sale is consistent with the Bureau's planning system and Madison County government officials have been notified of the sale.

**Terms and Conditions**

The terms and conditions applicable to this sale are as follows:

1. All minerals will be reserved to the United States together with the right to explore, prospect for, mine, or remove same under applicable law and regulations;

2. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945;

3. The sale of these lands will be subject to all valid existing rights and reservations of record.

**DATES:** For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, at the address shown below. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

**SUPPLEMENTARY INFORMATION:**

*Bidder Qualifications:* The bidder must be a U.S. citizen or, in the case of a corporation, subject to the laws of any state or the U.S. A state, state instrumentality or political subdivision submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of Montana. Bids must be made by the principal or his agent.

*Bid Standards:* No bid will be accepted for less than the appraised value of $34,000.

*Method of Bidding:* The land will be sold by sealed bid. Sealed bids delivered or sent by mail will only be considered if received by the Bureau of Land Management, Butte District Office, 106 N. Parkmont, Butte, Montana 59702, prior to 4:00 p.m., Mountain Standard Time, Wednesday, August 28, 1985. Each sealed bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management which shall be not less than 10 percent or more than 30 percent of the amount bid.

The sealed bid envelope must be marked in the lower left-hand corner as follows:

Sealed Bid
Public Land Sale M57660
August 29, 1985

All sealed bids will be opened at 2:00 p.m. on the day of the sale. If two or more envelopes containing bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing, if required, shall be held immediately following the opening of the sealed bids. The highest

qualifying sealed bid shall then be publicly declared.

*Final Details:* Once a high bid is accepted, the successful bidder shall submit the remainder of the full bid price within 180 days of notification of bid acceptance by the authorized officer. Failure to submit the required amount within the allotted time will result in rejection of the highest bid and the deposit will be forfeited. The land shall then be offered to the second highest bidder, subject to the same terms and conditions. All bids will be either returned, accepted or rejected within 60 days of the sale date.

If no bids are received on the sale date, the land will be offered for sale on a continuing basis during regular office hours until September 30, 1985. The tract will then be sold on a first come, first-served basis subject to the requirements of this Notice.

**FOR FURTHER INFORMATION CONTACT:** Butte District Office, P.O. Box 3388, Butte, Montana 59702.

Dated: June 13, 1985.

**Jack A. McIntosh,**

*District Manager.*

[FR Doc. 85-14912 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-DN-M

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[CA 16983]

## Realty Action; Noncompetitive Sale of Public Land in Kern County, CA

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** The following described land has been examined and through the development of land use planning decisions based on public input, environmental considerations, regulations and Bureau policies, it has been determined that the proposed sale of this land is consistent with section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1701, 1713).

| Serial No. | Description | Acres | Fair market value |
|---|---|---|---|
| CA 16983 | S.B.M., T. 11N. R. 17W., Sec. 28: SE¼ SE¼, SW¼SW¼; Sec. 34: E½, W½. | 500 | $50,000.00 |

**SUPPLEMENTARY INFORMATION:** The land is being offered to the Tejon Ranch Company by direct sale at the appraised fair market value. Tejon Ranch Company lands completely surround the sale parcels. No other bids or bidders will be considered in this sale. The land has not been used for and is not required for any Federal purpose. The parcel is difficult and uneconomic to manage as public land. Disposal would best serve the public interest. The disposal would be consistent with the Bureau's planning recommendations as approved in the *South Sierra Foothills Management Framework Plan*, September 1984.

All mineral interests will also be offered for conveyance. The mineral interests being offered have no known mineral value. A bid on the parcel will also constitute application for conveyance of those mineral interests offered under the authority of section 209(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719(b)).

The patent issued as a result of this sale will be subject to any valid existing rights and reservations of record and will contain a reservation to the United States for a right-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). The patent will also include a reservation pursuant to Sec. 208 of the Act of October 21, 1976 (90 Stat. 2757; 43 U.S.C. 1718), which will not allow any man-made developments or modification of the existing vegetation, soil, or bedrock, other than those existing at the time of sale. This reservation will protect the habitat of the endangered California condor and will not restrict maintenance of any existing structures or developments such as roads, fences, or water development. This reservation will automatically terminate upon fulfillment of all the following three items:

1. Removal of the California condor (*Gymnogyps californica*) from the list of Federal endangered or threatened species by the Secretary of the Interior (secs. 4(c) (1) and (2) of the Endangered Species Act, as amended by Pub. L. 97-304).

2. The absence of any potential for releasing California condors back into the wild as determined by the Secretary of the Interior.

3. Termination of the subject parcels' designation as Critical Habitat (section 3.(5) and section 4 of the Endangered Species Act as amended by Pub. L. 97-304) by the Secretary of the Interior.

The publication of this notice is the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, mining laws, and mineral leasing laws. As provided by the regulations of 43 CFR 2711.1-2(d) any subsequently tendered application, allowance of which is discretionary shall not be considered as filed and shall be returned to the applicant. This segregation will expire 270 days from the date of publication of this notice.

### Sale Procedures

The designated bidder, Tejon Ranch Company, will be required to submit payment of at least 10 percent of the fair market value by cash, certified or cashier check, or money order to the Bureau of Land Management at 520 Butte Street, Bakersfield, California on September 4, 1985. On this same date the bidder will be required to deposit an additional and separate $50.00 nonrefundable filing fee and application or the conveyance of offered animals, pursuant to 43 CFR 1720.1-2(c).

The balance of the appraised fair market value will be due within 180 days, payable in the same form at the same location. Failure to submit the remainder of the payment within 180 days of receipt of the decision notice accepting the bid deposit will result in cancellation of the sale offering and forfeiture of the deposit.

In the event that the designated bidder, Tejon Ranch Company, fails to complete the sale payment within the allowed time or notifies the Bureau that they are no longer interested in the sale, the subject land may be offered for sale on a competitive basis to the general public. Sealed bids will be accepted until segregation terminates. Bids will be opened each Wednesday at 10:00 a.m. The above sale procedures will apply.

Further information and public comment: Additional information concerning this sale offering including the planning documents and environmental assessment, is available for review in the Caliente Resource Area Office, 520 Butte Street, Bakersfield, California 93305. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Bakersfield District Office, Bureau of Land Management, 800 Trustun Avenue Rm. 311, Bakersfield, California 93301. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: June 6, 1985.

**Glenn A. Carpenter,**

*Caliente Resource Area Manager.*

[FR Doc. 85-14943 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-40-M

## Realty Action; Recreation and Public Purposes Sale; Public Land in Marion County, AR

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of realty action—R & PP sale, public land, Marion County, Arkansas.

**SUMMARY:** The following described lands have been examined and are classified as suitable for sale for recreation and public purposes under the Recreation and Public Purposes Act of 1962 (44 Stat. 741), as amended.

5th Principal Meridian (Arkansas)

T. 21 N., R. 16 W.,
Sec. 33, E½W½NE¼; E½NE¼SW¼; E½NW¼SE¼; SW¼NW¼SE¼.
The described area aggregates approximately 90 acres.

The Arkansas Game and Fish Commission proposes to use these lands as a buffer strip against future development and to ensure that the water quality of the surrounding bay remains conducive to fish culture. Developments and improvements at the site will be kept to a minimum.

It has been determined that the proposed use is in the public's best interest, and is consistent with the policy of the Bureau of Land Management.

The patent will be subject to all existing rights and reservations of record.

Publication of this Notice will segregate the subject lands from all appropriations under the public land laws, but not the mineral leasing laws. This segregations will terminate upon the issuance of a patent, or 18 months from the date of this Notice, or upon publications of a Notice of Termination. Detailed information concerning the sale, including the environmental assessment and land report, is available for review at the BLM office listed below.

For a period of 45 days after the date of issuance of this notice, the public and interested parties may submit comments to the District Manager, Jackson District Office, P.O. Box 11348, Jackson, Mississippi 39213. Comments will be evaluated by the District Manager, who may vacate or moditfy this Realty Action. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

**FOR FURTHER INFORMATION CONTACT:**
Tom Dyer, (601) 960-4405

**Donald L. Libbey,**
*District Manager.*

[FR Doc. 85-14917 Filed 6-20-85; 8:45 am]
BILLING CODE 4310-PP-M

## Rock Springs District Grazing Advisory Board Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of meeting of the Rock Springs District Grazing Advisory Board.

**DATE:** August 1, 1985.

**ADDRESS:** Rock Springs District Office, Bureau of Land Management, U.S. Highway 191 North, Rock Springs, Wyoming.

**FOR FURTHER INFORMATION CONTACT:**
Donald H. Sweep, Distict Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, U.S. Highway 191 North, Rock Springs, Wyoming 82902-1869, (307-382-5350).

**SUPPLEMENTARY INFORMATION:** The meeting will begin at 9:30 a.m. in the District Office conference room. The agenda will be:

FY 1986 Range Improvements
Kemmerer Resource Management Plan
Update on Wildhorse Gathering
Rock Springs-Rawlins Boundary Fence Maintenance
Public Comment Period

**Donald H. Sweep,**
*District Manager.*

[FR Doc. 85-14583 Filed 6-20-85; 8:45 am]
BILLING CODE 4310-22-M

[W-74213]

## Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a)(b)(1), a petition for reinstatement of oil and gas lease W-74213 for lands in Johnson County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessees have agreed to the amended lease terms for rentals and royalties at rates of $7.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessees have paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessees have met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-74213 effective January 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

**Andrew L. Tarshis,**
*Chief, Leasing Section.*

[FR Doc. 85-14942 Filed 6-20-85; 8:45 am]
BILLING CODE 4310-22-M

## Wyoming; Rawlins District Grazing Advisory Board Meeting

**AGENCY:** Bureau of Land Management, Rawlins District Office, Rawlins, Wyoming, Interior.

**ACTION:** Meeting of the Rawlins District Grazing Advisory Board.

**SUMMARY:** Notice is hereby given in accordance with Pub. L. 94-463 and 94-579 that a meeting of the Rawlins District Grazing Advisory Board will be held. This meeting will consist of a tour of the Rawlins/Rock Springs District boundary fence and a discussion of range improvement projects and policy for FY 86.

**DATE:** July 31, 1985.

**ADDRESS:** Lander Resource Area Office, 125 Sunflower Drive, Lander, Wyoming.

**FOR FURTHER INFORMATION CONTACT:**
Don Glenn, District Range Conservationist, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301, (307) 324-7171.

**SUPPLEMENTARY INFORMATION:** The purpose of the field trip is to review the Rawlins/Rock Springs boundary fence and to seek the Board's recommendation on maintenance of this fence. There will be a public comment period at 9 a.m. at the Lander Resource Area office. The tour will begin at 9:30 a.m.

This field trip is open to the public; however, interested persons must furnish their own 4-wheel drive transportation and lunch. Anyone interested in attending this meeting must notify the District Manager by July 24, 1985. Written statements may also be filed for the Board's consideration.

**Richard Bastin,**
*District Manager.*

[FR Doc. 85-14914 Filed 6-20-85; 8:45 am]
BILLING CODE 4310-11-M

## Montana Off-Road Vehicle Designation

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of limit off-road vehicle use on public land.

**SUMMARY:** Notice is hereby given that the use of off-road vehicles is designated as limited on public land known as the Shepherd AH-NEI area, Yellowstone County, Montana, in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations 43 CFR Part 8340.

**EFFECTIVE DATE:** June 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** District Manager, Miles City District, BLM, P.O. Box 940, Miles City, Montana 59301.

**SUPPLEMENTARY INFORMATION:** The 4,016 acre area affected by the designation as described below is administered by the Billings Resource Area, Miles City District, BLM. The designation is the result of resource management decisions contained in the 1984 Billings Resource Management Plan and subsequent field observations of unacceptable resource damage due to ORV use. The purpose of the limitations are to prevent further damage to the vegetation and soil, to allow their recovery, and to reduce conflicts among users.

Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

### Limited Designations

A. Area 1—Principal Meridian, Montana

T. 3 N., R. 28 E.,
Sec. 6: lots 7–12 and the W½SE¼, which are located west of the county road and comprise approximately 286 acres.

This area is designated as limited to motorcycles, all-terrain vehicles and those vehicles authorized for administrative purposes. Use will be restricted to designated roads and trails. The parking lot will be open to all types of vehicles for the purpose of unloading and parking.

B. Area 2—Principal Meridian, Montana

T. 3 N., R. 28 E.,
Sec. 6: E½E½, which is located east of the county road.
T. 4 N., R. 28 E.,
Sec. 31: E½E½, and portions of the W½E½, and E½NW¼, which are located east of the county road. The total of these two sections comprise 460 acres.

This area is designated as limited to authorized use. Authorized use will be restricted to persons holding valid leases and to BLM representatives for the purpose of resource management.

C. Area 3—Principal Meridian, Montana

T. 4 N., R. 28 E.,
Sec. 19: All;
Sec. 20: W½;
Sec. 30: Lots 1, 2 and N½NE¼;
Sec. 31: Lots 1–4, portions of the E½W½ and the W½E½, which are located west of the county road.
T. 4 N., R. 27 E.,
Sec. 24: E½, SW¼;
Sec. 25: All;
Sec. 36: All.
T. 3 N., R. 28 E.,
Sec. 6: Lots 3, 4 and the W½NE¼, which is located west of the county road. The total of these eight sections comprise 3,270 acres.

This area is designated as limited to authorized use through the use of a permit system. Permittees will be required to stay on roads and trails as designated in the permit issued by the authorized officer. Permits will be issued on an individual basis. Individuals holding valid leases and BLM representatives on official business will be authorized to use the area.

All areas will be closed from 9:00 p.m. to 6:00 a.m. unless otherwise authorized. These designations will remain in effect until rescinded or modified by the authorized officer.

Dated: June 13, 1985.

**Ray Brubaker,**

*District Manager.*

[FR Doc. 85-14929 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-DN-M

## Sale of Public Land in Grand County, UT

**AGENCY:** Bureau of Land Management, Utah, Interior.

**ACTION:** Notice of realty action.

**SUMMARY:** The following lands have been identified as suitable for disposal by sale under section 203(a)(1) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716, at no less than the appraised fair market value.

### Serial Number, Legal Description, Acreage and Appraised Fair Market Value

U-54697

T. 26 S., R. 22 E.,SLM.
Sec. 6: W½NE¼SE¼SE¼, NW¼SE¼SE¼, S½SE¼SE¼ (35 acres).
$5,600.00

U-54698

T. 26 S., R. 22 E.,SLM.
Sec. 6: Lot 9 (2.5 acres).
$1,200.00

U-54699

T. 25 S., R. 22 E., SLM.
Sec. 1: SE¼NE¼ (40 acres).
$32,000.00

U-54700

T. 21 S., R. 16 E., SLM.
Sec. 13: SW¼SE¼ (40 acres).
$5,600.00

U-54701

T. 21 S., R. 16 E., SLM.
Sec. 14: NE¼SE¼ (40 acres).
$54,2000.00

Parcel U-54698 will be offered to Loren H. Johnson at the appraised fair market value to resolve an unintentional trespass case. The other four parcels will be offered for competitive sale by sealed bid on August 30, 1985. The parcels are isolated parcels which are difficult to manage as part of the public lands. The best use for the lands is in private ownership. Disposal of isolated tracts of public land is consistent with the bureau's planning system.

The terms and conditions applicable to the sale are:

1. The sale of the parcels will be subject to valid existing rights including the following:

*Parcel U-54697*

a. A 66'-wide easement for Grand County's Sand Flat road.

b. A 100'-wide right-of-way for powerline U-064999.

*Parcel U-54698*

a. A 100'-wide right-of-way for powerline U-058195.

*Parcel U-54699*

a. Ten-year oil and gas lease U-49976, effective February 1, 1983.

*Parcel U-54700*

a. Subject to the existing rights of John Vetere, per Grazing Authorization Number 5809. The rights to graze domestic livestock under Grazing Authorization Number 5809 shall be adjusted to expire on August 30, 1987.

*Parcel U-54701*

a. Subject to the existing rights of John Vetere, per Grazing Authorization Number 5809. The rights to graze domestic livestock under Grazing Authorization Number 5809 shall be adjusted to expire on August 30, 1987.

b. Ten-year oil and gas lease U-47856, effective September 1, 1981.

c. A 200'-wide right-of-way for the railroad under serial number SL 034770.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at this BLM office.

3. A right-of-way for ditches and canals shall be reserved to the United States (43 U.S.C. 945).

Federal law requires that all bidders be U.S. citizens, or in the case of corporations, be authorized to own real estate in Utah.

Bids must be made by a principal or his agent by sealed bid mailed or delivered to the Bureau of Land Management, Grand Resource Area Office, Sand Flats Road, P.O. Box M, Moab, Utah 84532 after 7:45 a.m. on August 19, 1985 and prior to 3:00 p.m. on August 30, 1985. A bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Department of the Interior, Bureau of Land Management for no less than one-fifth of the amount of the bid. A statement as to the amount of the full bid shall be enclosed. The envelope must be marked in the lower left-hand corner as follows: "Bid for Public Sale, Parcel #U-____, Grand County". Bids will not be accepted for less than the appraised fair market value. The sealed bids will be opened publicly after 3:00 p.m. on August 30, 1985 at the Grand Resource Area Office. The high bid for each parcel will be declared by the authorized officer. If two or more envelopes are received containing valid bids of the same amount for a parcel, a subsequent sealed bid will be requested to determine the apparent high bidder.

The successful bidder shall submit the remainder of the full purchase price prior to the expiration of 180 days from date of the sale. 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. If a parcel remains unsold, it will be available over the counter, at the Grand Resource Area office at no less than the appraised fair market value, on a first come, first serve basis until March 31, 1986.

Publication of this notice in the **Federal Register** segregates the public lands from the operation of the public land laws and the mining laws. The segregative effect will end upon issuance of a patent or 270 days from the date of the publication, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Mangement, P.O. Box 970, Moab, Utah 84532.

Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Additional information is available from the Moab District, P.O. Box 970, Moab, Utah 84532, or the Grand Resource Area Office, P.O. Box M, Moab, Utah 84532.

Dated: June 14, 1985.

**Gene Nodine,**

*District Manager.*

[FR Doc. 85-14927 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-DQ-M

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**[Exchange CA-16414]**

## Realty Action; Public Lands in Humboldt County, CA

The following described public land has been determined to be suitable for disposal under the provision of Pub. L. 91-476, an act to provide for the establishment or the King Range National Conservation Area (84 Stat. 1067), and sec. 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756).

**Humboldt Meridian**

T. 1 N., R. 4 E.,
Sec. 1: SE¼SW¼;
Sec. 12: NE¼NW¼.
T. 2 N., R. 4 E.,
Sec. 25: W½NE¼, SE¼NE¼, SE¼.
T. 3 S., R. 2 E.,
Sec. 35: SE¼SW¼, SW¼SE¼.
Containing 440 acres total.

Kermit Miller, 244 Orchard Lane, Redway, California 95560, has applied to acquire the above described lands in exchange for the following described privately owned lands:

**Humboldt Meridian**

T. 3 S., R. 1 E.,
Sec. 19: SW¼.
Containing 160 acres total.

A mineral evaluation has been requested on the public land. If any minerals are identified, a reservation of identified minerals will be made to the United States. If no minerals are identified, the mineral estate of the public lands will be conveyed with the surface. The mineral estate of the privately owned lands will be conveyed with the surface.

The publication of this notice in the Federal Register shall segregate the applied for public lands from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. The exchange is expected to be consumated before the end of that period.

There will be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

The purpose of this exchange is to acquire non-federal lands within the King Range National Conservation Area and to consolidate public land ownership for more effective management in the Scattered Blocks Planning Unit. This exchange is in conformance with Bureau planning and in the public interest.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Arcata Area Office, BLM, 1125 16th Street, P.O. Box II, Arcata, California 95521.

For a period of 45 days from the first publication of this notice interested parties may submit comments to the California State Director, Bureau of Land Management, Rm E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the California State Director, who may vacate or modify this realty action and issue a final determination. In the absence of a vacation or modification this realty action will become the final determination of the Bureau.

**Van W. Manning,**

*District Manager, Bureau of Land Management.*

[FR Doc. 85-15025 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-84-M

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## Pacific Texas Crude Oil Pipeline Draft Environmental Impact Report Environmental Impact Statement

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability of the draft EIR/EIS for the Pacific Texas Pipeline Company Project.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM), together with the Los Angeles Harbor Department, has prepared a Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Pacific Texas (Pactex) Pipeline Company project.

The Pactex pipeline is a proposal of the Pacific Texas pipeline company. The proposal involves the construction of a crude oil tanker terminal in the Port of Los Angeles, an oil-storage tank farm at Midland, Texas, and a 1,030-mile long 42-inch diameter pipeline connecting the two. The tanker terminal would be located on a 115-acre landfill in the

Port's outer harbor. The Pactex pipeline would begin at the tanker terminal, pass near Palm Springs and Blythe, California, Phoenix and Tucson, Arizona, El Paso, Texas, and would end at Midland, Texas. The pipeline would transport approximately 900,000 barrels per day of crude oil from a variety of sources (primarily from Alaska).

Pacific Texas applied for a right-of-way grant from BLM on May 16, 1983. On November 19, 1984 an application for a development permit was filed with the Los Angeles Harbor Department. Pacific Texas applied to the Army Corps of Engineers, Los Angeles District, for a Section 10/404 permit for harbor deepening and dredging activities in the Port area on April 15, 1985 (Permit Application No. 85-97). This EIR/EIS serves as the NEPA compliance document for all three permits. The BLM and the Harbor Department served as co-leads in the preparation of the EIS. The Army Corps of Engineers and the U.S. Fish and Wildlife Service served as cooperating agencies.

The EIR/EIS describes the implications of constructing and operating both the pipeline and the terminal facilities. It examines impacts of dredging a 75-foot deep channel in the harbor, and of constructing the 115-acre landfill. The document also assesses an alternate route through California's Coachella Valley, and two alternate configurations for the landfill island where the terminal is to be located. The analysis is focused on impacts related to significant areas of concern identified by agencies and by the public during eight public scoping meetings held in January and February 1985. These include air quality, system safety, employment, economic feasibility, harbor operations, restoration, and cultural resources.

Comments on the draft EIR/EIS are being solicited from public agencies and interested individuals and organizations. Five public hearings will be held during the public review. The location and dates of the hearings are listed below. All hearings will begin at 7:00 p.m.

| Date | Location |
|---|---|
| Monday, July 22 | San Pedro, California, Harbor Commission Meeting Room, 425 S. Palos Verdes, 2nd Floor. |
| Tuesday, July 23 | Palm Springs, California, City Council Chambers, 3200 Tahquitz-McCallum Way. |
| Wednesday, July 24 | Phoenix, Arizona, County Supervisors Auditorium, 205 W. Jefferson Street. |
| Thursday, July 25 | El Paso, Texas, City Council Chambers, Santa Fe & Missouri Streets. |
| Friday, July 26 | Midland, Texas, City Council Chambers, 300 N. Loraine Street. |

**DATE:** The public comment period is open for 45 days through August 5, 1985. Comments received or postmarked after this date may not be considered in the final EIR/EIS.

**ADDRESSES:** Comments on the draft EIR/EIS should be submitted to the following address. Use of any other address may result in comments not being processed: Mr. William Haigh, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

A limited number of copies of the DEIR/EIS are available upon request at the following address: California Desert District, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Copies are also available for review at two other locations:

Bureau of Land Management, 2800 Cottage Way, Room E-2841, Sacramento, California 95825

Bureau of Land Management, 1725 Eye Street NW., Suite 906, Washington, D.C. 20240.

For Further Information Contact: Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California.

Dated: June 17, 1985.

**Gerald E. Hillier,**

*District Manager.*

[FR Doc. 85-15060 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-4-M

## Minerals Management Service

### Development Operations Coordination Document; McMoRan Oil and Gas Co.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development operations coordination document (DOCD).

**SUMMARY:** Notice is hereby given that McMoRan Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS 0841 and 0842, Blocks 104 and 105, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

**DATE:** The subject DOCD was deemed submitted on June 12, 1985. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

**ADDRESS:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

**FOR FURTHER INFORMATION CONTACT:** Ms. Angie D. Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Units; Phone (504) 838-0876.

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: June 13, 1985.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-14932 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-MR-M

### Development Operations Coordination Document; Mobil Oil Exploration Southeast Inc.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development operations coordination document (DOCD).

**SUMMARY:** Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 071, Block 20, South Pelto Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Morgan City, Louisiana.

**DATE:** The subject DOCD was deemed submitted on June 6, 1985.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 11, 1985.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-14936 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-MR-M

## Development Operations Coordination Document; Shell Offshore Inc.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development operations coordination document (DOCD).

**SUMMARY:** Notice is hereby given that Shell Offshore Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 1967, Block 153, Main Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

**DATE:** The subject DOCD was deemed submitted on June 7, 1985.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: June 12, 1985.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-14930 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-MR-M

## Development Operations Coordination Document; Amoco Production Co.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development operations coordination document (DOCD).

**SUMMARY:** Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G-5487, Block 85, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydorcarbons with support activities to be conducted from an onshore base located at Fourchon, Louisiana.

**DATE:** The subject DOCD was deemed submitted on June 12, 1985. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13,

1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 14, 1985.

John L. Rankin,

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-14935 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-MR-M

## Development Operations Coordination Document; ARCO Oil and Gas Co.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development operations coordination document (DOCD).

**SUMMARY:** Notice is hereby given that ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 6178, Block A-20, High Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Sabine Pass, Texas.

**DATE:** The subject DOCD was deemed submitted on June 11, 1985.

**ADDRESS:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Ms. Angie D. Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 12, 1985.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-14928 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-MR-M

## Development Operations Coordination Document; ODECO Oil and Gas Co.

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development operations coordination document (DOCD).

**SUMMARY:** Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 072, Block 12, South Pelto Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Dulac, Louisiana.

**DATE:** The subject DOCD was deemed submitted on June 11, 1985.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Emile H. Simoneaux, Jr.; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0872.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 12, 1985.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-14926 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-MR-M

## Development Operations Coordination Document; Texaco USA

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development operations coordination document (DOCD).

**SUMMARY:** Notice is hereby given that Texaco USA has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0554, Block 57, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Morgan City and Louisa, Louisiana.

**DATE:** The subject DOCD was deemed submitted on June 11, 1985.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Mineral's Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 12, 1985.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-14925 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-MR-M

## INTERSTATE COMMERCE COMMISSION

[Docket No. AB-12; Sub-87]

### Notice of Findings; Southern Pacific Transportation Co.; Abandonment; San Bernardino County, CA

The Commission has issued a certificate authorizing Southern Pacific Transportation Company to abandon its 3.317-mile rail line between Bryn Mawr (milepost 544.543) and Redlands 2nd Street (milepost 547.860) in San Bernardino County, CA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: **"Rail Section, AB-OFA".** Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

**James H. Bayne,**

*Secretary.*

[FR Doc. 85-14965 Filed 6-20-85; 8:45 am]

BILLING CODE 7035-01-M

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[Finance Docket No. 30673]

### Notice of Exemption; the Baltimore and Ohio Railroad Co. and the Chesapeake and Ohio Railway Co.; Trackage Rights Exemption

On May 21, 1985, the Baltimore and Ohio Railroad Company (B&O) and the Chesapeake and Ohio Railway Company (C&O) filed a notice of exemption: (1) For B&O to acquire trackage rights over a C&O line between Columbus and Fostoria, OH, a distance of about 92 miles; and (2) for C&O to acquire trackage rights over (a) a B&O line between Wellsboro and Willard, OH (excluding a portion of track at Fostoria over which C&O has trackage rights), a distance of about 206 miles, and (b) a B&O line between Hamilton and Toledo, OH (excluding a portion of track belonging to Consolidated Rail Corporation over which B&O has trackage rights), a distance of about 168 miles. B&O and C&O have entered into agreements providing for the handling of each other's cars in coordinated operations over these lines as well as certain connecting lines over which B&O and C&O have previously granted each other trackage rights. These arrangements will permit traffic to move more expeditiously and operations to be more efficient and economical.

Since B&O and C&O are members of the same corporate family, the proposals fall within that class of transactions described in 49 CFR 1180.2(d)(3) that has been exempted from Commission regulation. The transactions will not result in changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to use of this exemption, any employees affected by the trackage rights agreements will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: June 11, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

**James H. Bayne,**

*Secretary.*

[FR Doc. 85-14966 Filed 6-20-85; 8:45 am]

BILLING CODE 7035-01-M

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[Docket No. AB-12; Sub-91]

### Notice of Findings; Southern Pacific Transportation Co.; Abandonment in Solano County, CA

The Commission has issued a certificate authorizing Southern Pacific Transportation Company to abandon its 8.379-mile rail line between Elmira (milepost 59.621) and Vaca Valley (milepost 68.000) in Solano County, CA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

**James H. Bayne,**

*Secretary.*

[FR Doc. 85-15015 Filed 6-20-85; 8:45 am]

BILLING CODE 7035-01-M

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## DEPARTMENT OF JUSTICE

### Lodging of Consent Decree Pursuant to the Clean Water Act; U.S. v. City of Vicco et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on May 31, 1985 a proposed Consent Decree in *United States* v. *City of Vicco, et al.*, Civil Action No. 84-295, was lodged with the United States District Court for the Eastern District of Kentucky. The Complaint filed on October 2, 1984 by the United States alleged violations of the Clean Water Act by the City of Vicco, Kentucky and failure to comply with the terms and conditions of its National Pollutant Discharge Elimination System Permit ("NPDES") by not submitting Discharge Monitoring Reports to the U.S. Environmental Protection Agency and failure to maintain and operate its sewage treatment works as efficiently as possible to minimize discharges of pollutants. In addition, the Complaint alleged failure by the City to comply with an Administrative Order issued on September 21, 1983 by EPA. The Commonwealth of Kentucky was joined as a defendant pursuant to section 309(e) of the Clean Water Act, 33 U.S.C. 1319(e) and has joined as a signatory to the proposed Consent Decree. The Complaint sought civil penalties and injunctive relief to enjoin the City of Vicco from any and all future violations of its NPDES permit and the Act and to operate and maintain its treatment works in conformance with the terms of said permit. The proposed Consent Decree requires the defendant, City of Vicco, to immediately submit Discharge Monitoring Reports and comply with a schedule of maintenance, repairs and modifications of its sewage treatment plant designed to bring it into full compliance with final effluent limitations established in its NPDES permit by June 1, 1986. The Consent Decree further provides stipulated penalties of $1,000.00 per month for violations of the schedule and/or non-compliance with the terms and conditions of the Consent Decree and requires the City to post a $5,000.00 assurance bond to guarantee complete

performance of the requirements of the Decree. Monthly reports must be made to EPA detailing progress made toward compliance with the schedule of maintenance, repairs or modifications required by the Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of publication of this notice, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *City of Vicco, et al.* D.J. Ref. 90-5-1-1-2242.

The proposed Consent Decree may be examined at the office of the United States Attorney, Eastern District of Kentucky, 326 Federal Building, Limestone and Barr Streets, Lexington, Kentucky 40507, the Region IV office of the U.S. Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, 10th & Pennsylvania Avenue, N.W., Washington, D.C. A copy of the proposed Consent Decree 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 refer to *United States* v. *City of Vicco, et al.*, D.J. Ref. 90-5-1-1-2242.

F. Henry Habicht II,

*Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 85-14922 Filed 6-20-85; 8:45 am]

BILLING CODE 4410-01-M

## Lodging of Consent Decrees Pursuant to Clean Air Act; U.S. v. LTV Steel Co.

In accordance with Departmental policy, 28n CFR 50.7, notice is hereby given than on June 5, 1985, proposed amendments to existing consent decrees and a proposed consent decree in *United States* v. *LTV Steel Company (Successor-in-Interest to Republic Steel Company)*, were lodged with the United States District Courts in the Northern District of Illinois and the Northern District of Ohio. These agreements resolve judicial enforcement actions brought by the United States against the Republic Steel Company which alleged violations of the Clean Air Act at the Company's facilities in Chicago, Cleveland and Warren, Ohio. (After the filing of these enforcement actions, Republic Steel was taken over by the LTV Steel Corporation).

In the Chicago litigation, the consent decree amendment provides for the installation of localized hooding and a baghouse to control particulate emissions from the trough area of the blast furnace casthouse and the employment of emission suppression equipment at the iron and slag runners and at the iron spouts. The Cleveland agreement provides for the installation of a secondary emission control system baghouse at the basic oxygen furnace and the use of emission suppression equipment and procedures at the troughs, tap holes, iron and slag runners and iron spouts at the two operating blast furnace casthouses. The agreement pertaining to the operations at Warren includes compliance programs to improve the efficiency of the desulfurization system and the installation of a coke battery wastewater pretreatment system to facilitate clean water quench. The agreement provides for payment of a civil penalty for the three facilities in the amount of $1 million in cash ($500,000 in Warren and $250,000 in both the Chicago and Cleveland lawsuits).

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 the appropriate case as follows:

Chicago—*United States* v. *LTV Company*, D.J. Ref. 90-5-2-1-576
Cleveland—*United States* v. *LTV Company*, D.J. Ref. 90-5-2-1-442
Warren—*United States* v. *LTV Company*, D.J. Ref. 90-5-1-1-1056

The proposed consent decrees may be examined at the offices of the United States Attorneys or the regional office of the Environmental Protection Agency as follows:

| Consent decree | U.S. attorney | EPA |
|---|---|---|
| Chicago | U.S. Attorney, Northern District of Illinois, 500 South Everett McKinley Dirkson Bldg., 219 S. Dearborn Street, Chicago, ILL. 60604. | Region V, 230 South Dearborn Street, Chicago, ILL. 60604. |
| Cleveland | U.S. Attorney, Northern District of Ohio, Suite 500, 1404 East Ninth Street, Cleveland, Ohio 44144. | Do. |
| Warren | U.S. Attorney, Northern District of Ohio, Suite 500, 1404 East Ninth Street, Cleveland, Ohio 44144. | Do. |

Copies of the consent decrees may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Aveune NW., Washington, D.C. 20530. Copies of the proposed decrees may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of a decree, please enclose a check payable to Treasurer of the United States in the following amounts: Chicago—$1.10; Cleveland—$1.80; Warren—$4.40.

F. Henry Habicht II,

*Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 85-14923 Filed 6-20-85; 8:45 am]

BILLING CODE 4410-01-M

## Proposed Consent Decrees in Action Under the Comprehensive Environmental Response, Compensation and Liability Act and the Resource Conservation and Recovery Act To Require Defendants To Reimburse the United States for Response Costs and To Complete Cleanup of the Chem-Dyne Hazardous Waste Site in Hamilton, OH

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that proposed consent decrees in *United States of America* v. *Chem-Dyne Corp., et al.*, Civil No. C-1-82-840, were lodged with the United States District Court for the Southern District of Ohio on June 13, 1985.

The first proposed consent decree requires defendants to (1) reimburse the Hazardous Substances Response Fund (the "Superfund") for response costs incurred by the United States Environmental Protection Agency pursuant to section 104 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9604, in the amount of $4.0 million; (2) reimburse the State of Ohio in the amount of approximately $3.0 million over a two-and-one-half (2½) year period for response costs and damages to natural resources within the trusteeship of the State; and (3) implement a remedial work plan for the containment and removal of chemical contamination in the soil, ground water and structures at the Chem-Dyne site. The required remedial work includes (1) removal and disposal of contaminated soil; (2) covering the site with a

composite cap to prevent infiltration of contamination to ground water; (3) extraction and treatment of contaminated ground water; and (4) decontamination and/or demolition and removal of buildings at the site.

The second proposed consent decree settles the claims of the United States against certain owners of property adjacent to the property owned by Chem-Dyne. That property was also used by Chem-Dyne and became contaminated. In addition to the site access granted by the first consent decree, these property owners in the second decree undertake to make cash payments to the United States, the State and certain third-party plaintiffs.

The proposed consent decrees may be examined at the offices of the United States Attorney, Room 220, U.S. Post Office and Courthouse Building, Fifth and Walnut Streets, Cincinnati, Ohio 45202; at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois; and at the Office of the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Tenth and Pennsylvania Avenue NW., Washington, D.C. 20530. Copies 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. Please forward a check in the appropriate amount ($.10 per page) for each copy requested: First consent decree, excluding Remedial Action Plan and defendant signature pages—$11.50. First consent decree excluding defendant signature pages only—$22.80. First consent decree including all attachments—$39.40. Second consent decree—$0.80.

The Department of Justice will receive written comments relating to the proposed consent decrees for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Tenth and Pennsylvania Avenue NW., Washington, D.C. 20530 and should refer to *United States of America* v. *Chem-Dyne Corp., et al.*, D.J. Ref. 90-7-1-43.

**F. Henry Habicht II,**

*Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 85-14924 Filed 6-20-85; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Forms Under Review by the Office of Management and Budget (OMB)

#### Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

#### Extension

Mine Safety and Health Administration
Quarterly Mine Employment and Coal Production Report (30 CFR 50.30)
1219-0006
Quarterly
Businesses and other for profit; small businesses or organizations
80,500 responses; 20,125 hours.

Requires mine operators to report to MSHA quarterly employment levels and coal production. The employment and production data when correlated with the accident data provides information for making decisions on improving safety and health enforcement programs, improving education and training efforts, and establishing priorities in technical assistance activities in safety and health.

#### Extension

Bureau of Labor Statistics
Occupational Wage Survey Program
1220-0007 BLS 2751A, BLS 2752A, BLS 2752B, BLS 2753F, BLS 2753G, 552
Annually; other
State or local governments; business of other for-profit; Federal agencies or employees; non-profit institutions; small businesses or organizations.
26,900 responses; 74,150 hours; 6 forms.

Occupational wage survey data serve a variety of uses, including wage administration, negotiations, mediation, plant location decisions, and general economic analysis. The data are also used in the administration of the Federal Pay Comparability Act of 1970; the Service Contract Act of 1965; and the Social Security Act.

Employment and Training Administration
1205-0178; ETA 581
Quarterly
State or local governments
53 respondents; 848 hours; 1 form.

Provides quarterly data on State agencies' volume and performance in wage processing, number and promptness of liable employer registration number delinquent in filing contribution reports, number and extent of tax delinquency and results of the field audit program.

#### Reinstatement

Occupational Safety and Health Administration
Assured Equipment Grounding Conductor Program Records
1218-0062; OSHA 227

Recordkeeping

Businesses or other for-profit; small businesses or organizations

225,000 recordkeepers; 178,875 hours; 0 forms.

Construction employers are required to use one of two different compliance methods, one of which is the assured equipment grounding conductor program. These records are needed so that compliance with the requirement of the assured equipment grounding conductor program can be checked. The records consist of a written description of the employer's program and the records of all tests. Test records need not be written but may be in the form of color coding.

Signed at Washington, D.C. this 18th day of June, 1985.

**Paul E. Larson,**

*Departmental Clearance Officer.*

[FR Doc. 85-15022 Filed 6-20-85; 8:45 am]

BILLING CODE 4510-43-M

## Employment and Training Administration

### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Champion International Building Products Div. et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 1, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 1, 1985.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

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

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner: Union/workers or former workers of— | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| Champion International Building Products Div. (Brotherhood of Carpenters). | Bonner, MT | 6/11/85 | 6/7/85 | TA-W-16,083 | Lumber & other wood products. |
| Clark & Powell Lumber Co. (Brotherhood of Carpenters). | Junction City, OR | 6/11/85 | 6/7/85 | TA-W-16,084 | Lumber. |
| Fatallis North America, Inc. (company) | Springfield, IL | 6/12/85 | 6/4/85 | TA-W-16,085 | Crawler tractors, scrapers, motor graders, wheel loaders and components. |
| Gregory Forest Products, Inc. (Brotherhood of Carpenters). | Glendale OR | 6/11/85 | 6/7/85 | TA-W-16,086 | Lumber, plywood and other wood products. |
| Joanola Fabrics (ILGWU) | Elizebeth, NJ | 5/28/85 | 5/20/85 | TA-W-16,087 | Raincoats. |
| Louisiana Pacific Corporation Seaway Div. (IWA) | Mohawk, MI | 6/10/85 | 6/3/85 | TA-W-16,088 | Rough lumber (hard wood and soft wood) |
| Missoula White Pine Sash Co. (Brotherhood of Carpenters). | Missoula, MT | 6/11/85 | 6/7/85 | TA-W-16,089 | lumber, plywood and other wood products. |
| Roseburg Forest Products Co. (Brotherhood of Carpenters). | Dillard, Oregon | 6/11/85 | 6/7/85 | TA-W-16,090 | Lumber and other wood products. |
| Russel Williams Co. (ILGWU) | Mahony City, PA | 6/4/85 | 5/29/85 | TA-W-16,091 | Ladies dresses. |
| TRA Dean Fashions, Inc. (ILGWU) | Newark, NJ | 6/7/85 | 5/31/85 | TA-W-16,092 | Ladies & children's sportswear. |
| Elder Manufacturing Corp. (wkrs) | Lynchburg, VA | 6/7/85 | 6/5/85 | TA-W-16,093 | Ladies sportwear. |
| M.E.S.S. Distributors, Inc. (company) | Hialeah, FL | 6/7/85 | 6/4/85 | TA-W-16,094 | Polo style shirts, fleece sweat shirts, pull over tops. |
| Mohegan Knitwear Corp. (ILGWU) | New York, NY | 6/11/85 | 6/3/85 | TA-W-16,095 | Ladies sportswear. |
| Pratt-Read Corp., Action Keyboard Div. (workers) | Central, SC | 6/11/85 | 6/6/85 | TA-W-16,096 | Machine & assemble piano action & keyboards. |
| St Clair Garment Co. (ILGWU) | St Clair, PA | 6/5/85 | 5/13/85 | TA-W-16,097 | Women's dresses. |
| Union Carbide Corp., Electrode Systems Div. (company). | Clarksville TN | 6/11/85 | 6/4/85 | TA-W-16,098 | Graphite electrodes. |
| Xerox Corporation (ACTWU) | Irvine, CA | 6/7/85 | 5/31/85 | TA-W-16,099 | Refurbish copying machines. |
| Yates Industries (IUE) | Bordentown, NJ | 6/11/85 | 5/31/85 | TA-W-16,100 | Copper foil. |
| Westinghouse Electric Corp., Lester Manufacturing Facility (United Electrical). | Lester, PA | 6/14/85 | 5/17/85 | TA-W-16,101 | Gas and steam turbines. |

[FR Doc. 85-15023 Filed 6-20-85; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-15,866; 15,867]

### Pleasantburg Manufacturing Co., Greenville, SC and S & S Manufacturing Co., Spartanburg, SC; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 1, 1985 in response to a worker petition received on March 6, 1985 which was filed on behalf of workers at Pleasantburg Manufacturing Company, Greenville, South Carolina and S & S Manufacturing Company, Spartanburg, South Carolina. The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 11th day of June 1985.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 85-15021 Filed 6-20-85; 8:45 am]

BILLING CODE 4510-30-M

## LEGAL SERVICES CORPORATION

### Announcement of Adjustments in the Intended Awards Under the Law School Civil Clinical Program

**AGENCY:** Legal Services Corporation.

**ACTION:** Notices.

**SUMMARY:** The Legal Services Corporation through its Office of Field Services announces adjustments in the one-time grants awarded to law school clinics to improve the quality of legal services to the elderly. These reflect adjusted grants initially announced on May 24, 1984 (**Federal Register**, p. 21520) and May 31, 1985 (**Federal Register**, p. 23204). The following law school clinics have been adjusted to the following amounts:

| Name of potential grantee | Amount | Period |
|---|---|---|
| (1) West Virginia University | $74,217.00 | 7/1/85–6/30/87 |
| (2) Loyola of Chicago School of Law | $59,515.22 | 7/1/85–6/30/87 |

These awards are for the implementation of Law School Civil Clinical Programs.

These funds will be awarded on a non-recurring basis under the authority of Pub. L. 98–411 and section 1006(a)(1)(B) and section 1006(a)(3) of the Legal Services Corporation Act of 1974 as amended.

There will be no refunding rights for these one-time grants.

**FOR FURTHER INFORMATION CONTACT:** Beverly Bunn, Legal Services Corporation, Office of Field Services, 733 Fifteenth Street, NW., Washington, D.C. 20005, (202) 272–4351.

**SUPPLEMENTARY INFORMATION:** Grants are awarded pursuant to the Legal Services Corporation's announcement of availability of funds. Announcement of funding availability was made for law school civil clinical programs to improve the quality of Legal Services to elderly persons, (**Federal Register**, p. 11469, March 21, 1985).

The Legal Services Corporation intends to award these grants to increase and improve the quality of legal services to elderly poor persons presently unserved or underserved. Additionally, funded programs should sensitize and educate the present bar and future lawyers to the legal needs of the elderly.

**Peter P. Broccoletti,**

*Acting Director, Office of Field Services.*

[FR Doc. 85–14952 Filed 6–20–85; 8:45 am]

BILLING CODE 6820-35-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Humanities Panel Meetings

**AGENCY:** National Endowment for the Humanities, NFAH.

**ACTION:** Notice of meetings.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

Date: July 9–10, 1985
Time: 9:00 a.m. to 5:00 p.m.
Room: 430
Program: This meeting will review Challenge Grants applications from Associations and Organizations, for projects beginning after December 1, 1985.

Date: July 16–17, 1985
Time: 9:00 a.m. to 5:00 p.m.
Room: 430
Program: This meeting will review Challenge Grants applications from Mid-Sized Colleges, for projects beginning December 1, 1985.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), 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. 85–14964 Filed 6–20–85; 8:45 am]

BILLING CODE 7536-01-M

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Engineering; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering.

Date and time: July 8–9, 1985; 9:00 a.m.–5:00 p.m., July 8; 9:00 a.m.–3:00 p.m., July 9.

Place: National Science Foundation, 1800 G Street NW., Room 540, Washington, D.C. 20550.

Type of meeting: Open.

Contact person: Mrs. Mary Poats, Executive Secretary, Advisory Committee for Engineering, Room 537, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357–9571.

Summary minutes: Mrs. Mary Poats at the above address.

Purpose of Advisory Committee Meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering programs and activities.

Summarized agenda: Discussion on issues, opportunities and future directions for the Engineering Directorate; discussion of the Engineering Directorate strategic plans; reports from Directorate Advisory Committee Chairman; discussion with NSF Deputy Director as well as other items.

**M. Rebecca Winkler,**

*Committee Management Officer.*

June 18, 1985.

[FR Doc. 85–14933 Filed 6–20–85; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards, Subcommittee on Diablo Canyon; Meeting

The ACRS Subcommittee on Diablo Canyon will hold a meeting on July 10, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, July 10, 1985—9:00 a.m. until 1:00 p.m.

The Subcommittee will review NRC Staff's evaluation of Pacific Gas and

Electric's long-term seismic program plan for Diablo Canyon.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Pacific Gas and Electric Company, the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or resheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Elpidio G. Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m. persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: June 18, 1985.

**Morton W. Libarkin,**

*Assistant Executive Director for Project Review.*

[FR Doc. 85-15052 Filed 6-20-85; 8:45 am]

BILLING CODE 7590-01-M

## Advisory Committee on Reactor Safeguards Subcommittee on Long Range Plan for NRC; Meeting

The ACRS Subcommittee on Long Range Plan for NRC will hold a meeting on July 10 and 11, 1985, Room 1167, 1717 H Street NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

*Wednesday, July 10, 1985—9:00 a.m. until the conclusion of business*

*Thursday, July 11, 1985—6:30 p.m. until 9:00 p.m.*

The Subcommittee will continue discussions on developing comments on a long range plan for the NRC. Topics under discussion are primarily technical issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. John C. McKinley (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: June 18, 1985.

**Morton W. Libarkin,**

*Assistant Executive Director for Project Review.*

[FR Doc. 85-15053 Filed 6-20-85; 8:45 am]

BILLING CODE 7590-01-M

## Advisory Committee on Reactor Safeguards Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on July 9, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Tuesday, July 9, 1985—1:00 p.m. until the conclusion of business*

The Subcommittee will discuss recent operating occurences.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to the advised of any changes in schedule, etc., which may have occurred.

Dated: June 18, 1985.

**Morton W. Libarkin,**

*Assistant Executive Director for Project Review.*

[FR Doc. 85-15054 Filed 6-20-85; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-400]**

## Carolina Power and Light Co. and North Carolina Eastern Municipal Power Agency; Issuance of Amendment to Construction Permit

The U.S. Nuclear Regulatory Commission (the Commission) has

issued Amendment No. 4 to Construction Permit No. CPPR–158 for Shearon Harris Nuclear Power Plant, Unit 1. The amendment modifies the construction permit to reflect issuance, by the Commission, of a limited schedular Exemption dated June 5, 1985, from the requirements of 10 CFR Part 50, Appendix A, General Design Criterion 4 with respect to installation of certain protective devices and consideration of certain dynamic effects. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the amendment. Prior public notice of this amendment was not required since the Commission has determined that this amendment does not involve a significant hazards consideration.

By July 22, 1985, the applicants may file a request for a hearing with respect to issuance of the amendment to the subject facility construction permit and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above. Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has determined that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to George F. Trowbridge, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to the action, see (1) the application for amendment dated May 31, 1985, and related submittals dated January 14, and April 19, 1985, (2) Amendment No. 4 to Construction Permit CPPR–158, (3) the Commission's related Safety Evaluation, (4) the Exemption dated June 5, 1985 (50 FR 24719, June 12, 1985), and (5) the Notice of Environmental Assessment and Finding of No Significant Impact dated May 21, 1985 (50 FR 21673, May 28, 1985). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina 27601. In addition a copy of items (2), (3), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 14th day of June, 1985.

For the Nuclear Regulatory Commission.

**Hugh L. Thompson, Jr.,**

*Director, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 85–15057 Filed 6–20–85; 8:45 am]

BILLING CODE 7590–01–M

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[Docket No. 50–302]

## Florida Power Corp. et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is

considering issuance of an amendment to Facility Operating License No. DPR-72, issued to Florida Power Corporation (the licensee), for operation of the Crystal River Unit No. 3 Nuclear Generating Plant located in Citrus County, Florida.

The proposed amendment would modify the Technical Specifications (TSs) related to the High Pressure Injection (HPI) Flow Balance Testing, HPI Pump and Valve Test, and the Emergency Diesel Generator (EDG) Load Test to allow testing during appropriate operating modes. Specifically, the proposed amendment is needed to provide clarification and resolve conflicts between current TSs and commitments made to the Commission involving low temperature overpressurization protection, as follows:

1. TS 4.5.2.g currently requires HPI flow balance testing of pump and discharge lines during shutdown. However, pressure-temperature considerations prevent testing during Modes 4, 5, or 6. Thus, Mode 3 is the most appropriate time to perform the test.

2. TS 4.5.2.f currently requires that the HPI valve manual actuation be performed during shutdown (Modes 4 and 5), which conflicts with low temperature overpressure commitments which require "racking out" of these valves in these modes. The TS amendment would allow actuation of valves during Mode 6.

3. TS 4.8.1.1.2.c. presently requires that tests be performed during shutdown (Modes 4 or 5) which, for TS 4.8.1.1.2.c.3 and 5, conflict with low temperature overpressurization protection commitments. The amendment would permit those tests to be performed in Mode 3. In addition, the 18-month frequency requirement would be changed for this cycle only to permit performance of these tests during the startup for Cycle 6. The specification would also be changed to permit other tests in this section to be performed in Mode 6.

These revisions to the Technical Specifications would be made in response to the licensee's application for amendment dated May 1, 1985, as revised June 14, 1985.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The amendment application requests that the TSs be revised to allow performance of certain Engineered Safeguards Equipment Tests during more appropriate modes instead of during shutdown to satisfy commitments to the Commission's staff concerning low temperature overpressurization protection considerations. The changes to allow performance of the required surveillance testing of the HPI Flow Balance Test and EDG Load Test during Mode 3 and HPI valve testing during Mode 6 involve no hardware changes; they simply allow the tests to be performed in an operating mode which would prevent or reduce the possibility of a low temperature overpressurization occurrence and thereby increase the margin of safety.

Based on the above, the Commission's staff has determined that:

1. The probability of occurrence or the consequences of an accident would not be increased above those previously analyzed because no changes are proposed in the hardware or in acceptance criteria for these surveillance tests. Mode 3 testing would reduce the consequences of pressure transients at low temperatures. Testing the HPI valves in Mode 6 would preclude any possible overpressurization.

2. The possibility of an accident different from those previously analyzed would not result from these changes because these systems will not be operated in a new manner or differently than described in the Final Safety Analysis Report. The testing will just be accomplished in the mode which provides the least possibility of low temperature overpressurization consistent with the licensee's commitments.

3. The margin of safety would not be reduced because the proposed amendment does not involve a relaxation of criteria used to establish safety limits. In fact, the amendment removes inconsistencies presently in the Technical Specifications to assure meeting licensee commitments regarding low temperature overpressure requirements.

Therefore, the Commission's staff proposes to determine that these changes in the surveillance program would not significantly increase the probability or consequences of an accident previously evaluated, would not create the possibility of a new or different accident from any accident previously evaluated, and would not involve a reduction in a margin of safety. The staff proposes, therefore, to determine that the proposed amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By July 22, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be

entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to R.W. Neiser, Senior Vice President and General Counsel, Florida Power Corporation, P.O. Box 14042, St. Petersburg, Florida 33733.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Crystal River Public Library, 668 NW First Avenue, Crystal River, Florida.

Dated at Bethesda, Maryland, this 18th day of June, 1985.

For the Nuclear Regulatory Commission.

**John F. Stolz,**

*Chief Operating Reactors Branch No. 4, Division of Licensing.*

[FR Doc. 85-15056 Filed 6-20-85; 8:45 am]

BILLING CODE 7590-01-M

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**[Docket Nos. 50-369 and 50-370]**

## Duke Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to the Duke Power Company (the licensee) for the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

### Environmental Assessment

*Identification of Proposed Action:* The proposed amendments would incorporate into the McGuire Unit 2 license authority to receive, possess and store irradiated fuel assemblies from Oconee Nuclear Station under the same conditions as are presently authorized by the McGuire Unit 1 license. The conditions granting the authority to possess, receive and store irradiated Oconee fuel, as contained in the McGuire Unit 1 license, would not be changed, except for inclusion of Unit 2. The amendments would not increase the inventory of Oconee fuel that may be received at the McGuire site, but would provide for storage of that inventory at either of the two identical McGuire Units.

*The Need for the Proposed Action:* The licensee desires to divide the inventory of Oconee irradiated (spent) fuel between the two spent fuel pools upon arrival at McGuire Nuclear Station to reduce any later need for on-site transfers of spent fuel in order to maintain a balanced inventory between the two McGuire pools. The proposed amendments would not authorize the transfer of Oconee fuel assemblies from one McGuire spent fuel pool to the other.

*Environmental Impacts of the Proposed Action*

A. Transportation and Handling

Pursuant to the Decision dated Auguust 10, 1981, of the Atomic Safety and Licensing Appeal Board [ALAB-651, 14 NRC 370] and the licensee's letters of application dated March 9, 1978, and September 15, 1981, the Commission issued on October 27, 1981, Amendment No. 8 to Facility Operating License NPF-9. (The licensee's application was

originally filed as a request for amendment to Special Nuclear Materials License SNM–1773. Subsequent to that request, NPF–9, which incorporated the authorities and requirements of SNM–1773 was issued.) Amendment No. 8 to NPF–9 consisted of license conditions and Technical Specification changes to authorize the licensee to receive, possess and store at McGuire Unit 1 300 irradiated fuel assemblies generated at the Oconee Nuclear Station. In connection with issuance of that amendment, the Commission issued an Environmental Impact Appraisal (EIA) in December 1978 which provided an analysis of radiological and non-radiological impacts of the various activities associated with the proposal. Those activities included the operation of the McGuire spent fuel storage facility, the motor carrier transportation of 300 spent fuel assemblies (including the possible sabotage of spent fuel in transit and the possible consequences of a severe transportation accident), and accidents during the handling of the transported fuel assemblies at destination. The EIA concluded that there would be no environmental impact significantly affecting the human environment attributable to the proposed action and that an environmental impact statement, therefore, was not warranted. Accordingly, a Negative Declaration was published in the **Federal Register** on December 29, 1978 (43 FR 61057).

No changes in offsite transportation of Oconee spent fuel are involved with the proposed amendments because of the common site for the two McGuire Units and because no increase in inventory of Oconee spent fuel at the McGuire site is proposed. The on-site transportation route for the motor carrier of Oconee spent fuel destined for the McGuire Unit 2 spent fuel pool consists of the same route followed to the Unit 1 pool plus an additional distance of about 1000 feet immediately around and to the opposite side of the McGuire Auxiliary Building. The additional distance corresponds to the route used by the licensee when spent fuel generated at the McGuire station is transferred from one McGuire spent fuel pool to the other as authorized by Amendments 25 (Unit 1) and 6 (Unit 2). The environmental impact of transferring spent fuel assemblies along this route has been previously evaluated and found to be insignificant. Therefore, the change in the environmental impacts due to onsite transport of Oconee spent fuel destined for McGuire Unit 2 would be insignificant.

Cask handling procedures in both pools are identical in that the restrictive paths used for moving the cask in and out of the pit and platform area of the Unit 2 pool are a mirror image of those paths used in the Unit 1 pool. Procedures for opening, closing and decontaminating the cask are specific to the cask itself and will, therefore, be identical between pools.

The cask tipping analysis for Unit 1 was reviewed during the hearing which preceded ALAB–651 and is addressed therein. It is also addressed in Chapter 9 of the McGuire FSAR. The same analysis is applicable for both pools because of the identical pool and pit geometry and dimensions between the two pools. This analysis provided an acceptable demonstration that the cask will not fall into the spent fuel pool.

Cask and fuel handling equipment between the Unit 1 and Unit 2 pools are identical. Both pools have 125 ton capacity overhead cranes used for cask movement. Both pools are equipped with a set of handling tools used specifically for the Oconee fuel. The decontamination pits and associated equipment are the same between both pools and the weir gate systems for flooding the cask pits are identical.

The Commission has recently completed further review of the McGuire Units 1 and 2 overhead handling systems and programs used to handle heavy loads in the vicinity of the reactor vessel, near the spent fuel in the spent fuel pool, or in other areas where a load drop may damage safe shutdown systems or spent fuel. The further review was based upon the guidelines of NUREG–0612, "Control of Heavy Loads at Nuclear Power Plants." Plants conforming to these guidelines (1) will have developed and implemented, through procedures and operator tranining, safe load travel paths such that, to the maximum extent practical, heavy loads are not carried over or near irradiated fuel or safe shutdown equipment, and (2) will have provided sufficient operator training, handling system design, load-handling instructions, and equipment inspection to ensure reliable operation of the handling systems. In its letter dated March 12, 1985, the Commission concluded that these systems and programs for McGuire meet the guidelines of NUREG–0612 and that a related license condition contained in paragraph 2.C.(8) of NPF–17 for McGuire Unit 2 requiring compliance with this NUREG had been satisfied.

Other areas which are considered part of the overall system for receipt, handling, and storage of spent fuel are the receiving area and related equipment, the spent fuel pool building ventilation system, area and process radiation monitoring systems and the pool water filtration system. These are all additional areas where the two spent fuel pools are identical.

Both pools share common emergency, health physics, security and safety procedures. Additionally, the manpower requirements for performing spent fuel handling related work would be provided by the same group for both pools.

Because the foregoing systems and procedures are identical or common to each McGuire unit and no additional Oconee spent fuel will be stored under the proposed amendments, no new environmental impacts due to handling aspects are associated with the proposed action.

B. Radiation Exposure and Waste

On September 24, 1984, the Commission issued Amendment No. 35 to NPF–9 and Amendment No. 16 to NPF–17 (Unit 2) to change the Technical Specifications to permit an expansion of the spent fuel pool storage capacity at each unit from 500 to 1463 spent fuel assemblies by replacing racks with two-region racks which utilize neutron absorbing materials to allow closer spacing between stored spent fuel assemblies (i.e., by reracking). The design of the new racks retained the provisions for storage of Oconee spent fuel, and the Amendments left in place the previous authorization set forth by Amendment 8 to NPF–9 for such storage by Unit 1 and provided Technical Specifications consistent with such storage for both McGuire units. In connection with issuance of Amendments 35 (Unit 1) and 16 (Unit 2), the Commission reviewed the radiological and nonradiological environmental impacts associated with both the rerack construction activities and subsequent operations of the modified facilities and found no significant effect on the quality of the human environment. Accordingly, the Commission published an Environmental Assessment and Finding of No Significant Impact in the **Federal Register** on September 19, 1984 (49 FR 36715).

The licensee has recently completed installation of the new spent (fuel storage racks in the McGuire Unit 2 spent fuel pool and now seeks authority to receive, possess, and store Oconee irradiated fuel assemblies at McGuire Nuclear Station, Unit 2, subject to the same conditions established for Unit 1 as set forth by NPF–9, Amendment 8.

The Unit 1 license would be amended to reflect the granting of this authority to Unit 2. Neither proposed amendment would (1) increase the total number of Oconee irradiated fuel assemblies received for storage at the McGuire site relative to the number (300) currently authorized for Unit 1, or (2) authorize transfer of Oconee irradiated fuel from one McGuire unit's spent fuel pool to the other.

The Environmental Assessment issued in connection with Amendments 35 and 16 included an estimate of the increment in onsite occupational dose during normal operations after the pool rerack modifications as a result of the increase in stored fuel assemblies and concluded that storing additional fuel in the two pools would not result in any significant increase in doses received by workers. The assessment was based upon a worst case radionuclide concentration in the spent fuel pool recognizing the proposed combinations of Oconee and McGuire generated spent fuel assemblies (the spent fuel assemblies themselves contributed a negligible amount to dose rates in the pool area because of the depth of water shielding the fuel). Because the allowed total inventory of Oconee spent fuel for the McGuire site would not be increased, the proposed division of that inventory of Oconee spent fuel between the two identical McGuire spent fuel pools would not increase either pool's concentration of radionuclides relative to that previous worst case. Consequently, our previous conclusion (that the onsite occupational dose to workers during normal operations would not result in any significant dose increase to onsite workers) would not be changed for the proposed amendments.

The Environmental Assessment for Amendments 35 and 16 also concluded that the additional dose to the total body due to the spent fuel pool expansion that might be received by an individual at the site boundary and by the population within a 50-mile radius would be very small compared to annual exposure to natural background radiation in the United States. Because the two McGuire spent fuel pools are located within close proximity of each other and the allowed site inventory of Oconee spent fuel is not increased, exposure parameters such as distance to the site boundary or spacial distribution of the source term (i.e., division of the stored Oconee spent fuel inventory between the two McGuire units) have an insignificant effect on the whole body dose at or beyond the site boundary. Therefore, any change in whole body dose at or beyond the site boundary would be insignificant.

The Environmental Assessment for Amendments 35 and 16 addressed radioactive wastes associated with the expanded spent fuel storage pools and found no significant additional environmental impact due to radioactive material released to the atmosphere, the generation of solid radioactive wastes, or radioactive material released to receiving water. Because the inventory of Oconee spent fuel is not increased, no significant change to this finding would be associated with the proposed amendments. With respect to non-radioactive waste, division of the Oconee spent fuel between McGuire units would not result in significant additional thermal discharge to receiving waters. Spent fuel pool cooling equipment and resulting overall heat removal capacities of both pools are identical. Cooling upgrade of either pool was found to be unnecessary during the review for Amendments 35 and 16 and no such upgrade is needed for the proposed amendments.

C. Conclusion

The foregoing reviews, and particularly the fact that the design of the Unit 2 spent fuel pool is identical to that of Unit 1 and that there would be no increase in the inventory or handling of Oconee fuel for the McGuire site, indicate that our previous environmental assessments which were issued in connection with NPF-9, Amendment Nos. 8 and 35, and NPF-17, Amendment No. 16, are applicable with respect to the proposed action, and that these earlier findings of no significant environmental impact would not be changed by the proposed amendments.

No cumulative adverse environmental impacts are associated with this proposed action.

*Alternative to the Proposed Actions:* Since we have concluded that the environmental effects of the proposed action are negligible, any alternatives with equal or greater environmental impact need not be evaluated.

The principal alternative would be to deny the requested amendments. That alternative, in effect, is the same as the "no action" alternative. Neither alternative would reduce environmental impacts of plant operation but would result in reduced operational flexibility.

*Alternative Use of Resources:* This action does not involve the use of resources not previously considered in connection with the Nuclear Regulatory Commission's Final Environmental Statement dated April 1976 or its addendum dated January 1981 related to this facility.

*Agencies and Persons Consulted:* The NRC staff reviewed the licensee's requests of April 3, May 14 and June 12, 1985, and did not consult other agencies or persons.

*Finding of No Significant Impact:* The Commission has determined not to prepare an environmental impact statement for the proposed license amendments.

Based upon this environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for amendments dated April 3, 1985, and its supplements dated May 14 and June 12, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242.

Dated at Bethesda, Maryland this 18th day of June 1985.

For the Nuclear Regulatory Commission.

**Thomas M. Novak,**

*Assistant Director for Licensing, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 85-15055 Filed 6-20-85; 8:45 am]

BILLING CODE 7590-01-M

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**[Docket No. 50-334]**

## Duquesne Light Co. et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Appendix B of the Operating License to Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees), for the Beaver Valley Power Station, Unit No. 1, located in Shippingport, Pennsylvania.

**Environmental Assessment**

*Identification of Proposed Action:* The amendment would eliminate in its entirety the Appendix B Technical Specifications and any reference to it in the Operating License for Beaver Valley Unit No. 1. Appendix B currently only prescribes that offsite soil sampling and infra-red aerial photography be done, and contains administrative requirements associated with performance of these surveillances. There are no radiological specifications in Appendix B.

The action is responsive to the licensee's application for amendment

dated November 3, 1983, as supplemented by letters dated July 31, 1984 and March 21, 1985.

*The Need for the Proposed Action:* The amendment is proposed because the licensee considers that the environmental surveillance requirements prescribed by Appendix B are no longer needed: sufficient surveillance has been performed in past years to conclude that there has been no environmental damage due to operation of Beaver Valley Unit 1.

*Environmental Impacts of the Proposed Action:* The proposed amendment would not result in any modification of plant systems, components or procedures. Consequently, the probability of accidents has not been increased and the post-accident radiological releases will not be greater than previously determined, nor does the proposed amendment otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed amendment.

With regard to potential non-radiological impacts, the proposed amendment only eliminates surveillance requirements as described above. The purpose of the surveillance requirements was to determine whether there would be any environmental change associated with normal operation of Beaver Valley Unit 1; as noted, sufficient surveillance has been performed to conclude that there has been no environmental damage due to operation of the plant. The amendment does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

*Alternative Use of Resources:* This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Beaver Valley Power Station, Unit No. 1.

*Agencies and Persons Consulted:* The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

**Finding of No Significant Impact**

The Commission has determined not to prepare an environmental impact statement for the proposed amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated November 3, 1983, and supplements dated July 31, 1984 and March 21, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Bethesda, Maryland this 14th day of June, 1985.

For the Nuclear Regulatory Commission.

**Gus C. Lainas,**

*Assistant Director for Operating Reactors, Division of Licensing.*

[FR Doc. 85-15058 Filed 6-20-85; 8:45 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

June 13, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Alaska Air Group, Inc. (Delaware) (Holding Company)
Common Stock, $1.00 Par Value, (File No. 7-8451)
H.F. Ahmanson & Company (Delaware)
Common Stock, No Par Value, (File No. 7-8452)
Crane Company (Delaware)
Common Stock, $6.25 Par Value, (File No. 7-8453)
Kysor Industrial Corporation (Michigan)
Common Stock, $1.00 Par Value, (File No. 7-8454)
Longs Drug Stores, Corporation (Maryland) (Holding Company)
Common Stock, No Par Value, (File No. 7-8455)
Claire's Stores, Inc.
Common Stock, $.05 Par Value, (File No. 7-8456)
Health Care Property Investors, Inc.
Common Stock, $1.00 Par Value, (File No. 7-8457)
Occidental Petroleum Corporation
$2.50 Cumulative Preferred Stock, $1.00 Par Value, (File No. 7-8458)
Occidental Petroleum Corporation
$2.125 Cumulative Preferred Stock, $1.00 Par Value, (File No. 7-8459)
Occidental Petroleum Corporation
$2.30 Cumulative Preferred Stock, $1.00 Par Value, (File No. 7-8460)
Occidental Petroleum Corporation
$14.00 Cumulative Preferred Stock, $1.00 Par Value, (File No. 7-8461)
TransCanda Pipelines, Ltd.
Common Stock, No Par Value, (File No. 7-8462)
Tultex Corporation
Common Stock, $1.00 Par Value, (File No. 7-8463)
Universal Development Corporation
Common Stock, $.01 Par Value, (File No. 7-8464)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 3, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 85-15045 Filed 6-20-85; 8:45 am]

BILLING CODE 8010-01-M

### Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

June 13, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Petro-Lewis Corporation
Warrants to Purchase Common Stock, [File No. 7-8439]
Gates Learjet Corporation
Common Stock, $1.00 Par Value, (File No. 7-8440)
Allegheny International, Inc.
Common Stock, $.66⅔ Par Value, (File No. 7-8441)
Cullinet Software Corporation

Common Stock, $.10 Par Value, (File No. 7–8442)
Heileman (G.) Brewing Co.
Common Stock, $1.00 Par Value, (File No. 7–8443)
Iowa Electric Co.
Common Stock, $2.50 Par Value, (File No. 7–8444)
James River Corporation of Virginia
Common Stock, $.10 Par Value, (File No. 7–8445)
L. L. & E. Royalty Trust Co.
Common Stock, No Par Value, (File No. 7–8446)
Orange Co., Inc.
Common Stock, $.10 Par Value, (File No. 7–8447)
Shaklee Corporation
Common Stock, No Par Value, (File No. 7–8448)
Wisconsin Electric Power
Common Stock, $10.00 Par Value, (File No. 7–8449)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 3, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 85–15046 Filed 6–20–85; 8:45 am]

BILLING CODE 8010–01–M

## Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

June 13, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following security:

GCA Corporation
Common Stock, $.60 par value (File No. 7–8450)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 3, 1985, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 85–15044 Filed 6–20–85; 8:45 am]

BILLING CODE 8010–01–M

**[Release No. IC–14579; File No. 812–6088]**

## Application and Opportuntity for Hearing; Crown America Life Insurance Co. et al.

June 14, 1985.

Notice is hereby given that Crown America Life Insurance Company, Crown America Variable Life Separate Account ("Account") and C.A.L. Investment Services, Inc., the Account's principal underwriter (collectively, "Applicants"), 120 Bloor Street East, Toronto, Canada M4W 1B8, filed an application on April 11, 1985, and an amendment thereto on May 30, 1985, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicants from sections 26(a)(1), 26(a)(2), 27(a)(1) and 27(c)(2) of the Act and Rules 6e–2 (a)(7), (b)(13)(i), (b)(13)(iii) and (c)(4) thereunder to the extent necessary, as described in the application. All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations, which are summarized below, and to the Act and the rules thereunder for the text of relevant provisions.

Applicants propose to offer certain scheduled and single premium variable life insurance contracts ("Contracts") through the Account in reliance upon Rules 6c–3 and 6e–2 under the Act. Applicants state that the Account is registered under the Act as a unit investment trust and has four sub-accounts, each of which will invest in shares of a corresponding series of Crown America Series Fund, Inc. ("Fund"), an open-end management company of the series type. According to the application, this structure will permit contractowners to allocate cash value among four investment media.

### 1. Bank as Sub-Adviser

Applicants request relief from paragraph (a)(7) of Rule 6e–2 to the extent necessary to permit a bank to act as sub-adviser to three of the four series of the Fund. Applicants state that the Account itself will not have an investment adviser inasmuch as it is a unit investment trust, but the Fund will be advised by C.A.L. Investment Management Company, Inc., a wholly-owned subsidiary of the Company registered under the Investment Advisers Act of 1940 ("Advisers Act"). Applicants propose that the Fund have Marine Midland Bank N.A. ("Marine Midland") as sub-adviser to three of its four series. Marine Midland, according to Applicants, is exempt from the Advisers Act pursuant to section 202(a)(11) thereof. Because paragraph (a)(7), in effect, requires that an investment adviser to a separate account relying on exemptions provided by Rule 6e–2 register under the Advisers Act, Applicants believe the Fund may be precluded from engaging in Marine Midland as a sub-adviser if paragraph (a)(7) were to apply to the Fund. In support of their request for relief, Applicants assert that Marine Midland is a national bank subject to comprehensive regulation, examination and supervision by the Comptroller of the Currency and that use of Marine Midland as a sub-adviser to the Fund does not present any of the issues or abuses that the Act and the rules and regulations thereunder are designed to prevent.

### 2. Use of 1980 Commissioners Standard Ordinary Mortality Table

Applicants also request relief from section 27(a)(1) and Rules 6e–2(b)(13)(i) and (c)(4) to the extent necessary to permit the use of the 1980 Commissioners Standard Ordinary Mortality Tables ("1980 CSO Tables") instead of the 1958 Commissioners Standard Ordinary Mortality Table ("1958 CSO Table") in order to measure (1) the deduction for the cost of insurance charge in determining what is

deemed to be sales load, and (2) the life expectancy of insureds for purposes of measuring sales load. Applicants explain that they will use separate 1980 CSO Tables in computing sales load for male and female insureds and that these tables correspond to those guaranteed by Contracts. In support of their request for relief, Applicants state that the 1980 CSO Tables reflect more contemporary mortality assumptions and that, in most cases, the use of these tables will result in lower cost of insurance deductions than would the use of the 1958 CSO Table. Applicants acknowledge, however, that for certain contractowners (*i.e.*, ages 16–22), the 1980 CSO Tables specify higher charges. In addition, Applicants believe their request for relief is consistent with amendments to Rule 6e–2 proposed Investment Company Act Release 14421 (March 15, 1985).

**3. Deduction of Insurance Charges from Cash Values**

Applicants request relief from sections 26(a)(1), 26(a)(2), 27(c)(2), a Rule 6e–2(b)(13)(iii) to permit the deduction of insurance charges from cash value. In support of their request for relief, Applicants assert that this is consistent with proposed amendments to Rule 6e–2 referred to *supra*.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 9, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this 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.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 85–15049 Filed 6–20–85; 8:45 am]

BILLING CODE 8010–01–M

**[Release No. 34–22154; File No. SR–CBOE–85–15]**

## Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving Proposed Rule Change

The Chicago Board Options Exchange, Incorporated ("CBOE") submitted a proposed rule change on April 29, 1985, pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] to exempt options on MCI Communications ("MCIC"), an over-the-counter ("OTC") stock, from the exchange's listing standards based on price.[3] The Commission solicited comments on the proposed rule change, but received none.[4]

Currently, CBOE Rule 5.3(a)(iv) provides, in pertinent part, that the exchange may list options on those underlying securities for which the market price per share of the underlying security shall have been at least $10.00 on each business day of the three calendar months preceeding the date of selection. Because of the lower per share market price of MCIC stock, CBOE's current listing standards would prohibit an overlying option from being listed on the exchange.[5]

Nevertheless, in its filing, CBOE recites the Commission's previously stated belief that it might be appropriate to permit options trading on stocks such as MCIC, which has a lower per share market price than required by the exchange's current listing standards.[6] In this connection, the Commission indicated that the substantial trading volume and exceptionally high market values of OTC stocks such as MCIC appear to be sufficient to protect against the speculative abuse or manipulative potential which the price per share criterion is designed to address.[7]

CBOE further states that it believes the proposed rule change is consistent with the provisions of the Act and, in particular, Section 6(b)(5) thereof, in that the rule change will permit investors in MCIC stock to obtain the hedging benefits of trading standardized options in an auction market and that the capitalization, volume, and number of shareholders of MCIC stock counterbalance the lower per share market price of MCIC stock.

For the reasons stated above, and in Securities Exchange Act Release No. 22026, the Commission finds that CBOE's proposal to exempt MCIC securities from the exchange's listing and delisting criteria regarding price is consistent with Section 6 of the Act.[8]

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 17, 1985.

**Shirley E. Hollis**

*Assistant Secretary.*

[FR Doc. 85–15048 Filed 6–20–85; 8:45 am]

BILLING CODE 8010–01–M

**[Release No. IC–14578 (Filed No. 812–6108)]**

## The Calvert Fund; Application and Opportunity for Hearing

June 14, 1985.

Notice is hereby given that The Calvert Fund ("Applicant"), 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, filed an application on May 6, 1985, for an order pursuant to section 6(c) fo the Investment Company Act of 1940 ("Act") exempting Applicant from the provisions of Sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit Applicant to assess a contingent deferred sales load on certain redemptions of its shares and to permit a waiver of the contingent deferred sales load with respect to certain redemptions. All interested persons are referred to the application on file with the Commission for a

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[1] 15 U.S.C. 78s(b) (1982).

[2] 17 CFR 240.19b-4 (1984).

[3] Recently, the Commission approved a CBOE proposed rule change to permit the trading on CBOE of standardized options on securities that are not listed and registered on a national securities exchange under Section 12(a) of the Act but are designated as Tier I National Market System securities pursuant to Rule 11Aa2–1 (b)(1) of the Act. *See* Securities Exchange Act Release No. 22104 (May 31, 1985), 50 FR 24072 (June 7, 1985).

[4] The proposal was noticed for comment in Securities Exchange Act Release No. 22016 (May 6, 1985), 50 FR 20334 (May 15, 1985).

[5] In its filing, CBOE indicated that its delisting standards also would jeopardize listing MCIC options. In particular, Interpretation .02 to Rule 5.4 provides, in part, that no series of option contracts will be opened with a strike price of less than $10.00.

[6] *See* Securities Exchange Act Release No. 22026 (May 6, 1985), 50 FR 20310, 20325 n.150 (May 15, 1985), and accompanying text.

[7] *See* note 6, *Supra*.

[8] As a general matter, the Commission believes that such ad hoc listings of additional options in the absence of amendments to the self-regulatory organizations' ["SRO"] general eligibility criteria for underlying securities are inappropriate. In this regard, the CBOE has indicated that it is working with the other options SROs to develop uniform listing criteria that would apply generally to both MCI and other simiarly situated underlying securities. The Commission expects that such revised criteria will be submitted by CBOE in the near future.

statement for the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the elevant provisions thereof.

According to the application, Applicant is registered under the Act as a no-load, diversified, open-end management investment company organized as a Massachusetts business trust. Further, Applicant states that it is a series company which, at the time the application was initially filed, offered two series to the public: the Equity Portfolio and the Income Portfolio. Applicant proposes to offer a third series, the Washington Area Growth Portfolio (the "Portfolio"). Applicant states that Calvert Asset Management Company, Inc., is the Portfolio's investment adviser. Applicant further states that Calvert Securities Corporation is the administrator and principal underwriter for the Portfolio.

Applicant proposes to offer shares of the Portfolio without an initial sales charge but subject to a contingent deferred sales charge upon certain redemptions. Applicant represents that in no event could the aggregate amount of such contingent deferred sales charge ever exceed 6% of the aggregate purchase payments made by an investor. Applicant represents that the contingent deferred sales charge would not be applicable to shares of either the Equity Portfolio or the Income Portfolio, and, therefore, Applicant requests that the order apply only to the Portfolio and to any other portfolios of the Applicant that may be established by Applicant at any time in the future.

Applicant states that the contingent deferred sales charge will be imposed if an investor redeems an amount which causes the value of the investor's account with the Portfolio to fall below the total dollar amount of purchase payments made by the investor during the six preceding years. Applicant further states that no contingent deferred sales charge would be imposed should an investor redeem amounts derived from (1) increases in the value of the account above the total dollar amount of purchase payments during the purchase period (either through appreciation in Portfolio net asset value or through reinvestment of dividends and capital gains distributions in additional shares of the Portfolio) or (2) purchase payments made more than six years prior to the date of the redemption.

Applicant states that where a contingent deferred sales charge is imposed, the amount of the charge will be 6% for redemptions made within one year of the applicable purchase payments, and the amount of the charge will decline by 1% each year thereafter. Applicant states that no charge will be imposed for redemptions occurring during the seventh and subsequent years. Applicant represents that the amount of the contingent deferred sales charge (if any) is calculated by (1) determining the date (or dates) on which the investor made the purchase payment(s) which is (are) the source of the redemption, and (2) applying the appropriate percentage(s) to any portion of the redemption subject to the charge. Applicant further represents that the maximum amount to which this charge may be applied on a cumulative basis will not exceed the total purchase payments actually made by the investor. Finally, Applicant represents that in determining whether a contingent deferred sales charge is payable and, if so, the percentage charge applicable, it will be assumed that shares first purchased are the first to be redeemed.

Applicant states that, pursuant to Rule 12b–1 under the Act, Applicant has adopted a plan of distribution (the "Distribution Plan") under which Applicant will pay Calvert Securities Corporation up to 1.25% annually of Applicant's average net assets. Calvert Securities Corporation has undertaken to pay dealers which sell shares of the Portfolio an amount equal to 4% of the value of the shares sold by the dealer. In order to protect the distributor from losses due to early redemptions of shares, Applicant believes that the imposition of the proposed contingent deferred sales charge to recover some portion of the distribution expenses incurred in the sale of those shares is appropriate.

Applicant proposes to waive the contingent deferred sales charge on any redemption following the death or disability (as defined in the Internal Revenue Code) of a shareholder of the Portfolio. Applicant contends that waiver of the contingent deferred sales charge in extraordinary circumstance of death or total disability is justified by considerations of basic fairness. Applicant also proposes to waive the contingent deferred sales charge on total or partial redemptions made in connection with a lump-sum or other distribution in the case of a IRA, Keogh Plan or custodial account under Section 403(b) of the Code following attainment of age 59½, in the case of a tax-qualified retirement plan following retirement, and with respect to any redemption resulting from a tax-free return of an excess contribution to an IRA. Applicant believes that it would be fair, equitable and in the public interest and the interest of the shareholders for the contingent deferred sales charge to be waived on redemptions in these circumstances because the redeeming shareholder is a member of a class of shareholders which is favored under federal tax laws or federal securities laws. Applicant also states that the proposed waiver for retirement plans is also consistent with the purposes of the Portfolio because the Portfolio is designed for long-term investors.

Applicant also proposes to waive the contingent deferred sales charge in connection with all shares of the Portfolio purchased by officers, directors, employees and agents of Applicant, Calvert Asset Management Company, Inc. and all of their affiliated entities, including Acacia Mutual Life Insurance Company of Washington, D.C., Calvert Asset Management Company, Inc., and Calvert Shareholder Services, Inc. Applicant states that purchases made by or for the benefit of members of the immediate families thereof would also be subject to the waiver. Applicant further states that shares to which this waiver would apply may not be resold except to Applicant. Applicant states that the contingent deferred sales charge is imposed to recover all or some of the sales and promotional expenses incurred in the marketing of shares of the Portfolio, and with respect to shares purchased by those persons identified above, no significant marketing or selling expenses are incurred because these persons are closely related to Applicant, have knowledge of or have ready access to relevant information pertaining to Applicant, and need not be solicited by Applicant.

Applicant also proposes to waive indirectly the contingent deferred sales charge in connection with a one-time reinvestment privilege. Applicant states that it will allow a Portfolio shareholder who has made a partial or complete redemption to reinvest all or part of the redemption proceeds and receive a pro rata credit for any contingent deferred sales charge paid, provided such reinvestment is effected within 30 days after the redemption. For purposes of determining the amount of contingent deferred sales charges payable on any subsequent redemptions, Applicant states that the purchase payment made through exercise of the reinvestment privilege will be deemed to have been made at the time of the initial purchase (rather than at the time the reinvestment was effected). Applicant states that the proposed reinvestment privilege and each of the other proposed waiver circumstances described herein are fully consistent with the policy underlying

and provisions of Rule 22d–1, as recently revised by the Commission.

Applicant requests an exemption from section 2(a)(32) of the Act to the extent necessary to premit it to qualify as an open-end company under section 5(a)(1) of the Act. Applicant also request an exemption from the provisions of sections 2(a)(35), 22(c) and 22(d) of the Act and Rule 22c–1 thereunder to the extent necessary to implement the proposed changes. Applicant submits that the order of exemption requested is appropriate and in the public interest, is consistent with the protection of investors, and is consistent with the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 8, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 85–15050 Filed 6–20–85; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. 34–22152; File No. SR–OCC–85–7]**

## Self-Regulatory Organizations; The Options Clearing Corp.; Filing of a Proposed Rule Change

June 17, 1985.

The Options Clearing Corporation ("OCC") on May 29, 1985, submitted a proposed rule change to the Commission under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). The Commission is publishing this notice to solicit public comment on the proposal.

OCC's proposal would establish a pilot program permitting Clearing Members to deposit escrow receipts with OCC in lieu of OCC margin on short index call option positions carried for customer accounts.[1] OCC currently does not accept escrow receipts for idex option margin and believes that this has discouraged broad institutional participation in the index option markets.

OCC's proposal would amend OCC Rule 1801, which currently prohibits Clearing Members from depositing escrow receipts for index option margin. Under amended Rule 1801, escrow receipts could be deposited only for short index call option positions.[2] The escrow receipt would be issued by a bank or trust company approved by OCC (the "depository") holding an escrow deposit for the account of a Clearing Member's customer. Escrow deposits may consist of any combination of cash, cash equivalents,[3] and common stocks listed on a national securities exchange or included in the current List of Over-The-Counter ("OTC") Margin Stocks published by the FRB.[4]

Under the terms of the escrow receipt to be used by OCC, the customer on whose behalf a Clearing Member makes a deposit authorizes the liquidation of the depsoit to the extent necessary to perform the depository's obligations to OCC. Those obligations arise when OCC certifies to the depository that an exercise notice for a specified number of index call option contracts of the series convered by the escrow receipt has been assigned to the customers' account of the Clearing Member that deposited the escrow receipt. The depository's obligations are to pay to OCC an amount of cash equal to the product of (a) the number of contracts assigned[5] and (b) the exercise settlement amount[6] plus all applicable commissions and other charges. All deposited property not paid to OCC under these provisions must remain in the custody of the depository until release by OCC.

Amended OCC Rule 1801 would protect OCC against the decline in value of deposited property. If the total market value[7] of deposited property falls under 50 percent of the product of (a) the number of option contracts covered by the deposit and (b) the aggregate current index value of the underlying index group, then OCC may disregard the escrow receipt and require margin to be deposited to cover the short positions previously covered by the escrow receipt.

OCC's proposal also would make a conforming amendment to OCC Rule 610 to exempt from OCC's margin requirements short index call positions covered by escrow deposits. Other provisions of OCC Rule 610, which governs generally the deposit of underlying securities for margin purposes, would apply to index option escrow receipts.[8]

OCC has included various safeguards in the terms of the escrow receipt. Depositories must be banks or trust companies regulated by state or Federal authorities and must have capital stock of at least $20,000,000. Depositories must maintain custody of deposited property either by holding specific certificates or by segregating part of a fungible bulk of securities on the books of a "financial intermediary" under the Delaware Uniform Commercial Code. Depositories must certify that deposited securities are in good deliverable form or that the depository has unrestricted power to put them in good deliverable form.

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[1] OCC's filing would implement several similar exchange proposals to create a one year pilot escrow receipt program. *See* file nos. SR–Amex–84–33; SR–CBOE–84–28; SR–NYSE–84–35; SR–PHLX–85–18.

[2] OCC notes that, while escrow deposits theoretically could be accepted for short put option positions, there appears to be no significant demand for that at present. Also, OCC's processing system currently is not programmed to accept escrow receipt deposits for puts.

[3] Cash equivalents are financial instruments meeting the requirements of § 220.8(a)(3)(ii) of Regulation T of the Board of Governors of the Federal Reserve System ("FRB") (12 CFR 220.8(a)(3)(ii)).

[4] Although the deposit itself need not include any stocks, under the form of escrow receipt to be used by OCC the depository would be required to maintain a written affirmation from the customer that the customer was writing against a diversified stock portfolio.

[5] Up to the number of contracts covered by the escrow receipt.

[6] The "exercise settlement amount" is the difference between the aggregate exercise price and the aggregate current index value. *See* OCC Rule 1801 and Article XVII, § 1 of OCC's By-Laws.

[7] In calculating the value of deposited property, cash equivalents and common stocks shall be valued at their closing sale prices (if subject to last sale reporting) or closing bid prices (if not subject to last sale reporting) on the day value is calculated. However, no value will be attributed to cash equivalents that do not meet the FRB's Regulation T requirements or to common stocks that are no longer listed on a national securities exchange or included in the FRB's current List of OTC Margin Stocks.

Clearing Members' customers would be permitted to substitute qualified property for property previously included in an escrow deposit if the current market value of the substitued property is at least as great as the property replaced.

[8] For example, deposits must be made in accordance with applicable law and must be delivered to OCC or withdrawn from OCC in accordance with specified timeframes.

Depositories also must certify that deposited property is qualified under amended OCC Rule 1801 and is of sufficient market value. In that regard, each depository must provide OCC on request a current list of the contents of the deposit and must notify its customer and request that the customer supplement the deposit if its total market vlaue is less than 55 percent of current option position value. The depository also must notify OCC if the total market value of the deposit falls to less than 50 percent of current position value [at which point, OCC, under OCC Rule 1801, can disregard the escrow receipt and require OCC margin on the now substantially uncovered short positions). Finally, the depository may not subject [or permit the customer to subject) deposited property to any lien and must notify OCC promptly of any attempt to subject the property to alien.

OCC believes that the proposal is consistent with the Act in general, and in particular with Section 17A of the Act, because it would foster broader institutional participation in the index option markets. In addition, OCC believes that the proposal's limits on use of index option escrow receipts provide adequate protection for OCC and OCC's Clearing Members in the event of a default by a Clearing Member or its customer.

To assist the Commission in determining whether to approve the proposal or institute proceedings to determine whether to disapprove the proposal, written data, views and arguments concerning the proposal are invited within 21 days from the date this notice is published in the **Federal Register**. Please file six copies of comments, referring to File No. SR-OCC-85-7, with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549, by July 12, 1985.

Copies of all documents related to the proposal, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, may be inspected and copied at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, D.C., and at OCC's principal offices.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 85-15047 Filed 6-20-85; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. 85-13]

### Methodology for Attributing Federal Highway Trust Fund Receipts to the States; Policy Statement

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of policy statement; request for comments.

**SUMMARY:** This Notice presents a statement of policy regarding the methodology used by FHWA for estimating Highway Trust Fund (HTF) receipts attributable to the States for use in determining the minimum allocation of Federal-aid highway funds in accordance with Section 157, Chapter 1, Title 23, United States Code. This policy will be reevaluated periodically; therefore, a comment period is being provided.

**DATE:** Comments must be received on or before August 5, 1985.

**ADDRESS:** Submit written comments, preferably in triplicate, to FHWA Docket No. 85-13, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., ET, Monday through Friday, except for legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas R. Weeks, Office of Highway Planning, (202) 426-0160, or Mr. Michael J. Laska, Office of the Chief Counsel, (202) 426-0761, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** On January 6, 1983, the President signed into law the Surface Transportation Assistance Act of 1982 [STAA], (Pub. L. 97-424, 96 Stat. 2131). Section 150 (codified as section 157, Title 23, United States Code), provides that ". . . a State's percentage of total apportionments in each such fiscal year of Interstate highway substitute, primary, secondary, Interstate, urban, bridge replacement and rehabilitation, hazard elimination, and rail-highway crossings funds . . . shall not be less than 85 per centum of the percentage of estimated tax payments attributable to highway users in that State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data in available."

The FHWA has the responsibility for estimating the HTF receipts attributable to each State in accordance with this provision. Total HTF receipts are reported by type of tax (e.g., gasoline, diesel, tires, etc.) to FHWA by the Department of the Treasury. Since reported receipts are not directly linked to the State in which final payment is made by the highway user, estimated tax payments attributed to highway users in each State must be based on surrogates. This estimate is reported in Table FE-221 published annually in the "Highway Statistics" report. Table FE-221 for Fiscal year (FY) 1984 is included with this policy statement. (Other tables referred to in this Notice are published in the annual "Highway Statistics" report and are available from the Highway Statistics Division, Office of Highway Planning.)

Prior to enactment of the STAA of 1982, Table FE-221 was essentially used for informational purposes; that is, the table had no bearing on apportionments or allocations of Federal-aid highway funds. Since the table now serves as the basis for determining the minimum allocation of Federal-aid highway funds, FHWA has determined that a change in the methodology used for attributing HTF receipts to the States is necessary to ensure that the intent of 23 U.S.C. 157 is met and that procedures properly reflect the new highway-user tax structure contained in the STAA of 1982 and the Deficit Reduction Act of 1984, Pub. L. 98-369, 98 Stat. 494.

Title 23, U.S.C. 157 provides that the minimum allocation shall be based on ". . . estimated tax payments attributable to highway users. . . ." There are two approaches to attributing HTF receipts to the States which could meet the intent of 23 U.S.C. 157. The first is based on tax incidence (where the tax is assumed to be paid by the end user or ultimate purchaser of the product taxed) although in fact, the tax on gasoline and tires is paid by the producers in a limited number of States. The second is based on use (where use of the highway system occurred regardless of where the taxes are assumed to be paid).

The methodology used for attributing HTF receipts to the States for FY 1982 and earlier years was primarily based on tax incidence. Although the tax incidence methodology was adequate for earlier uses of this information and the tax structure in effect prior to the STAA of 1982, FHWA believes that a methodology based on highway use is more consistent with the basic principle of highway user fees. Conceptually,

highway user fees defray highway costs associated with vehicle use. In the case of motor fuel taxes, payment by highway users is directly tied to use. With respect to the truck-related taxes, the total tax burden for a vehicle paying these taxes was established based on assumptions about probable use and, therefore, these taxes are intended to recover costs associated with highway use. The FHWA believes that a strong basis exists for attributing HTF receipts to the States based on use and that the changes to the methodology to incorporate more use-related factors for attributing HTF receipts to the States for FY 1983 and subsequent years are consistent with the intent of 23 U.S.C. 157.

In March 1983, the FHWA informed the States through its field offices of the methodology used for attributing HTF receitps to the States for 1981; the methodology that would be used for 1982; and preliminary thoughts on how receipts might be attributed for 1983 and subsequent years under the revised tax structure. In response, comments were received from 20 States on subjects ranging from the format of table FE-221 to the specific factors used for attributing receipts to the States from the individual taxes. Eight States recommended that factors be developed for attributing receipts from the truck-related taxes that are more related to highway use. Further, the use of special fuels was specifically recommended by several States.

Miles of travel by vehicle type related to each of the specific HTF taxes, as appropriate, would be the most logical factor to represent use; however, the FHWA does not believe that travel data by vehicle type are sufficiently complete and reliable at the present time to use for attributing HTF receitps to the States. Efforts are under way in a number of areas to improve the completeness and reliability of travel data. Improvements in this area will be closely monitored with the intent of incorporating travel data by vehicle type into the methodology in the future.

Motor fuel sales data also generally represent use and are the most logical use-related factor currently available for attributing HTF receipts to the States. Accordingly, the methodology described in the accompanying table is based on expanded use of motor fuel data, particularly for attributing HTF receipts from the truck and trailer sales excise tax and the heavy vehicle use tax. Tax rates in effect pursuant to the STAA of 1982 and the Deficit Reduction Act of 1984 are included in the table with the percentage of HTF revenues derived from each tax source (exclusive of amounts dedicated to the Mass Transit Account) for FY 1984 and FY 1985 (estimated).

**Discussion of Changes From Previous Years**

Changes were made to the methodology for attributing HTF receipts from three of the taxes: tires, truck and trailer sales, and heavy vehicle use. These changes resulted from changes in the structure of the taxes and a decision to move toward use-related factors, consistent with 23 U.S.C. 157. The changes in the taxes and in the procedures for attribution of the receipts are as follows:

*Tires*—On January 1, 1984, the tax on tires changed from a flat rate of 9.75 cents per pound to a graduated rate on tires over 40 pounds. The factor for attributing HTF receipts from tires was changed from highway use of all motor fuels to highway use of special fuels. (Highway use of special fuels is essentially diesel fuel, but also includes a small amount of liquefied petroleum gas.) Of the factors considered, highway use of special fuels is the most closely related to the use of tires over 40 pounds. It is estimated that 90 percent of the vehicles that use tires over 40 pounds are diesel powered.

*Truck and Trailer Sales*—On April, 1, 1983, this tax changed from a manufacturer's excise tax of 10 percent for all trucks over 10,000 pounds to a 12 percent tax at retail for trucks over 33,000 pounds gvw, for all highways truck-tractors regardless of gvw, and for trailers over 26,000 pounds gvw. Previously, FHWA used registrations of total new trucks by State reported by R.L. Polk and Company and national sales of trucks by make and type, also reported by R.L. Polk for estimating receipts attributable to the States from this tax. Using these data, estimates of new truck registrations over 10,000 pounds were made by FHWA. This methodology was based on the assumption that the ratio of new truck sales by make and type to total sales is the same for each State. Due to the change in the application of the tax from trucks over 10,000 pounds gvw to 33,000 pounds gvw, a change in methodology for attributing receipts from this tax was warranted. Highway use of special fuels was selected as an appropriate use-related factor since most trucks over 33,000 pounds are diesel powered.

*Heavy Vehicle-Use Tax*—Effective July 1, 1984, the minimum weight liable for this tax was changed from 26,000 pounds to 55,000 pounds. The factor used for attributing HTF receipts was changed from registrations of truck-tractors to highway use of special fuels since the majority of trucks in this category are diesel powered, and special fuels data are representative of the use of these vehicles. In addition, highway use of special fuels is consistently reported to FHWA and truck-tractor registrations are not. For example, for 1983, all States reported gasoline and special fuels (i.e., diesel fuel and liquified petroleum gas) data, but only 12 States reported truck-tractor registrations. It was necessary, therefore, for FHWA to estimate truck-tractor registrations for over three-fourths of the States.

The FHWA believes the methodologies described in this policy statement represent a reasonable and fair approach for attributing HTF receipts to the States consistent with congressional intent expressed in 23 U.S.C. 157. Further, FHWA views motor fuel data as the most complete and accurate information available for use as a surrogate for attributing HTF receips to the States. Since the motor fuel data series is generally reliable and complete, FHWA believes that it is the only practicable alternative for the near term to the nonuse related factors that had been used for attributing HTF receipts to the States. The FHWA will continue to evaluate the effectiveness of alternate methodologies for attributing HTF receipts to the States consistent with 23 U.S.C. 157. For the long term, FHWA believes that vehicle miles of travel by vehicle weight class, by State, will be the most efficient and equitable factor for use in attributing HTF receipts to the States consistent with 23 U.S.C. 157; however, complete and accurate information in this area will require extensive vehicle classification and counting programs by all States.

**Discussion of Impact of Changes in Methodology on Apportionments**

The FHWA proposes to determine the FY 1986 minimum allocation of funds (23 U.S.C. 157) using the FY 1984 Table FE-221 based on the new methodology. The change in methodology from tax incidence to use-related factors for attributing HTF receipts to the States is expected to have a limited impact on the apportionment of FY 1986 85 percent minimum allocation funds. Specific numbers will not be available until the 1985 Interstate cost estimate and the Interstate highway substitute cost estimate are approved by the Congress and funds for these programs are available for apportionment.

**Data Requirements and Availability**

Title 23, U.S.C. 157 provides that the minimum allocation shall be determined based on estimated tax payments attributable to highway users ". . . in the latest fiscal year for which data is available." Table FE–221 is normally prepared in May following the end of the fiscal year. Under current reporting arrangements approved by the Office of Management and Budget, highway statistical data are reported to FHWA on a calendar year (CY) basis. Data are reported in April following the close of the calendar year. This reporting date, combined with necessary analyses by FHWA, precludes the use of highway statistical data for the latest calendar year for attributing HTF receipts to the States; therefore, CY 1983 highway statistical data were used for attributing HTF receipts to the States for FY 1984; CY 1984 highway statistical data will be used for attributing HTF receipts to the States for FY 1985.

By including more use-related factors in the methodology, FHWA is writing this policy to be consistent with the intent of Section 150 of the STAA of 1982. Comments will be accepted from all parties interested in the methodology for attributing HTF receipts to the States.

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

Issued on: June 14, 1985.

**R. A. Barnhart,**

*Federal Highway Administrator, Federal Highway Administration.*

BILLING CODE 4910-22-M

# COMPARISON OF FEDERAL HIGHWAY TRUST FUND RECEIPTS ATTRIBUTABLE TO THE STATES AND FEDERAL-AID APPORTIONMENTS FROM THE FUND

## FISCAL YEARS 1957 - 1984[1]

(THOUSANDS OF DOLLARS)

TABLE FE-221
APRIL 1985

| STATE | PAYMENTS INTO THE FUND 2/ | | APPORTIONMENTS FROM THE FUND 3/ | | RATIO - APPORTIONMENTS/PAYMENTS | |
|---|---|---|---|---|---|---|
| | FISCAL YEAR 1984 | CUMULATED SINCE 7-1-56 | FISCAL YEAR 1984 | CUMULATED SINCE 7-1-56 | FISCAL YEAR 1984 | CUMULATED SINCE 7-1-56 |
| | (1) | (2) | (3) | (4) | (5) | (6) |
| ALABAMA | 198,223 | 2,621,307 | 215,377 | 3,305,466 | 1.09 | 1.26 |
| ALASKA | 30,807 | 224,969 | 154,093 | 2,056,724 | 5.00 | 9.14 |
| ARIZONA | 145,080 | 1,639,105 | 239,423 | 2,545,700 | 1.65 | 1.55 |
| ARKANSAS | 130,718 | 1,717,742 | 123,397 | 1,799,587 | 0.94 | 1.05 |
| CALIFORNIA | 1,053,515 | 14,186,057 | 907,428 | 12,552,029 | 0.86 | 0.88 |
| COLORADO | 142,059 | 1,846,262 | 193,729 | 2,490,203 | 1.36 | 1.35 |
| CONNECTICUT | 124,835 | 1,737,999 | 205,601 | 2,428,196 | 1.65 | 1.40 |
| DELAWARE | 31,751 | 417,194 | 44,990 | 664,194 | 1.42 | 1.59 |
| DIST. OF COL. | 16,904 | 317,505 | 72,363 | 1,215,729 | 4.28 | 3.83 |
| FLORIDA | 484,869 | 5,465,650 | 419,160 | 5,212,124 | 0.86 | 0.95 |
| GEORGIA | 325,988 | 3,821,922 | 303,584 | 4,189,550 | 0.93 | 1.10 |
| HAWAII | 27,116 | 358,596 | 78,242 | 1,191,038 | 2.89 | 3.32 |
| IDAHO | 45,176 | 676,047 | 85,722 | 1,202,147 | 1.90 | 1.78 |
| ILLINOIS | 441,362 | 6,663,470 | 544,268 | 7,435,891 | 1.23 | 1.12 |
| INDIANA | 268,615 | 3,973,525 | 255,212 | 3,367,838 | 0.95 | 0.85 |
| IOWA | 130,733 | 2,192,569 | 174,481 | 2,431,747 | 1.33 | 1.11 |
| KANSAS | 130,574 | 1,909,005 | 184,794 | 2,207,973 | 1.42 | 1.16 |
| KENTUCKY | 182,708 | 2,355,671 | 266,275 | 3,065,222 | 1.46 | 1.30 |
| LOUISIANA | 225,573 | 2,643,569 | 251,688 | 3,965,138 | 1.12 | 1.50 |
| MAINE | 53,913 | 741,757 | 57,253 | 886,525 | 1.06 | 1.20 |
| MARYLAND | 186,963 | 2,403,073 | 260,630 | 3,894,981 | 1.39 | 1.62 |
| MASSACHUSETTS | 215,287 | 3,031,222 | 212,556 | 2,951,263 | 0.99 | 0.97 |
| MICHIGAN | 326,356 | 5,869,860 | 336,428 | 5,184,578 | 1.03 | 0.88 |
| MINNESOTA | 197,580 | 2,757,732 | 243,881 | 3,579,957 | 1.23 | 1.30 |
| MISSISSIPPI | 131,218 | 1,706,259 | 152,247 | 1,885,999 | 1.16 | 1.11 |
| MISSOURI | 261,383 | 3,655,574 | 277,437 | 3,827,389 | 1.06 | 1.05 |
| MONTANA | 50,552 | 703,603 | 112,732 | 1,969,584 | 2.23 | 2.80 |
| NEBRASKA | 80,051 | 1,269,567 | 108,560 | 1,429,091 | 1.36 | 1.13 |
| NEVADA | 51,387 | 566,339 | 74,209 | 1,252,921 | 1.44 | 2.21 |
| NEW HAMPSHIRE | 37,482 | 530,706 | 54,532 | 842,767 | 1.45 | 1.59 |
| NEW JERSEY | 329,269 | 4,301,871 | 287,733 | 3,696,791 | 0.87 | 0.86 |
| NEW MEXICO | 81,745 | 1,060,998 | 99,490 | 1,709,057 | 1.22 | 1.61 |
| NEW YORK | 491,520 | 7,633,123 | 616,635 | 8,722,979 | 1.25 | 1.14 |
| NORTH CAROLINA | 302,196 | 3,887,051 | 253,873 | 3,145,787 | 0.84 | 0.81 |
| NORTH DAKOTA | 40,837 | 538,275 | 74,472 | 1,086,440 | 1.82 | 2.02 |
| OHIO | 462,146 | 6,960,047 | 395,514 | 6,386,434 | 0.86 | 0.92 |
| OKLAHOMA | 201,496 | 2,446,927 | 167,443 | 1,944,270 | 0.83 | 0.79 |
| OREGON | 137,355 | 1,838,070 | 147,596 | 2,637,756 | 1.07 | 1.44 |
| PENNSYLVANIA | 462,470 | 6,759,704 | 484,883 | 7,477,481 | 1.05 | 1.10 |
| RHODE ISLAND | 32,720 | 496,232 | 126,027 | 889,317 | 3.85 | 1.79 |
| SOUTH CAROLINA | 164,753 | 1,980,589 | 136,148 | 1,798,501 | 0.83 | 0.91 |
| SOUTH DAKOTA | 39,285 | 586,108 | 78,235 | 1,180,285 | 1.99 | 2.01 |
| TENNESSEE | 252,257 | 3,082,536 | 267,159 | 3,516,639 | 1.06 | 1.14 |
| TEXAS | 892,438 | 10,637,796 | 795,798 | 8,724,505 | 0.89 | 0.82 |
| UTAH | 72,545 | 905,200 | 141,362 | 1,941,385 | 1.95 | 2.14 |
| VERMONT | 23,497 | 331,064 | 50,273 | 859,018 | 2.14 | 2.59 |
| VIRGINIA | 265,598 | 3,340,366 | 303,750 | 4,634,452 | 1.14 | 1.39 |
| WASHINGTON | 192,033 | 2,464,637 | 283,481 | 4,162,463 | 1.48 | 1.69 |
| WEST VIRGINIA | 81,962 | 1,185,040 | 168,654 | 3,163,132 | 2.06 | 2.67 |
| WISCONSIN | 208,655 | 2,880,151 | 171,572 | 2,411,548 | 0.82 | 0.84 |
| WYOMING | 43,023 | 500,999 | 79,794 | 1,249,833 | 1.85 | 2.49 |
| TOTAL | 10,506,579 | 141,869,740 | 11,740,293 | 162,379,658 | - | - |
| AMERICAN SAMOA | - | - | 2,427 | 2,520 | - | - |
| GUAM | - | - | 5,875 | 5,968 | - | - |
| N. MARIANAS | - | - | 2,377 | 2,385 | - | - |
| PUERTO RICO | - | - | 63,278 | 528,135 | - | - |
| VIRGIN ISLANDS | - | - | 5,968 | 6,070 | - | - |
| GRAND TOTAL | 10,506,579 | 141,869,740 | 11,820,208 | 162,924,736 | 1.13 | 1.15 |

1/ INCLUDES FISCAL YEAR 1985 INTERSTATE CONSTRUCTION AND INTERSTATE 4R FUNDS APPORTIONED DURING FISCAL YEAR 1984. DOES NOT INCLUDE FISCAL YEAR 1985 INTERSTATE CONSTRUCTION FUNDS APPORTIONED ON MARCH 13, 1985.

2/ TOTAL FEDERAL HIGHWAY TRUST FUND RECEIPTS ARE REPORTED BY THE U.S. DEPARTMENT OF THE TREASURY. PAYMENTS INTO THE HIGHWAY TRUST FUND ATTRIBUTABLE TO HIGHWAY USERS IN EACH STATE ARE ESTIMATED BY THE FEDERAL HIGHWAY ADMINISTRATION. INCLUDES REVENUES FROM HIGHWAY-USER TAXES ONLY. EXCLUDES INTEREST.

3/ INCLUDES ALL FUNDS APPORTIONED OR ALLOCATED FROM THE HIGHWAY TRUST FUND EXCEPT FOR THE FOLLOWING PROGRAMS: BRIDGES OVER FEDERAL DAMS, INDIAN RESERVATION ROADS, HIGHWAY SAFETY INFORMATION, AND RURAL TRANSPORTATION ASSISTANCE. THESE PROGRAMS ARE EITHER ADMINISTERED BY OTHER FEDERAL AGENCIES OR ARE TREATED AS ADMINISTRATIVE FUNDS AND CANNOT BE EASILY ATTRIBUTED TO INDIVIDUAL STATES. OBLIGATIONS ARE USED TO REPRESENT ALLOCATIONS FOR THE FOLLOWING PROGRAMS: FEDERAL LANDS, EMERGENCY RELIEF, RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION, PARKWAYS AND PARK HIGHWAYS, RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION, RAILROAD-HIGHWAY DEMONSTRATION, DISCRETIONARY ALCOHOL PROGRAM AND THE WOODROW WILSON BRIDGE.

# PROCEDURES FOR ATTRIBUTING FEDERAL HIGHWAY TRUST FUND RECEIPTS TO EACH STATE [1]

| TAX 2/ | RATE | PERCENT OF TOTAL NET HTF RECEIPTS 3/ | | METHODOLOGY |
|---|---|---|---|---|
| | | FY 1984 | FY 1985 EST. | |
| GASOLINE | 9 CENTS PER GALLON EFFECTIVE APRIL 1, 1983. | 71.8 | 65.6 | ESTIMATE BASED ON THE RATIO OF HIGHWAY USE OF GASOLINE IN EACH STATE TO HIGHWAY USE OF GASOLINE IN ALL STATES CALCULATED FROM DATA PUBLISHED IN TABLE MF-21A (ANNUAL HIGHWAY STATISTICS REPORT). DATA FOR HIGHWAY USE OF GASOLINE ADJUSTED TO ACCOUNT FOR GASOHOL SALES REPORTED IN TABLE MF-33GLA. HIGHWAY USE OF GASOLINE IS DERIVED BY FHWA FROM STATE TAX REPORTS. |
| GASOHOL | 4 CENTS PER GALLON EFFECTIVE APRIL 1, 1983.<br>3 CENTS PER GALLON EFFECTIVE JANUARY 1, 1985. | 1.3 | 1.2 | ESTIMATE BASED ON THE RATIO OF GASOHOL SALES IN EACH STATE TO GASOHOL SALES IN ALL STATES CALCULATED FROM DATA PUBLISHED IN TABLE MF-33GLA (ANNUAL HIGHWAY STATISTICS REPORT). |
| DIESEL FUEL AND SPECIAL FUELS | 9 CENTS PER GALLON EFFECTIVE APRIL 1, 1983.<br>15 CENTS PER GALLON FOR DIESEL FUEL EFFECTIVE AUGUST 1, 1984. | 14.0 | 17.7 | ESTIMATE BASED ON THE RATIO OF HIGHWAY USE OF SPECIAL FUELS IN EACH STATE TO HIGHWAY USE OF SPECIAL FUELS IN ALL STATES CALCULATED FROM DATA PUBLISHED IN TABLE MF-25 (ANNUAL HIGHWAY STATISTICS REPORT). 4/ HIGHWAY USE OF SPECIAL FUELS, BASED ON STATE TAX RECEIPTS, IS REPORTED BY THE STATES TO FHWA. |
| TRUCK AND TRAILER SALES | 12 PERCENT AT RETAIL EFFECTIVE APRIL 1, 1983, FOR TRUCKS OVER 33,000 POUNDS GROSS VEHICLE WEIGHT (GVW) AND FOR TRAILERS OVER 26,000 POUNDS GVW. | 8.2 | 10.3 | |
| HEAVY VEHICLE USE | $3 PER 1,000 POUNDS GVW FOR TRUCKS OVER 26,000 POUNDS GVW THROUGH JUNE 30, 1984.<br><br>EFFECTIVE JULY 1, 1984, VEHICLES UNDER 55,000 POUNDS GVW ARE EXEMPT. FOR VEHICLES OF 55,000 POUNDS OR MORE, $100 PLUS $22 FOR EACH 1,000 POUNDS OR FRACTION THEREOF OVER 55,000 POUNDS. THE MAXIMUM RATE IS $550 FOR VEHICLES OVER 75,000 POUNDS. | 1.7 | 3.5 | |
| TIRES | 9.75 CENTS PER POUND FOR ALL TIRES THROUGH DECEMBER 31, 1983. GRADUATED RATE EFFECTIVE JANUARY 1, 1984, AS FOLLOWS: TIRES 40 POUNDS AND UNDER, 0; OVER 40-70 POUNDS, 15 CENTS PER POUND IN EXCESS OF 40 POUNDS; OVER 70-90 POUNDS, $4.50 + 30 CENTS PER POUND IN EXCESS OF 70 POUNDS; OVER 90 POUNDS, $10.50 + 50 CENTS PER POUND IN EXCESS OF 90 POUNDS. | 3.0 | 1.7 | FOR THE LAST THREE QUARTERS OF FY 1984 AND FOR SUBSEQUENT YEARS, ESTIMATE BASED ON THE RATIO OF HIGHWAY USE OF SPECIAL FUELS IN EACH STATE TO HIGHWAY USE OF SPECIAL FUELS IN ALL STATES CALCULATED FROM DATA REPORTED IN TABLE MF-25 (ANNUAL HIGHWAY STATISTICS REPORT). 4/ HIGHWAY USE OF SPECIAL FUELS, BASED ON STATE TAX REPORTS, IS REPORTED BY THE STATES TO FHWA. FOR THE FIRST QUARTER OF FY 1984 IN WHICH ALL TIRES WERE TAXED, ESTIMATE BASED ON TOTAL HIGHWAY USE OF MOTOR FUEL. |
| TOTAL | | 100.0 | 100.0 | |

1/ TOTAL FEDERAL HIGHWAY TRUST FUND RECEIPTS ARE REPORTED BY THE U.S. DEPARTMENT OF THE TREASURY. PAYMENTS INTO THE HIGHWAY TRUST FUND ATTRIBUTABLE TO HIGHWAY USERS IN EACH STATE ARE ESTIMATED BY THE FEDERAL HIGHWAY ADMINISTRATION.
2/ THE TAXES ON TREAD RUBBER AND INNER TUBES WERE ELIMINATED EFFECTIVE JANUARY 1, 1984. THE TAXES ON LUBRICATING OIL AND TRUCK PARTS AND ACCESSORIES WERE ELIMINATED EFFECTIVE JANUARY 7, 1983.
3/ EXCLUSIVE OF TRANSFERS TO MASS TRANSIT ACCOUNT.
4/ HIGHWAY USE OF SPECIAL FUELS IS ESSENTIALLY DIESEL FUEL, BUT ALSO INCLUDES SMALL AMOUNTS OF LIQUEFIED PETROLEUM GAS.

[FR Doc. 85-14962 Filed 6-20-85; 8:45 am]
BILLING CODE 4910-22-C

## Environmental Impact Statement; Hartford County, CT

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Hartford County, Connecticut.

**FOR FURTHER INFORMATION CONTACT:** David R. Billings, Environmental Engineer, Federal Highway Administration, one Hartford Square West, Hartford, Connecticut 06106, Telephone (203) 722–2437; or James F. Sullivan, Director, Office of Environmental Planning, Connecticut Department of Transportation, 24 Wolcott Hill Road, Wethersfield, Connecticut 06109, Telephone (203) 566–5704.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Connecticut Department of Transportation (FHWA), will prepare an Environmental Impact Statement (EIS) on a proposal to construct a new four lane bidirectional roadway. The road will extend from a point on Route 75 (Suffield), approximately one half mile South of Austin Road, in a southwesterly direction, approximately three miles to the intersection of Nicholson Road and Bradley Park Road (East Granby), approximately one half mile north of Route 20. The roadway alignment indicated at this time is preliminary and will be modified as needed during the preparation of the EIS.

The proposed road will facilitate movement between areas north and west of Bradley International Airport. The road will also provide access to the northwestern portion of the airport, as well as to property in Suffield and East Granby which lie northwest of the airport. Alternatives under consideration include: (1) Taking no action and (2) alternative highway alignments.

This study will investigate the full range of potential impacts of the proposed roadway including the relocation of residents and businesses, stream crossings, flood plains and wetlands, and impacts on air quality and on fish and wildlife.

The U.S. Fish and Wildlife Service, U.S. Corps of Engineers, and the Federal Aviation Administration will be asked to become cooperating agencies in the preparation of this EIS. The following Federal agencies will also be invited to submit comments on this proposed action as they relate to the particular agency's field of expertise: The Environmental Protection Agency, the Heritage Conservation and Recreation Service, and the Water Resources Council. Appropriate State and local agencies will also be requested to comment.

A scoping meeting will be held for this project at 10:00 a.m., Tuesday, July 2, 1985, at the Connecticut Department of Transportation Training Center, 2710 Berlin Turnpike, Newington, Connecticut. This meeting will provide the opportunity for interested parties to express their thoughts on the range of issues related to the project and to obtain a clear understanding of the items to be considered during the preparation of the EIS. Parties interested in attending this scoping meeting are requested to notify the FHWA or the Connecticut Department of Transportation at the address provided above.

All agencies, organizations and individuals interested in submitting comments or questions on the proposal should contact the FHWA or the Connecticut Department of Transportation at the addresses provided above within 30 days from this publication date.

Dated: June 13, 1985.

**James J. Barakos,**

*Division Administrator.*

[FR Doc. 85–14931 Filed 6–20–85; 8:45 am]

BILLING CODE 4910-22-M

## National Highway Traffic Safety Administration

**[Docket No. EX85–1; Notice 3]**

## British Coach Works Ltd.; Decision on Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards.

British Coach Works, Ltd., of Arnold, PA, a division of Perfect Plastics Industries, petitioned for temporary exemption from several Federal motor vehicle safety standards. The basis of the petition was that compliance would cause substantial economic hardship.

Notices of receipt of the petition were published on March 14, 1985 (50 FR 10340) and April 1, 1985 (50 FR 12887).

Petitioner has for some time produced kits used by vintage automobile enthusiasts to transform existing automobiles into physical replicas of classic automobiles. The company has decided to produce a finished replica of the 1952 MG TD to be know as the "BCW 52 T-Series Replicar". A 52T will be built by removing the body of a new Chevrolet Chevette and replacing it "With a new frame and the body of the MG TD. The engine, drive train, braking system, suspension system, steering column, and so forth" will therefore have been manufactured in accordance with Federal motor vehicle safety standards. However, the company petitioned for temporary exemption from several of the standards on grounds that compliance would cause it substantial economic hardship, either because it lacks the funds for testing, or because compliance would involve changing the design of the vehicle so as to make it no longer marketable as an authentic replica of the MG TD.

British Coach Works sought exemptions of three years from the following standards, for the reasons indicated.

1. Standard No. 107, *Reflecting Surfaces.* Petitioner states that the interior of its vehicle is an authentic replica of the MG TD, using materials similar or identical to those used in the original, and that the limited production level and use of the car "would tend to minimize any potential risk raised by non-compliance".

2. Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment.* Petitioner believes that "side marker lamps (and reflectors) * * * would radically alter the exterior of the automobile in terms of its authenticity"; however, the parking lamps and taillamps are visible from the side of the vehicle. Petitioner believes that the car will not be operated to any great extent at night, and the any risk created by the noncompliance is insignificant.

3. Standard No. 201, *Occupation Protection in Interior Impact.* Petitioner requests exemption from the head impact test requirements of paragraph S3.1 (instrument panels), and the energy absorption tests of S3.4 (sun visors) and S3.5 (arm rests). It averts that the head impact tests "may not be met" because the interior replicates that of the original MG TD, and full compliance would "radically alter the authenticity of the interior". Limited resources mitigate against testing.

4. Standard No. 202, *Head Restraints.* The original TD did not have them. Limited production and usage of the replica "would tend to minimize any potential risks caused by noncompliance".

5. Standard No. 206, *Door Lock and Door Retention Components.* The door latches provided have "a fully latched and secondary latch position in compliance with the requirements of the standard", but they do not lock. The latches and hinges "are authentic replicas" and longitudinal, transverse

and inertia load requirements may not be met. To change them "would radically affect the authenticity of the automobile". Limited resources mitigate against testing.

6. Standard No. 207, *Seating Systems.* The seating system of the vehicle consists of two individual seats that are replicas of those used in the original MG TD car. The seats tracks to which the seats are attached are those of the Chevrolet Chevette "and in compliance with the requirements of the standard". Petitioner is unsure, however, whether the seating system would meet all the performance requirements of the standard and due to the limited resource of the company, "actual testing of the seating system as set out in the standard would not be feasible".

7. Standard No. 208, *Occupant Crash Protection.* The replica will be fitted with "Standard lap seat belts, utilizing the seat belt assemblies and installations provided on the Chevrolet Chevette", but not the shoulder harness portion since the replica is a convertible. Due to the different configuration of the replica interior from that of the Chevette "the 52T may not meet all of the performance requirements * * *," such as S5, S8, S10, and S11.

8. Standard No. 214, *Side Door Strength.* The doors are fiberglass replicas of those of MG TD and "may not be able to meet" all the performance requirements of the standard. Significant alterations would affect the authenticity of the replica design. Due to the company's limited resources, testing of the door strength is not economically feasible.

If the exemption is granted, petitioner's present plans are to build 30 automobiles with an additional 20 to 30 units should market conditions warrant. It envisions an eventual annual production of 100 units. Petitioner and its parent "are small businesses with only 30 employees and very limited production capacity, research and development facilities, testing equipment and other sophisticated instrumentation * * *." Petitioner's parent Perfect Plastics had a total of $108,000 in retained earnings as of the end of 1984, running a cumulative net loss of $100,000 for the three calendar years ending December 31, 1984.

Petitioner that the exemption would be in the public interest because it is located in an economically depressed part of the country and if a market develops for its product it will be able to hire up to 10 more workers. It purchases supplies from 37 different suppliers "almost all of them local", and further purchases would have an added positive effect on the local economy. An exemption would be consistent with traffic safety objectives because the vehicles are likely to be used only occasionally; purchasers of its replicar kits "have reported annual mileage ranging from a few hundred miles up to a maximum of 2,000 miles, with the automobiles used primarily for special occasions and ceremonial or promotional purposes".

Comments in support of the petition were submitted by various officials and residents of the City of Arnold including the Arnold Volunteer Ambulance Association, the mayor and a resident of Lowell Burrell, Pa., the State Representative and Senator from the 44th District of Pennsylvania, and the Representative from the 20th Congressional District of Pennsylvania. Comments were also submitted by the Specialty Automotive Manufacturers Association and a resident of Knox, Indiana. No comments were submitted opposing the petition.

The agency has decided to grant in part and deny in part the petition by British Coach Works, consistent with its determinations in other instances of substantial economic hardship. Under these decisions NHTSA has considered the costs of testing and tooling in comparison with the petitioner's apparent financial resources and concluded that such standards as Standards Nos. 201, 206, and 214 can require significant retooling of vehicle structures, as well as testing costs. Petitions for exemptions from these standards have generally been found to warrant a grant for the full amount of time requested by the petitioner. A petition for exemption from Standard No. 207 is infrequent but testing can involve complexities for a small manufacturer; in this instance the contemporary Chevrolet component seat tracks give some assurance of compliance of seat anchorages.

With respect to Standard No. 208, petitioner has stated that the replica will be fitted with standard lap belt assemblies (presumably the rear seat ones) from the Chevette, but that the car may not meet all the performance requirements "such as S5, S8, S10, and S11". These provisions cover occupant crash protection requirements of passive restraint systems which begin on a phase-in basis, initially covering 10 percent of a manufacturer's total production, beginning September 1, 1986. The agency proposed on April 12, 1985 (50 FR 14589) that the passive restraint requirements not apply to convertibles, beginning with the 1990 model year. This proposal was based upon the assumption that phase-in percentages could be met by manufacturers without the necessity of including convertibles. This assumption is clearly erroneous with respect to manufacturers such as the petitioner, 100% of whose production is convertibles. Given the tentative conclusion of the agency, as reflected in its recent NPRM, that convertibles should retain their current compliance status, the agency is granting the petitioner an exemption until mid-1988 from the paragraphs requested, assuming that its car otherwise meets the restraint and warning requirements of Standard No. 208. As the standard is currently written, these sections will not affect petitioner until September 1, 1986, and therefore petitioner should not include Standard No. 208 as an exempted standard on its certification label. If convertibles have not been exempted from the requirements by September 1, 1986, petitioner will be able as of that date to include exemption from the passive restraint requirements on its certification label.

Although compliance with Standard No. 202 can require changes to the seat back, petitioner has not alleged that compliance would be economically difficult to achieve, nor provided evidence of a good faith attempt to meet its requirements. Similarly, no argument is made with respect to cost of trim items associated with Standard No. 107 or the side marker lamps and reflectors required by Standard No. 108. Indeed, the slight wrap-around of the parking lamp and taillamp may already provide the requisite candela for side marker lamps at the test points specified by the standard. Petitioner's sole argument is that the alterations are inconsistent with the appearance of the original MG TD. NHTSA has concluded that compliance with these standards, which has been achieved by other replica manufacturers, should not harm the sales potential of the vehicle, and thus that petitioner has failed to substantiate that compliance would cause it substantial economic hardship. Accordingly, its petition from Standards Nos. 107, 108, and 202 is denied.

Because the vehicles do incorporate complying components and are represented as meeting the majority of the safety standards, it is found that an exemption is consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. Because the exemption will provide opportunities for increased employment and vehicle equipment purchases in a depressed part of the country, it is also found that an exemption is in the public interest.

In consideration of the foregoing, British Coach Works, Ltd. is hereby granted NHTSA Temporary Exemption

85-1 with respect to the following safety standards, or portions thereof, expiring on May 1, 1988: 49 CFR 571.201, Motor Vehicle Safety Standard No. 201, *Occupant Protection in Interior Impact;* 49 CFR 571.206, Motor Vehicle Safety Standard No. 206, *Door Lock and Door Retention Components;* 49 CFR 571.207, Motor Vehicle Safety Standard No. 207, *Seating Systems;* 49 CFR 571.208, Motor Vehicle Safety Standard No. 208, *Occupant Restraint Systems* (for the period September 1, 1986, to May 1, 1988, except for S4.1.2.3.2 as in effect on the date of grant of NHTSA Temporary Exemption 85-1); and 49 CFR 517.214 Motor Vehicle Safety Standard No. 214 *Side Door Strength.*

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on June 17, 1985.

**Diane K. Steed,**

*Administrator.*

[FR Doc. 85-14963 Filed 6-20-85; 8:45 am]

BILLING CODE 4910-59-M

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**[Docket No. 1P84-18; Notice 2]**

### General Motors Corp., Grant Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice grants the petition by General Motors Corporation of Warren, Michigan to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.101, Motor Vehicle Safety Standard No. 101, *Controls and Displays.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on December 3, 1984, and an opportunity afforded for comment (49 FR 47353).

Paragraph S5.2.3 of Standard No. 101 requires, by reference to Table 1, the headlamp switch to be identified by a specified symbol. At the manufacturer's option the word "Lights" may also be provided. Petitioner manufactured 129,535 1984 model Pontiac Bonneville and Grand Prix passenger cars in which the symbol was omitted, but the optional wording provided. Inadvertent deletion of the symbol occurred because of a styling change in the control knob surface from the design of the year previous. Petitioner argued that the effect of the noncompliance on safety was inconsequential, because the word "Lights" appears on the trim panel immediately to the left of the headlamp switch. This identification is immediately understandable and is not confusing to the operator.

No comments were received on the petition.

The agency concurs with the petitioner's arguments. The word "Lights" immediately identifies the control to the operator and will not create confusion as to its purpose. Petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 17, 1985.

**Barry Felrice,**

*Associate Administrator for Rulemaking.*

[FR Doc. 85-14915 Filed 6-20-85; 8:45 am]

BILLING CODE 4910-59-M

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**[Docket No. IP 85-2; Notice 2]**

### IVECO Trucks of North America, Inc.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by IVECO Trucks of North America, Inc., of Blue Bell, Pennsylvania, on behalf of Fiat Veicoli S.p.A., a truck manufacturer incorporated in Italy, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.104, Motor Vehicle Safety Standard No. 104, *Windshield Wiping and Washing Systems.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on February 7, 1985 and an opportunity afforded for comment (50 FR 5346).

Paragraph S4.1.1.3 of Federal Motor Vehicle Safety Standard No. 104, relating to windshield wiping systems, requires in pertinent part that "regardless of engine speed and engine load, the highest and one lower frequency or speed [of the wipers] shall differ by at least 15 cycles per minute." Between September 1, 1983 and September 30, 1984, IVECO produced 1605 Z-Range vehicles equipped with Magnetti Marelli wiper motors on which the speed may differ by as few as 12 wipes per minute (WPM) at the low limit of the prescribed engine idle speed (650-700 RPM). These vehicles were imported into the United States. The petitioner states that as the vehicle cannot move at this speed, and, in addition, as sufficient differential still remains so that the operator cannot mistake the high and low wipe speeds, the noncompliance should not affect vehicle safety. The petitioner also states that the actual low wipe speed (32-33 WPM) is well above the required minimum of 20 WPM, and that the high and low speeds differ by the required amount at a vehicle engine operating speed of 2000 RPM. The petitioner claims that this condition has been corrected in subsequent vehicles, and is thus confined to a portion of the 1605 trucks with the questionable motor.

The National Highway Traffic Safety Administration (NHTSA) conducted a test (Reference: Test Contractor, North American Testing Company Report 104-84-010-2204, NHTSA Contract Number DTNH-22-82-C-01113, dated September 20, 1984) which initially determined the existence of an apparent noncompliance (File CIR 2709).

No comments were received on the petition.

The noncompliance with Standard No. 104 exists when the affected vehicles are at rest and the engine is at idle. Even in this mode, however, the lowest speed is well above the minimum prescribed by the standard and will clear the windshield sufficiently to allow the driver to decide whether to engage the gears and move into the roadway. The discrepancy of 3 WPM is small and ought not lead to driver confusion as to whether the wiping system is operating in the faster setting or the slower one. The agency concurs with petitioner's arguments. Accordingly, it is hereby found that petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and the petition is granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 17, 1985.

**Barry Felrice,**

*Associate Administrator for Rulemaking.*

[FR Doc. 85-14916 Filed 6-20-85; 8:45 am]

BILLING CODE 4910-59-M

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## VETERANS ADMINISTRATION

### Agency Forms Under OMB Review

**AGENCY:** Veterans Administration.

**ACTION:** Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains revisions, an extension and a new collection and lists the following

information: (1) The Department or Staff Office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies.

**ADDRESSES:** Copies of the forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316.

**DATE:** Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: June 17, 1985.

By direction of the Administrator.

**Everett Alvarez, Jr.,**

*Deputy Administrator.*

**Revisions**

1. Department of Veterans Benefits
2. Manufactured Home Loan Claim Under Loan Guaranty
3. VA Form 26–8630
4. On occasion
5. Businesses or other for-profit
6. 135 responses
7. 45 hours
8. Not applicable.

* * * * *

1. Department of Veterans Benefits
2. Interest Rate Reduction Refinancing Loan Worksheet
3. VA Form 26–8923
4. On occasion
5. Businesses or other for-profit
6. 9,096 responses
7. 1,516 hours
8. Not applicable

* * * * *

**Extension**

1. Department of Veterans Benefits
2. Trainee Interview Sheet
3. VA Form 22–8662
4. On occasion
5. Individuals or households
6. 10,000 responses
7. 2,500 hours
8. Not applicable

**New**

1. Department of Veterans Benefits
2. Certification of School Attendance or Termination
3. VA Form 21–8960
4. On occasion
5. Individuals or households
6. 150,000 responses
7. 12,500 hours
8. Not applicable

[FR Doc. 85–14960 Filed 6–20–85; 8:45 am]

BILLING CODE 8320–01–M

# Sunshine Act Meetings

Federal Register
Vol. 50, No. 120
Friday, June 21, 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:** 9:30 a.m., Wednesday, June 26, 1985.

**LOCATION:** Third Floor Hearing Room, 1111-18th Street NW., Washington, D.C.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** Methylene Chloride: Remedial Options.

The staff will brief the Commission on their investigation of methylene chloride, the results of the recent NTP bio-assay, the potential risks to users of consumer products containing methylene chloride, and potential remedial options.

**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.

June 19, 1985.

**Sheldon D. Butts,**

*Deputy Secretary.*

[FR Doc. 85-15148 Filed 6-19-85; 3:48 pm]

BILLING CODE 6155-01-M

2

**FEDERAL RESERVE SYSTEM**

**TIME AND DATE:** 10:30 a.m., Wednesday, June 26, 1985.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. 1986 Reserve Bank budget objective for Central Bank and Treasury services.
2. Proposed revisions to reporting requirements for domestic bank holding companies (Y-6, Y-9, and FR 2352).
3. Any items carried forward from a previously announced meeting.

**Note.**—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

Dated: June 18, 1985.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 85-15026 Filed 6-18-85; 4:11 pm]

BILLING CODE 6210-01-M

3

**FEDERAL RESERVE SYSTEM**

**TIME AND DATE:** Approximately 11:30 a.m., Wednesday, June 26, 1985, following a recess at the conclusion of the open meeting.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: June 18, 1985.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 85-15029 Filed 6-18-85; 4:11 pm]

BILLING CODE 6210-01-M

federal register

Friday
June 21, 1985

Part II

# Department of Labor

**Employment Standards Administration, Wage and Hour Division**

**Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice**

## DEPARTMENT OF LABOR

### Employment Standards Administration, Wage and Hour Division

### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

#### Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Order 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

#### Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

| | |
|---|---|
| California: CA84-5007 | May 18, 1984. |
| District of Columbia: DC84-3009 | Apr. 6, 1984. |
| Michigan: MI84-5026 | Dec. 21, 1984. |
| New York: | |
| NY83-3027 | July 22, 1983. |
| NY84-3036 | Sept. 14, 1984. |
| Oklahoma: OK85-4012 | May 10, 1985. |
| Pennsylvania: PA84-3049 | Dec. 21, 1984. |
| Tennessee: TN84-1024 | Aug. 31, 1984. |
| Texas: TX85-4019 | June 14, 1985. |
| Utah: UT83-5120 | Sept. 30, 1983. |
| Virginia: VA85-3020 | Apr. 5, 1985. |

#### Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

| | |
|---|---|
| Illinois: IL83-2054 (IL85-5027) | July 29, 1983. |
| Ohio: OH83-5127 (OH85-5028) | Dec. 23, 1983. |
| Pennsylvania: | |
| PA83-3009 (PA85-3029) | May 6, 1983. |
| PA84-3015 (PA85-3030) | June 1, 1984. |

Signed at Washington, D.C. this 14th day of June 1985.

**James L. Valin,**

*Assistant Administrator.*

BILLING CODE 4510-27-M

DECISION NO. CA84-5007 - Mod. #11
(49 FR 21245 - May 18, 1984)
Imperial, Inyo, Kern, etc. Counties, California

Add:
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. MI84-5026 - Mod. #6
(49 FR 49612 - December 21, 1984)
Statewide, Michigan

Change:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Carpenters: | | |
| Zone 1 | $16.07 | $1.70+ 22% |

DECISION NO. OK85-4012
MOD. NO. 2- SOFR
May 10, 1985
Adair, Atoka, Bryan, Coal, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, Leflore, Latimer, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Pushmataha, rogers, Tulsa, Sequoyah, Wagoner, and Washington Cos., Oklahoma

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PLUMBERS & PIPEFITTERS: | | |
| Area I | $16.62 | $2.98 |

DECISION NO. NY83-3027 - MOD. #9
(48 FR 33622 - July 22, 1983)
NASSAU, SUFFOLK COUNTIES, NEW YORK

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ELECTRICIANS: | | |
| Building | 20.85 | .25+ 38.5% |
| Wiring of single or multiple family dwellings and apartments up to and including 2 stories | 15.00 | 35.7% |
| Installation of television receivers, radio receivers, record players and associated apparatus and antenna and home appliances and closed circuit TV and multiple outlet distribution systems, sound and intercommunication systems and commercial electromechanical devices and appliances where such is not part of an electrical contract | 11.075 | A |

DECISION NO. NY84-3036 - MOD. #2
(49 FR 36230 - Sept. 14, 1984)
Onondaga County, New York

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CEMENT MASONS | | |
| Building | 14.30 | 3.20 |
| Heavy & Highway | 14.05 | 3.20 |



DECISION NO. DC84-3009-MOD. #16
(49 FR 13800-April 6, 1984)
DISTRICT OF COLUMBIA, MARYLAND-MONTGOMERY & PRINCE GEORGES COUNTIES, THE DLC. TRAINING SCHOOL, VIRGINIA-INDEPENDENT CITY OF ALEXANDRIA & ARLINGTON & FAIRFAX COUNTIES

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LABORERS: | | |
| Heavy Construction | | |
| Group I | 11.97 | 1.95 |
| Group II | 12.17 | 1.95 |
| Group III | 12.26 | 1.95 |
| Group IV | 12.33 | 1.95 |
| Group V | 12.61 | 1.95 |
| Group VI | 12.91 | 1.95 |
| Group VII | 13.08$ | 1.95 |
| Group VIII | 13.65$ | 1.95 |
| Truck Checker | 8.69 | |
| Tunnel, Raise, & Shaft Laborers (Free Air) for Heavy Construction Only: | | |
| Group I | 12.36$ | 1.95 |
| Group II | 12.76$ | 1.95 |
| Group III | 13.73$ | 1.95 |
| Group IV | 14.09$ | 1.95 |
| Compressed Air Laborers for Heavy Construction: | | |
| Guage Pressure Pounds / Work Period Hours | | |
| 1-14 / 7 | 16.23 | 1.95 |
| 14-18 / 6 | 16.85 | 1.95 |
| 18-22 / 5½ | 17.41 | 1.95 |
| 22-26 / 5 | 18.04 | 1.95 |
| 26-32 / 4 | 18.65 | 1.95 |
| 32-38 / 3 | 19.26 | 1.95 |
| 38-44 / 2½ | 19.86 | 1.95 |
| Building Construction Only | | |
| Truckchecker | | |
| Arlington & Fairfax Counties, Virginia | 8.14 | 2.05 |
| Remaining Areas | 8.84 | 2.05 |
| Flaggers, material handlers, clean-up (including concrete cleanup), janitors, watchmen, sweepers, water person & stake jumper, landscape laborers, maintenance cleanup, carpet layer tender, & fire watchmen | | |
| Arlington & Fairfax Counties, Virginia | 8.84 | 2.05 |
| Remaining Areas | 9.59 | 2.05 |
| Carpet tender, cement masons tenders, water spraying concrete (curing), tool room clerk & all laborers not otherwise classified | | |
| Arlington & Fairfax Counties, Virginia | 9.84 | 2.05 |
| Remaining Areas | 10.76 | 2.05 |
| Potmen, power tool operator, small machine operator, concrete laborer, signalmen, laser beam operator, waterproofer, open caisson, test pit, underpinning, pier hole & ditches, laggers & overhead stippers, | | |
| operator of hand derricks, vibrator operator of jackhammers, paving breakers, spaders or any machine that does the same general type of | | |
| work, scaffold builders, operators of townmasters, scootcretes, buggymobile & other machines of similar character, operators of tamper & rammers, & other machines that do the same general type of work, whether powered by air, electric or gasoline, | | |
| builders of trestle scaffolds over one tier high, sand blasters, power & chain saw operators used in clearing, installers of well points, wagon drill operators, acetylene burners and licensed powdermen | | |
| Arlington & Fairfax Counties, Virginia | 10.84 | 2.05 |
| Remaining Areas | 11.87 | 2.05 |

MODIFICATIONS P. 3

DECISION NO. PA84-3049 - MOD. #2
(49 FR 49825 - December 21, 1984)
Luzerne County,
Pennsylvania

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CARPENTERS: | | |
| Remainder of County | 14.99 | 2.65 |
| CEMENT MASONS | | |
| Remainder of County | 17.20 | |
| LABORERS: | | |
| Hazleton: | | |
| Laborers | 10.19 | 2.90 |
| Mason tenders including scaffold builders | 10.59 | 2.90 |
| Pneumatic, electric and mechanical tool operators 2" pumps - nonmetallic pipelaying and making joint clay, terra cotta, ironstone vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers & blasters' helpers, power buggies, walk along hoist | 10.29 | 2.90 |
| Plasterers' tenders, blasters, and wagon drill operators | 10.44 | 2.90 |
| Remainder of County | | |
| Building | | |
| Unskilled Laborers | 12.87 | 2.90 |
| Semi skilled laborers, Pneumatic and other mechanical tool operators: 2"pump or under, handling and mixing of all material used by masons from stock pile to mason; non-metallic pipelayer & making of joints, clay, terra, cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot material, cement finishers and blasters' helpers | 13.07 | 2.90 |
| Plasterers' tenders blaster, wagon drill Operators | 13.19 | 2.90 |
| Masons tender and scaffold builders | 13.27 | 2.90 |
| LINE CONSTRUCTION: | | |
| Linemen, Dynamitemen, Heavy equipment Op. | 16.04 | 1.25+3 3/8% |
| Groundman | 10.05 | 1.25+3 3/8% |
| Winch truck driver | 11.34 | 1.25+3 3/8% |
| PAINTERS: | | |
| Brush | 12.55 | 2.70 |
| Tapers | 13.21 | 2.70 |
| Structural Steel | 14.21 | 2.70 |
| PILEDRIVERMEN | 15.97 | 6.91+g |
| PLASTERERS: | | |
| Remainder of County | 17.20 | |
| PLUMBERS | 15.24 | 4.45 |
| SOFT FLOOR LAYERS | 12.84 | 2.65 |
| TRUCK DRIBERS: | | |
| Pittston: | | |
| Class 1 | 13.57 | |
| Class 2 | 13.64 | |
| Class 3 | 14.13 | |

DECISION NO. TX85-4019 - MOD. #1
(50 FR - 6/14/85)
Jefferson & Orange Cos., Texas

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Bricklayers & stonemasons: | | |
| All refractory & acid proofing work | $15.39 | 2.50 |
| Commercial | 15.39 | 2.50 |
| Residential | 13.80 | 2.50 |
| Tile setters: | | |
| Commercial | 15.39 | 2.50 |
| Residential | 13.80 | 2.50 |

MODIFICATIONS P. 4

DECISION NO. TN84-1024
Mod # 3
(49 FR 34645 - August 31, 1984)
Anderson, Knox, Monroe & Roane Cos., Tennessee

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PAINTERS | 13.31 | .92 |
| PLUMBERS & PIPEFITTERS: | | |
| Commercial *(See scope of work) | 12.50 | 1.92 |
| Other Bldg. Construction | 14.95 | 1.92 |

*SCOPE OF WORK
PLUMBERS & PIPEFITTERS:
Commercial - Schools, hospitals, office bldgs., banks, shopping centers, warehouses, department stores, telephone bldgs., motels, hotels and condominiums; does not include any site that manufactures a product and/or industrial projects.

DECISION NO. UT83-5120-MOD. #12
(48 FR 44992 - Sept. 30, 1983
STATEWIDE, UTAH

ADD:
Electricians:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Projects $.00 to $250,000 | | |
| Total Electricial contract | $15.00 | 3.8% + 2.50 |

DECISION NO. VA85-3020-MOD. #1
(50 FR 13706-April 5, 1985)
HENRICO and the Independent city of RICHMOND

CHANGE:

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| BRICKLAYERS & STONEMASONS | 13.75 | 1.57 |

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL85-5027
Supersedes Decision No. IL83-2054 dated, July 29, 1983 in 48 FR 34601
COUNTIES: *See Below
DATE: Date of Publication
DESCRIPTION OF WORK: Heavy & Highway Construction Projects
* Alexander, Clay, Crawford, Edwards, Effinghan, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Wayne, White, & Williamson

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| CARPENTERS, PILEDRIVERMEN: | | |
| Area 1 | $15.09 | $2.45 |
| Area 2: | | |
| Carpenters | 14.22 | 2.45 |
| Piledrivermen | 14.72 | 2.45 |
| Area 3: | | |
| Carpenters | | |
| Piledrivermen | 16.04 | 2.36 |
| Area 4 | 16.91 | 3.17 |
| CEMENT MASONS: | | |
| Area 1 | 15.25 | |
| Area 2 | 15.35 | |
| Area 3 | 14.525 | .80 |
| Area 4 | 13.75 | 1.60 |
| Area 5 | 16.35 | .80 |
| ELECTRICIANS: | | |
| Area 1 | 18.15 | 2.26+3% |
| Area 2 | 18.15 | 1.25+ 8.35% |
| Area 3 | 18.95 | 18.25% |
| Area 4 | 19.63 | 1.25% 9 1/2% |
| Area 5 | 18.61 | 1.25+ 14% |
| IRONWORKERS: | | |
| Area 1 | 15.55 | 2.20 |
| Area 2 | 15.70 | 4.40 |
| Area 3 | 16.28 | 2.73 |
| Area 4 | 18.05 | 2.75 |
| LABORERS: | | |
| Area 1 | 13.85 | 1.385 |
| Area 2: | | |
| Heavy Construction: | | |
| Group 1 | 15.30 | 2.00 |
| Group 2 | 15.55 | 2.00 |
| Group 3 | 15.80 | 2.00 |
| Group 4 | 16.90 | 2.00 |
| Highway Construction: | | |
| Group 1 | 14.30 | 1.85 |
| Group 2 | 14.40 | 1.85 |
| Group 3 | 14.55 | 1.85 |
| Group 4 | 14.80 | 1.85 |
| Group 5 | 15.825 | 1.85 |
| Area 3: | | |
| Heavy Construction: | | |
| Group 1 | 15.40 | 1.90 |
| Group 2 | 15.65 | 1.90 |
| Group 3 | 15.90 | 1.90 |
| Group 4 | 17.00 | 1.90 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LABORERS Area 3 (Cont'd): | | |
| Highway Construction: | | |
| Group 1 | 14.80 | 1.35 |
| Group 2 | 14.90 | 1.35 |
| Group 3 | 15.05 | 1.35 |
| Group 4 | 15.30 | 1.35 |
| Group 5 | 16.325 | 1.35 |
| Area 4 | 13.05 | 1.185 |
| LINE CONSTRUCTION: | | |
| Area 1: | | |
| Lineman | 18.35 | 1.25+ 8.5% |
| Groundman Equipment Operator Class 1 | 17.12 | 1.25+ 8.5% |
| Groundman Truck Driver with winch | 13.03 | 1.25+ 8.5% |
| Groundman Truck Driver w/o winch | 12.28 | 1.25+ 8.5% |
| Groundman | 11.71 | 1.25+ 8.5% |
| Area 2: | | |
| Lineman | 18.28 | 1.00+ 13.5% |
| Groundman Equipment Operator Class 1 | 15.59 | 1.00+ 13.5% |
| Groundman Equipment Operator Class 2 | 13.96 | 1.00+ 13.5% |
| Groundman | 11.60 | 1.00+ 13.5% |
| PAINTERS: | | |
| Area 1: | | |
| Commercial Brush (old) | 13.11 | |
| Commercial Brush (new) | 15.00 | |
| Commercial Spray & Sandblast | 13.61 | |
| Industrial Brush | 16.30 | |
| Industrial Spray & Sandblast | 16.80 | |
| Dams, Tanks, Towers | 17.33 | |
| Bridges | 19.67 | |
| Area 2: | | |
| Commercial Brush | 11.50 | 1.25 |
| Industrial Brush | 11.50 | 1.25 |
| Bridges, Sandblasting & Spray | 12.00 | 1.25 |

DECISION NO. IL85-5027

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PAINTERS (Cont'd): | | |
| Area 3: | | |
| Brush & Roller | | |
| 0 -30 ft. | 15.40 | 1.00 |
| over 30 ft. | 16.20 | 1.00 |
| over 300 ft. | 17.20 | 1.00 |
| Blasting & Spraying | | |
| 0 - 30 ft. | 16.10 | 1.00 |
| over 30 ft. | 16.90 | 1.00 |
| over 300 ft. | 17.90 | 1.00 |
| Area 4: | | |
| Commercial Brush | 15.01 | 1.85 |
| Commercial Spray & Blast | 16.01 | 1.85 |
| Industrial Brush | 15.72 | 1.85 |
| Industrial Spray & Blast | 16.72 | 1.85 |
| Bridges - Brush | 16.72 | 1.85 |
| Bridges - Spray & Blast | 16.97 | 1.85 |
| Area 5: | | |
| Commercial Brush | 9.50 | |
| Commercial Sandblast & Spray | 10.50 | |
| Industrial Brush | 11.50 | |
| Industrial Sandblast & Spray | 12.50 | |
| Area 6: | | |
| Commercial: | | |
| Brush | 13.00 | .33 |
| Structural Steel | 13.50 | .33 |
| Sandblast, Spray | 14.00 | .33 |
| Industrial: | | |
| Brush | 14.90 | .33 |
| Structural Steel | 15.40 | .33 |
| Sandblast, Spray | 15.90 | .33 |
| Area 7 | 10.50 | |
| Area 8: | | |
| Commercial: | | |
| Brush: Roller | 11.60 | .80 |
| Sandblast: Power Tools | 12.50 | .80 |
| Industrial: | | |
| Brush: Roller | 13.65 | .80 |
| Sandblast: Power Tools | 14.20 | .80 |
| Bridges | 14.65 | .80 |
| Steeplejacks | 14.90 | .80 |
| Area 9: | | |
| Commercial: | | |
| Brush | 14.75 | |
| Spray and Blast | 16.00 | |
| Industrial: | | |
| Brush | 15.25 | |
| Spray and Blast | 16.50 | |



| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PAINTERS (Cont'd) | | |
| Area 10: | | |
| Commercial: | | |
| Brush | 12.80 | |
| Sandblast, Spray | 13.80 | |
| Industrial: | | |
| Brush | 13.65 | |
| Sandblast, Spray | 14.65 | |
| POWER EQUIPMENT OPERATORS: | | |
| Area 1: | | |
| Group 1 | 16.55 | 2.835 |
| Group 2 | 14.65 | 2.835 |
| Group 3 | 14.35 | 2.835 |
| Group 4 | 13.70 | 2.835 |
| Group 5 | 13.10 | 2.835 |
| Group 6 | 16.65 | 2.835 |
| Group 7 | 13.65 | 2.835 |
| Area 2: | | |
| Group 1 | 16.65 | 2.60 |
| Group 2 | 10.50 | 2.60 |
| Area 3: | | |
| Master Mechanic | 19.07 | 2.73 |
| Group 1 | 18.57 | 2.73 |
| Group 2 | 15.14 | 2.73 |
| Group 3 | 14.49 | 2.73 |
| Group 4 | 14.39 | 2.73 |
| Group 5 | 14.14 | 2.73 |
| Group 6: | | |
| a. | 20.72 | 2.73 |
| b. | 21.02 | 2.73 |
| c. | 16.24 | 2.73 |
| d. | 16.74 | 2.73 |
| TRUCK DRIVERS: | | |
| Group 1 | 14.275 | 1.90+a |
| Group 2 | 14.675 | 1.90+a |
| Group 3 | 14.875 | 1.90+a |
| Group 4 | 15.125 | 1.90+a |

AREA DESCRIPTIONS

CARPENTERS & PILEDRIVERMEN

Area 1: Alexander, Clay, Edwards, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper (S. part), Jefferson, Johnson, Lawrence (Western part), Massac, Perry, Pope, Pulaski, Richland, Saline, Wayne, Union, Wagash, White, and Williamson
Area 2: Jasper (Western and Northeastern parts)
Area 3: Jasper (Eastern part including Newton and St. Marie) and Lawrence (except Western part)
Area 4: Randolph

CEMENT MASONS

Area 1: Alexander, Jackson, Perry, Pulaski, Randolph, Union
Area 2: Clay, Edwards, Effingham, Fayette (except N. part), Franklin, Gallatin, Hamilton, Hardin, Jasper, Jefferson, Johnson, Marion, Massac, Pope, Richland, Saline, Wayne and White
Area 3: Crawford (n½ of Co.) Co.
Area 4: Crawford S½ of Co.), Lawrence, & Wabash Cos.
Area 5: Fayette (N. part) Co.

ELECTRICIANS

Area 1: Crawford, Jasper, Lawrence, & Richland Cos.
Area 2: Effingham (Banner, Bishop, Douglas, Liberty, Lucas, Moccasin, St. Francis, Summit, & Teulopolis Twps.), Fayette (Hurricane, S. Hurricane, Ramsey, Bowling Green, Carson & Loudon Twps.) Cos.
Area 3: Randolph (Red Bud Twp.) Co.
Area 4: Wabash Co.
Area 5: Remaining Cos.

IRONWORKERS

Area 1: Alexander, Franklin, Gallatin, Hardin, Jackson (exclu. Ava. & Elkville), Johnson, Massac, Pope, Pulaski, Saline (exclu. Vic. of El Dorado & Area NE), Union & Williamson Cos.
Area 2: Clay (exclu. Louisville & S.), Crawford, Effingham (Dexter & E. thereof), Jasper, Lawrence (N½ of Co., exclu. Lawrenceville;),
Area 3: Effingham (exclu. Dexter & E. thereof), & Fayette (Avena & N. thereof) Cos.
Area 4: Fayette (S½ below Brownstown), Jackson (Rem. of Co.), Jefferson (Mt. Vernon & Area W. thereof), Marion, Perry & Randolph Cos.



AREA DEFINTIONS (CONT'D)

LABORERS

Area 1: Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union & Williamson Cos.
Area 2: Randolph (Chester & Vic.) Co.
Area 3: Randolph (Sparta & Vic.) Co.
Area 4: Remaining Cos.

LINE CONSTRUCTION

Area 1: Fayette (Portion N. of Avena) Co.
Area 2: Remaining Counties

PAINTERS

Area 1: Alexander & Pulaski
Area 2: Clay, Edwards, Hamilton, Jefferson, Marion (exclu. Salem city limits), & Wayne Cos.
Area 3: Crawford, Effingham, Jasper, Lawrence, Richland, & Wabash Cos.
Area 4: Fayette
Area 5: Franklin (City of Benton)
Area 6: Jackson, Perry, & Randolph Cos.
Area 7: Marion (Salem City limits) Co.
Area 8: Massac Co.
Area 9: Union Co.
Area 10: Franklin (Remainder of County), Johnson, Williamson

POWER EQUIPMENT OPERATORS

Area 1: Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, White & Williamson Cos.
Area 2: Clay, Crawford, Edwards, Effingham, Jasper, Lawrence, Richland, Wabash, & Wayne Cos.
Area 3: Fayette, Jefferson, Marion, Perry & Randolph Cos.

CLASSIFICATIONS DEFINITIONS

LABORERS - RANDOLPH COUNTY - AREAS 2 & 3

HEAVY CONSTRUCTION

Group 1 - Unskilled
Group 2 - Workmen while cutting & burning with a Torch; Men working on the bottom of Sewer Trenches on the final Grading, laying or caulking of preformed sectional Sanitary or Storm Sewer Pipe, including Reinforced Concrete Tile, but not including Box Culverts, Tin Whistles or Multiplate Culverts
Group 3 - Tender to all Brick & Plaster Masons
Group 4 - Dynamite Men

HIGHWAY CONSTRUCTION

Group 1 - Laborers
Group 2 - Asphalt Raker; Weighman on Asphalt Platform
Group 3 - Men working on the Bottom of Sewer Trenches on the final grading, laying or caulking of preformed sectional Sanitary or Storm Sewer Pipe (including Reinforced Concrete Tile but not including Box Culverts)
Group 4 - Brickmasons Tenders
Group 5 - Dynamite Men

POWER EQUIPMENT OPERATORS

AREA 1

Group 1: APSCO or equal Spreading Machine, Backhoe, Boom or Winch Cat, Bituminous Mixplane Machine, Blacksmith, Bituminous Surfacing Machine, Bulldozer, Crane, Shovel, Dragline, Truck Crane, Pile Driver, Concrete Finishing Machine or Spreader Machine, Concrete Breaker, Concrete or Pumpcrete Pumps, Dinky or standard Locomotives, Well or Caisson Drills, Elevating Grader, Fork Lifts, Flexplane, Gradall, Hi-Lift, Hoists, Guy-Derricks, Hyster, Mechanic, Motor Patrol, Mixers - 21 cu. ft. or over, Push cats, Pulls, & Scrapers, Two Well Point Pumps, Pulverizer or Tiller, Pugmill, Rubber-Tired Farm Type Tractor with Bulldozer/Blade/Auger or Hi-Lift over ½ yd., Jersey Spreader, Tract Air used with Drill or Hi-Lift, Trenching or Ditching Machines, Wood Chipper w/Tractor, Self-Propelled Roller w/Blade, Equipment Greaser, Self-propelled Bump Grinder on Concrete Highway pavement



CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS (CONT'D)

AREA 1 (CONT'D)

Group 2: Air Compressor W/Valve driving piling, Two Air Compressors (220 cu. ft. capacity or over), Two Airtract Drills, Airtrack Drill w/Compressor, Automatic Bins or Scales W/Compressor or Generator, Pipeline Boring Machine, Bulk Cement Plant W/Separate Compressor, Power Operated BullFloat, Hydra-Lift W/Single Motor, Straw Mulcher Blower W/Spout, Self-Propelled Roller/Compactor, Back-End Man on Bituminous Surfacing Machine
Group 3: Boom or Winch Truck, Two Conveyors, Self-Propelled Concrete Saw, Self-Propelled Vibrator, any Type Tractor pulling any type Roller or Disc, Rubber Tired Farm Type Tractor W/Blade/Bulldozer/Auger/Hi-Lift ½ yd. or less, Elevator Operator, Self-Propelled Chip Spreader, Form Grader, Truck Crane Oiler
Group 4: Air-Track Drill (one), Belt Drag Machine, Power Broom, Mechanical Plasterer Applicator, Trac-Air, Air Compressor (220 cu. ft. or over) One, Air Compressor (under 220 cu. ft.) four, Automatic Bin, Bulk Cement Plant Self-Propelled Form Tamper, Light Plants (4), Welding Machine (4), Pumps (4), or Combination of four Pumps, Light Plants, Welding Machines, Air-Compressors (under 200 cu. ft.), Mudjacks or Wood Chipper, Mixer- less than 21 cu. ft., Mortar Mixer w/skip or Pump, Pipeline Tract Jack
Group 5: One Air Compressor (under 220 cu. ft.), One Conveyor, One Motor Driven Heater, One Light Plant, One Pump, One Welding Machine, One Ulmac or Equal Spreader, Conveyor Operator on Self-Propelled Chip Spreader, Oiler.

RIVER WORK AND LEVEE WORK ON MISSISSIPPI AND OHIO RIVERS

Group 6 Crane, Shovel, Dragline, Scrapers, Dredge, Derrick, Pile-Driver, Push Boat, Mechanic, Engine-Man on Dredge, Lever-Man on Dredge, APSCO or equal Spreading machine, Backhoe, Backfiller, Boom or Winch Cat, Bituminous Mixplane Machine, Blacksmith, Bituminous Surfacing machine, Bulldozer, Truckcrane, Concrete Finishing machine or Spreader machine Concrete Breaker, Concrete or Pumpcrete machines, Dinky or Standard Locomotives, Well Drill, Elevating Grader, ForkLifts, Flexplane, Gradeall, Hi-Lift, Power Handblade, Tugger type Hoist, Hoist Lift Two Drum (or over one), Guyderrick, Hyster, Motor Patrol, Mixers - 21 cu. ft. or over, Push Cat, Pulls @ Scrapers, Pumps- Two Well Points, Equipment Greaser, P&H Pulverizer or Pulverizer equal to Pugmill, Pugmill, Rubber-Tired Farm type tractor w/Bulldozer/Blade/Auger or Hi-Lift-over ½yd, Skimmer Scoops, Seaman Tiller, Jersey Spreader, Tract-Air used with Drill or Hi-Lift, Trenching or Ditching Machine, Wood Chipper w/Tractor, Self-Propelled Roller w/Blade, Concrete Pumps, Small Equipment Operators.
Group 7: Oiler or Fireman on Crane, Dragline, Shovel, Dredge, Truck Crane, Pile Driver, Gradeall, Dinky or Standard Locomotive, Guy Derrick, Trenching Machine or Ditching Machine 80 H. P. and over, All Terrain (cherry-picker) Cranes with 20 ton Lifting Capacity or over, Deck Oiler on Ohio River

CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS (CONT'D)

AREA 2

Group 1 - Air Compressors (2), Compressors hooked in Manifold, Asphalt Plant Engineer, Auto Grade and/or C.M.I. or similar type Machine, Auto Patrol, Motor Patrol, Power Blade, Apsco Paver, Asphalt Planer, Asphalt Rollers, Asphalt Paver Operator, Milling Machine, Self-Propelled Widemer, Backhoe and/or Pavement Breaker Attachment, Self-Propelled Pavement Breaker, Ballast Regulator (R.R.), Rituminous Mixer, Rituminous Paver, Bituminous Plant Engineer, Bulldozer, One Drum Hoist with Tower or Boom, Cableways, Tower Machine, Backfiller, Boom Tractor, Boom or Winch Truck, Winch or Hydraulic Truck, Boring Machine, Boiler Operator, Bruch Mulcher, Bull Float, Finishing Machine, Power Cranes, Overhead Cranes, Truck Cranes, Piledriver, Skid or Crawler, Guard Rail Post Driver, Tower Cranes, Hydro Crane, Cherry Picker, Draglines, Derricks, Shovels, Clam, Gradalls, Two Drum Machine, Concrete Mixers with Skip Tournamixer, Concrete Pump (Truck or Skid Mounted), Concrete Plant Engineer, Soil Cement Machine, Formless, Paver, Concrete Spreader, Besco Concrete Saw, Chip Spreader, Mesh Placer, Dredging Equipment or Dredge Engineer or Dredge Operator, Tug Boat Operator, Marine Scoops, Ditching Machine with Dual Attachment, Wtandard Tr Dinkey Locomotives, Drilling Machine, including Well Testing, Caisson, Shaft or any similar type Drilling Machines (Well Point Systems), Mud Cat, Mucking Machine, Sull-Air, Mechanics, Welder, Head Equipment Greaser, Tournapull, Tractor Operating Scoops, Push Tractors, Large Rollers on Earth, Loaders (Track or Rubber mounted), or similar type Machine, Lull, Tournadozer, Scoopmobiles, Elevating Machines, Power Sub Grader, Hydra Ax, Farm Tractor with Attachments, Seaman Tiller, Tree Mover, Stump Remover, Root Rake, Hydra Seeder, Straw Blower, Refrigerating Machine, Freezing Operator, Chair Cart-Self Propelled, Helicopter Crew (3), Ross Carrier or Straddle Buggy or similar Machine, Rock Crusher Plant, Gravel Processing Machine, Pipe Cleaning Machine Pipe Wrapping Machine, Pipe Bending Machine, Pug Mill, Concrete Bump Grinder Machine, Power Curing Spray Machine

Group 2 - Air Compressor 600 cu. ft. and under, Air Tugger, Air Valves or Steam Valves, Assistant Concrete Plant Engineer, Assistant Asphalt Plant Engineer, Asphalt Plant Fireman, Bulk Cement Plant Equipment Greaser, Concrete Mixers without Skips, Curbing Machine, Concrete Saw (Self-Propelled), Concrete and Blacktop Curb Machine, Conveyors, Cement Blimps, Ditching Machine under 6", Distributor Operator on Trucks, Deck Hands, Elevator when used for hoisting material, Engineer Tenders, Fork Lift, Farm Tractor, Fireman, Fireman on Paint or Dope Pots, Form Tamper, Form Grader, Flex Plane, Generator (two to four), or Welding Machines or Water Pumps, within 400 feet, Gunite Machine, Greaser Helpers, Machine Mounted Post Hole Digger, Mud Jack, One Drum Machines without Tower or Boom, One Water Pump, Oilers, One Welding Machine, Outboard or Inboard Motor Boat, Power Broom (Self-Propelled), Pull Broom (Power Type), Siphons and Pulsometer, Switchman, Striping and or Painting Machine (motor driven), Slurry Seal Machine, Track Jack, Temporary Heat, Throttle Valve, Tube Float, Tractaire, Wagon Drill, Multiple Tamping Machine (R.R.), Spike Machine (R.R.), Mechanical Heaters, Brush Burner





CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS (AREA 3)

Group 1 - Cranes, Draglines, Shovels, Skimmer Scoops, Clamshells or Derrick Boats, Pile Drivers, Crane-Type Backhoes, Asphalt Plant Oprs., Plant Opers., Ditching Machines or Backfillers, Dredges, Asphalt Spreading Machines, Heavy Duty Mechanic, Ass't Master Mechanic, All Locomotives, Cableways or Tower Machines, Hoists - 2 Drum or more, Hydraulic Backhoes, Ditching Machines or Backfiller, Cherry Pickers, Overhead Cranes, Roller (Steam or Gas) Concrete Pavers, Excavators, Concrete Breakers, Concrete Pump, Bulk Cement Plants, Cement Pumps, Derricks-Type Drills, Mixers (over 3 bags) and Boat Oprs., (25' & over), Motor graders or Pushcats, Scoops or Tournapulls, Bulldozers, End Loaders or Fork-Lift, Power Blade or Elevating Graders, Winch Cats, Boom Tractors, and Pipe Wrapping or Painting Machines, Drill (other than derrick type), 1 Drum-Hoists, Mud Jacks, Mixers (2 or 3 bags), Conveyors (2), Air Compressors (2), Water Pumps regardless of size (2), Welding Machines (2) Siphons or Jets (2), Winch Heads or Apparatus (2) and Light Plants (2), Mixers (under 2 bags), all Tractors regardless of size (Straight Tractor Only), Fireman on Stationary Boilers, Automatic Elevators, Form Grading Machines, Finishing Machine, Power-Sub-Grader or Ribbon Machine, Longitudinal Floats, Boat Oprs., (under 25 ft. conveyors (1) Distribution Opers., On Trucks, Siphons or Jets (1) Winch Heads or Apparatuses (1), Light Plant (1) Mixers (under 2 bags)

Group 2 - Air Compressor (1), Water Pumps regardless of size (1) Welding Machine (1)

Group 3 - Fireman and Asphalt Spreader Oilers

Group 4 - Heavy Equipment Oilers (truck cranes, dredges, monigans, large cranes, etc.)

Group 5 Oilers

Group 6
a. Engineers Operating under air pressure
b. Engineers Operating in air over 10 lbs. pressure
c. Oilers Operating under air pressure
d. Oilers Operating in air over 10 lbs. prssure

TRUCK DRIVERS

Group 1 - Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

CLASSIFICATION DEFINITIONS (CONT'D)

TRUCK DRIVERS (CONT'D)

Group 2 - 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork Lifts over 6,000 lbs. cap; 4-axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

Group 3 - 2, 3, or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

Group 4 - Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:
a. $55.00 Per Week

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))



STATE: OHIO COUNTIES: *SEE BELOW
DECISION NO. OH85-5028 DATE: Date of Publication
Supersedes Decision No. OH83-5127 dated December 23, 1983 in 48 FR 56903
DESCRIPTION OF WORK: Building Construction Projects (Does not include single family homes and apartments up to and including 4 stories)

*ADAMS, ALLEN, ASHLAND, ADGLAIZE, BELMONT, BROWN, BUTLER, CARROLL, CHAMPAIGN, CLARK, CLERMONT, CLINTON, COLUMBIANA, COSSOCTON, CRAWFORD, DARKE, DEFIANCE, DELAWARE, ERIE, FAIRFIELD, FAYETTE, FRANKLIN, FULTON, GALLIA, GEAUGA, GREENE, GUERNSEY, HAMILTON, HANCOCK, HARDIN, HARRISON, HENRY, HIGHLAND, HOCKING, HOLMES, HURON, JACKSON, JEFFERSON, KNOX, LAWRENCE, LICKING, LOGAN, MADISON, MARION, MEDINA, MEIGS, MERCER, MIAMI, MONROE, MONTGOMERY, MORGAN, MORROW, MUSKINGUM, NOBLE, OTTAWA, PAULDING, PERRY, PICKAWAY, PIKE, PREBLE, PUTNAM, RICHLAND, ROSS, SANDUSKY, SCIOTO, SENECA, SHELBY, TUSCARAWAS, UNION, VAN WERT, VINTON, WARREN, WASHINGTON, WAYNE, WILLIAMS, WOOD, & WYANDOT

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS: | | |
| Area 1 | $18.32 | $4.08 |
| Area 2 | 17.70 | 2.32 |
| Area 3 | 18.90 | 2.89 |
| Area 4 | 17.97 | 3.36 |
| Area 5 | 16.10 | 5.57 |
| Area 6 | 19.54 | 3.38 |
| Area 7 | 19.42 | 4.455 |
| Area 8 | 19.53 | 5.00 |
| Area 9 | 19.25 | 2.81 |
| Area 10 | 19.15 | 2.78 |
| BOILERMAKERS: | | |
| Area 1 | 16.45 | 5.52 |
| Area 2 | 20.325 | 3.58 |
| Area 3 | 18.35 | 2.815 |
| Area 4 | 20.37 | 4.19 |
| Area 5 | 17.54 | 12%+.79 + a |
| BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS: | | |
| Area 1 | 16.35 | 2.55 |
| Area 2 | 15.05 | 2.37 |
| Area 3 | 16.63 | 3.54 |
| Area 4 | 15.52 | 3.21 |
| Area 5 | 16.945 | 2.25 |
| Area 6 | 17.59 | 3.27 |
| Area 7 | 15.67 | 3.56 |
| Area 8 | 16.00 | 2.40 |
| Area 9 | 16.60 | 3.55 |
| Area 10 | 14.15 | 3.37 |
| Area 11 | 14.25 | 3.10 |
| Area 12: | | |
| Bricklayers; Caulkers; Cement Block Layers; Cleaners; Pointers; & Stonemasons | 16.23 | 3.35 |
| Rubble Work | 15.40 | 3.35 |
| Area 13 | 16.18 | 3.53 |
| Area 14 | 17.16 | 1.55 |
| Area 15 | 17.385 | 3.53 |
| Area 16 | 17.50 | 2.30 |
| Area 17 | $20.47 | $3.55 |
| Area 18 | 15.71 | 2.94 |
| Area 19 | 15.75 | 2.85 |
| Area 20 | 16.81 | .55 |
| Area 21 | 19.59 | 4.12 |
| Area 22 | 17.92 | 4.97 |
| Area 23 | 18.30 | .81+b |
| Area 24 | 16.25 | 2.45 |
| CARPENTERS: | | |
| Area 1 | 15.63 | 3.33 |
| Area 2 | 15.40 | 3.14 |
| Area 3 | 16.89 | 3.11+c |
| Area 4 | 15.76 | 3%+3.53 |
| Area 5 | 17.00 | 2.725 |
| Area 6 | 17.68 | 3.37 |
| Area 7 | 16.00 | 3.90 |
| Area 8 | 15.45 | 2.97 |
| Area 9 | 18.95 | 5.16 |
| Area 10 | 16.32 | 2.89 |
| Area 11 | 17.40 | 3.79 |
| Area 12 | 19.31 | 2.97 |
| CEMENT MASONS: | | |
| Area 1 | 18.11 | 1.05 |
| Area 2 | 15.80 | 2.55 |
| Area 3 | 14.35 | 3.28 |
| Area 4 | 16.53 | 1.48 |
| Area 5 | 16.98 | 2.75 |
| Area 6 | 17.59 | 3.27 |
| Area 7 | 16.23 | 2.75 |
| Area 8 | 17.36 | 2.40 |
| Area 9 | 17.73 | 3.30 |
| Area 10 | 15.08 | 3.28 |
| Area 11 | 16.18 | 3.53 |
| Area 12 | 17.73 | 3.36 |
| Area 13 | 17.50 | 2.30 |
| Area 14 | 20.47 | 3.55 |
| Area 15 | 17.98 | 2.04 |
| Area 16 | 15.75 | 2.85 |
| Area 17 | 16.81 | .55 |
| Area 18 | 18.30 | .81+b |
| Area 19 | 19.64 | 2.42 |
| Area 20: | | |
| Light Commercial Work | 10.64 | 3.26 |
| All Other Work | 14.81 | 3.26 |

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| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ELECTRICIANS: | | |
| Area 1 | $17.28 | 3%+3.36 |
| Area 2 | 17.25 | 3%+2.37 +d |
| Area 3 | 17.74 | 3.2%+ 2.31 |
| Area 4: | | |
| Electricians | 15.43 | 3%+4.33 |
| Cable Splicers | 15.63 | 3%+4.33 |
| Area 5: | | |
| Up to & Inclu. 25 mi. radius of Hamilton Co. Court House, Cincinnati | 16.00 | 3%%+ 3.30 |
| Over 25 mi. radius of Hamilton Co. Court House, Cincinnati | 16.55 | 3%%+ 3.30 |
| Area 6: | | |
| Electricians | 17.40 | 3%%+ 2.50 |
| Cable Splicers | 17.90 | 3%%+ 2.50 |
| Area 7 | 17.59 | 10.8%+ 2.85 |
| Area 8: | | |
| Electricians | 18.00 | 45%+e |
| Cable Splicers | 18.50 | 45%+e |
| Area 9 | 14.14 | 3%+2.48 |
| Area 10: | | |
| Within 11 mi. radius of 3rd & Main Sts., Dayton | 16.98 | 3.5%+ 2.40 |
| Beyond 11 mi. radius of 3rd & Main Sts., Dayton | 17.21 | 3.5%+ 2.40 |
| Area 11 | 18.24 | 15.5%+ 1.55 |
| Area 12 | 16.10 | 3%+1.90 |
| Area 13: | | |
| Electricians | 20.00 | 3.3%+ 3.00 |
| Cable Splicers | 23.00 | 3.3%+ 3.00 |
| Area 14: | | |
| Electricians | 16.90 | 3%+2.08 |
| Cable Splicers | 17.50 | 3%+2.08 |
| Area 15 | 17.33 | 3.2%+ 1.85 |
| Area 16: | | |
| Less than 5,000 man hours: | | |
| Electricians | $13.44 | 3%+2.81 |
| Cable Splicers | 14.45 | 3%+2.81 |
| All Other Work: | | |
| Electricians | 16.80 | 3%+2.81 |
| Cable Splicers | 18.06 | 3%+2.81 |
| Area 17: | | |
| Electricians | 17.32 | 3%+3.06 |
| Cable Splicers | 18.19 | 3%+3.06 |
| Area 18 | 21.77 | 3%+2.83 |
| Area 19 | 19.11 | 9.7%+ 1.76 |
| Area 20: | | |
| Electricians | 18.93 | 3.2%+ 3.75 |
| Cable Splicers | 19.18 | 3.2%+ 3.75 |
| Area 21 | 18.95 | 3.1%+ 2.90 |
| Area 22: | | |
| Electricians | 19.51 | 3.2%+ 2.05 |
| Cable Splicers | 20.88 | 3.2%+ 2.05 |
| Area 23: | | |
| Electricians | 16.35 | 3%+4.62 |
| Cable Splicers | 16.60 | 3%+4.62 |
| ELEVATOR CONSTRUCTORS: | | |
| Area 1: | | |
| Mechanics | 16.97 | 3.29+ f&g |
| Helpers | 70%JR | 3.29+ f&g |
| Helpers (Prob.) | 50%JR | |
| Area 2: | | |
| Mechanics | 16.95 | 2.69+ f&g |
| Helpers | 70%JR | 2.69+ f&g |
| Helpers (Prob.) | 50%JR | |
| Area 3: | | |
| Mechanics | 17.60 | 3.00+ f&g |
| Helpers | 70%JR | 3.00+ f&g |
| Helpers (Prob.) | 50%JR | |

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| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ELEVATOR CONSTRUCTORS (CONT'D): | | |
| Area 4: | | |
| Mechanics | $16.42 | $3.29+ f&g |
| Helpers | 70%JR | 3.29+ f&g |
| Helpers | 50%JR | |
| Area 5: | | |
| Mechanics | 17.64 | 3.00+ f&g |
| Helpers | 70%JR | 3.00+ f&g |
| Helpers (Prob.) | 50%JR | |
| Area 6: | | |
| Mechanics | 21.62 | 3.00+ f&g |
| Helpers | 70%JR | 3.00+ f&g |
| Helpers (Prob.) | 50%JR | |
| Area 7: | | |
| Mechanics | 19.155 | 3.29+ f&g |
| Helpers | 70%JR | 3.29+ f&g |
| Helpers (Prob.) | 50%JR | |
| Area 8: | | |
| Mechanics | 17.39 | 3.00+ f&g |
| Helpers | 70%JR | 3.00+ f&g |
| Helpers (Prob.) | 50%JR | |
| Area 9: | | |
| Mechanics | 19.62 | 3.00+ f&g |
| Helpers | 70%JR | 3.00+ f&g |
| Helpers (Prob.) | 50%JR | |
| GLAZIERS: | | |
| Area 1 | 16.36 | 1.51 |
| Area 2 | 12.55 | 1.00 |
| Area 3: | | |
| Outside Replacement | 12.08 | .51 |
| Outside All Other Work | 12.58 | .51 |
| Area 4 | 12.30 | 2.62 |
| Area 5 | 14.80 | 1.11+h |
| Area 6 | 12.00 | 2.91 |
| Area 7 | 16.60 | 3.26 |
| Area 8 | 16.14 | 2.72 |
| Area 9 | 16.34 | 1.26 |
| Area 10 | 20.03 | 4.61 |
| IRONWORKERS: | | |
| Area 1: | | |
| Up to 10 mi. radius from Union Hall in Ashland, Kentucky | $17.33 | $4.26 |
| 10 to 50 mi. radius from Union Hall in Ashland, Kentucky | 17.66 | 4.26 |
| Over 50 mi. radius from Union Hall in Ashland, Kentucky | 19.62 | 4.26 |
| Area 2: | | |
| Reinforcing | 15.93 | 4.27 |
| Ornamental: Structural | 16.03 | 4.33 |
| Fence Erectors | 14.43 | 4.33 |
| Area 3: | | |
| Within 15 mi. radius of Local Union Office #290 | 16.16 | 4.37 |
| Outside 15 mi. radius of Local Union Office #290 | 16.31 | 4.37 |
| Area 4 | 13.35 | 6.76 |
| Area 5 | 15.73 | 6.24 |
| Area 6 | 14.79 +8% | 5.63 |
| Area 7 | 16.40 | 5.33 |
| Area 8 | 17.96 | 4.21 |
| Area 9 | 19.19 | 3.84 |
| Area 10 | 16.30 | 5.33 |
| Area 11 | 20.62 | 4.12 |
| Area 12 | 16.15 | 5.33 |
| Area 13 | 16.38 | 4.32 |
| LATHERS: | | |
| Area 1 | 16.00 | 3.90 |
| Area 2 | 15.76 | 3%+3.53 |
| Area 3 | 16.62 | 2.625 |
| Area 4 | 15.45 | 2.97 |
| Area 5 | 16.30 | .01 |
| Area 6 | 19.31 | 2.97 |
| MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS: | | |
| Area 1 | 16.35 | 2.55 |
| Area 2: | | |
| Tile Setters | 15.05 | 2.37 |
| Area 3 | 16.63 | 3.54 |
| Area 4: | | |
| Marble Setters | 16.355 | 2.25 |
| Terrazzo Workers; & Tile Setters | 16.305 | 2.25 |

| MARBLE SETTERS (CONT'D): | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Area 5: | | |
| Marble Setters | $16.17 | $3.25 |
| Terrazzo Workers | 16.09 | 3.25 |
| Tile Setters | 16.00 | 3.25 |
| Area 6 | 14.87 | 2.50 |
| Area 7 | 19.33 | |
| Area 8 | 16.00 | 2.40 |
| Area 9 | 14.15 | 3.37 |
| Area 10: | | |
| Marble Setters | 14.25 | 3.10 |
| Area 11 | 15.40 | 2.40 |
| Area 12 | 16.18 | 3.53 |
| Area 13: | | |
| Marble Setters | 17.385 | 3.53 |
| Area 14: | | |
| Terrazzo Workers & Tile Setters | 16.76 | 2.60 |
| Area 15: | | |
| Terrazzo Workers & Tile Setters | 17.30 | 2.30 |
| Area 16 | 20.47 | 3.55 |
| Area 17: | | |
| Tile Setters | 16.69 | 2.94 |
| Area 18 | 15.75 | 2.85 |
| Area 19 | 16.81 | .55 |
| Area 20: | | |
| Marble Setters; Terrazzo Workers | 19.59 | 4.12 |
| Tile Setters | 19.155 | 3.00 |
| Area 21 | 17.52 | 2.57 |
| Area 22 | 18.30 | .81+b |
| Area 23: | | |
| Marble Setters & Tile Setters | 16.25 | 2.45 |
| MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS: | | |
| Area 1: | | |
| Finishers & Grinders | 16.33 | |
| Marble Sanders; Polishers; Sawyers; & Waxers | 16.495 | |
| Terrazzo Base Grinders (While Operating Base Grinding Machine) | 16.75 | |
| Area 2 | 14.68 | 1.60 |
| Area 3: | | |
| Marble Setters' Finishers; Tile Setters' Finishers | 18.54 | 3.00 |
| Terrazzo Workers' Finishers | 18.57 | 3.00 |
| Area 4: | | |
| Finishers | $10.84 | |
| Base Machine | 11.68 | |
| Area 5: | | |
| Terrazzo Workers' Finishers | 13.71 | 3.25 |
| Terrazzo Grinders | 15.55 | 3.25 |
| Tile Setters' Finishers | 13.59 | 3.25 |
| Area 6 | 18.35 | |
| Area 7: | | |
| Finishers | 14.00 | |
| Terrazzo Floor Grinders | 14.15 | |
| Terrazzo Base Grinders | 14.35 | |
| Area 8 | 12.94 | 3.53 |
| Area 9 | 17.02 | 2.57 |
| MILLWRIGHTS: | | |
| Area 1 | 18.11 | 2.68 |
| Area 2 | 16.08 | 3.14 |
| Area 3 | 18.50 | 5.61 |
| Area 4 | 16.32 | 25%+ 1.59 |
| Area 5 | 16.44 | 3.31 |
| Area 6 | 18.16 | 3.37 |
| Area 7 | 17.32 | 3.90 |
| Area 8 | 19.31 | 2.97 |
| Area 9 | 19.20 | 2.36 |
| PAINTERS: | | |
| Area 1: | | |
| Brush; Roller; Paper or Wall Covering; Taping Floor Sanding; Power Tools; & Swing Stage Sandblasting; Spray & Steamcleaning | 13.30 | 2.54 |
| Area 2: | | |
| Brush; Drywall Taping; & Rollers | 13.55 | 1.89 |
| Wall Covering; Paperhanging | 13.80 | 1.89 |
| Sandblasting; Spray; & Steamcleaning | 14.05 | 1.89 |
| Area 3: | | |
| Brush; Cleaner; Roller; & Washer | 14.45 | .95 |
| Drywall; Paperhanger; Pot Tender; Spray & Wall Coverer | 15.20 | .95 |
| Area 4: | | |
| Brush | 12.60 | 1.75 |
| Roller | 13.10 | 1.75 |
| Spray | 13.60 | 1.75 |
| Taping | 14.75 | 1.75 |



| PAINTERS (CONT'D): | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| Area 5: | | |
| Brush; Paperhanging; Roller; Taping; Wall Covering; & Washing | $16.75 | $1.00 |
| Steamcleaning | 16.90 | 1.00 |
| Spray | 17.25 | 1.00 |
| Hopper Tender; Sandblasting; & Waterblasting | 17.65 | 1.00 |
| Area 6: | | |
| Brush; Paperhanging; Roller; Taping; Wallcovering; & Washing | 14.83 | .75+i |
| Hopper Tender; Sandblasting & Spray | 15.83 | .75+i |
| Area 7: | | |
| Brush; Roller | 15.42 | 3.46 |
| Paperhangers | 15.52 | 3.46 |
| Drywall | 15.82 | 3.46 |
| Spray | 15.92 | 3.46 |
| Area 8: | | |
| Brush | 14.75 | 1.00 |
| Drywall Tapers & Finishers | 15.10 | 1.00 |
| Spray | 15.45 | 1.00 |
| Area 9: | | |
| Brush; Roller | 17.62 | 1.00 |
| Drywall Taping & Speckling; & Wallcovering | 17.97 | 1.00 |
| Structural Steel Cleaning; Sandblast; & Spray | 18.02 | 1.00 |
| | 18.12 | 1.00 |
| Area 10: | | |
| Brush; Hydro-jet Cleaning; Paperhanging w/o Tools; Roller; Steam Cleaning; Wallwashing; & Waterproofing | 16.29 | 3.41 |
| Drywall Taping | 16.44 | 3.41 |
| Open Structural Steel | 16.50 | 3.41 |
| Paperhanging (w/tools) | 16.54 | 3.41 |
| Spray | 16.79 | 3.41 |
| Area 11: | | |
| Drywall Sanders | 15.09 | 2.87 |
| Brush; Paperhangers; Rollers; & Wall Washing | 14.84 | 2.87 |
| Structural Steel | 15.39 | 2.87 |
| Drywall Tapers & Finishers | 15.49 | 2.87 |
| Spray | 15.59 | 2.87 |
| Sandblasting; Steam Cleaning | 15.79 | 2.87 |
| Area 12: | | |
| Old Commercial: | | |
| Brush; Roller; & Wash & Clean Surfaces | $13.60 | $2.25+j |
| Drywall & Paperhangers | 13.85 | 2.25+j |
| Sandblasting; & Spray | 14.10 | 2.25+j |
| New Commercial: | | |
| Brush; Roller; & Wash & Clean Surfaces | 15.10 | 2.25+j |
| Drywall & Paperhangers | 15.35 | 2.25+j |
| Sandblasting; & Spray | 15.60 | 2.25+j |
| Area 13: | | |
| Brush; Drywall Tapers & Finishers; Paperhangers; Spray & Sandblasting Pot Tenders | 14.90 | 3.36 |
| Pressure Cleaning; Sandblasting; & Spray | 15.45 | 3.36 |
| Area 14: | | |
| Brush; Roller | 12.55 | .70+k |
| Drywall Tapers & Paperhangers | 13.50 | .70+k |
| Spray; Taping Finishers | 13.25 | .70+k |
| Area 15: | | |
| Brush; Rollers; & Paperhangers | 19.46 | 3.17 |
| Spray | 19.86 | 3.17 |
| Area 16: | | |
| Brush; Roller; Washing; Wallcovering; & Paperhanging | 14.50 | |
| Open Structural Steel | 15.00 | |
| Taping; Beding; Finishing & Sanding | 15.25 | |
| Spray; Sandblasting; Hopper Tender; Swing Stage; & Window Jacks | 15.50 | |
| Area 17: | | |
| Brush | 12.25 | |
| Sandblasting | 13.25 | |
| Spray | 13.75 | |
| Area 18: | | |
| Brush; Paperhangers; & Rollers | 16.65 | 2.42 |
| Structural Steel; Drywall Finishers & Tapers | 17.40 | 2.42 |
| Spray | 17.50 | 2.42 |
| Area 19: | | |
| Brush; Roller; Paperhanging & Taping | 14.36 | 1.95 |
| Sandblasting; Spray | 15.13 | 1.95 |

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| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| PILEDRIVERMEN: | | |
| Area 1 | $16.02 | $3.33 |
| Area 2 | 16.08 | 3.14 |
| Area 3 | 18.50 | 5.61 |
| Area 4 | 16.58 | 3%+3.53 |
| Area 5 | 17.00 | 2.725 |
| Area 6 | 18.16 | 3.37 |
| Area 7 | 16.14 | 28% |
| Area 8 | 16.00 | 3.90 |
| Area 9 | 19.31 | 2.97 |
| Area 10 | 16.62 | 2.89 |
| PIPEFITTERS; PLUMBERS; & STEAMFITTERS: | | |
| Area 1: | | |
| Within 10 mi. radius of Portsmouth | 17.45 | 3.35 |
| Over 10 and within 20 mi. radius of Portsmouth | 17.70 | 3.35 |
| Over 20 and within 35 mi. radius of Portsmouth | 17.80 | 3.35 |
| Over 35 mi. radius of Portsmouth | 18.05 | 3.35 |
| Area 2 | 18.35 | 3.10 |
| Area 3 | 18.38 | 3.12 |
| Area 4 | 16.81 | 4.23 |
| Area 5: | | |
| Pipefitters; Steamfitters | 17.54 | 4.56 |
| Gas Fitters; Plumbers | 16.15 | 4.32 |
| Area 6 | 18.80 | 3.80 |
| Area 7 | 18.32 | 1.81 |
| Area 8 | 17.50 | 3.39+1 |
| Area 9 | 18.14 | 3.23 |
| Area 10: | | |
| Within 12 mi. radius of 3rd & Main Sts., Dayton | 18.56 | 2.98 |
| Outside 12 mi. radius of 3rd & Main Sts., Dayton | 18.81 | 2.98 |
| Area 11 | 18.13 | 2.72 |
| Area 12 | 17.57 | 7.42 |
| Area 13 | 19.20 | 3.72 |
| Area 14 | 19.09 | 2.91 |
| Area 15: | | |
| Pipefitters; Steamfitters | 20.42 | 4.43 |
| Area 16: Plumbers | 21.03 | 3.62 |
| Area 17 | 19.15 | 3.90 |
| Area 18 | 18.10 | 1.88 |
| PLASTERERS: | | |
| Area 1 | 18.11 | 1.05 |
| Area 2 | 15.40 | 2.93 |
| Area 3 | 15.68 | 1.45 |
| Area 4 | 17.645 | 1.53 |
| Area 5 | 17.59 | 3.27 |
| Area 6 | 17.60 | 1.75 |
| Area 7 | $18.11 | $1.40 |
| Area 8: | | |
| Plasterers | 17.27 | 2.46 |
| Drywall Tapers & Finishers | 15.51 | 2.46 |
| Area 9 | 16.18 | 3.53 |
| Area 10 | 17.50 | 2.30 |
| Area 11 | 20.47 | 3.55 |
| Area 12 | 17.98 | 2.04 |
| Area 13 | 15.75 | 2.85 |
| Area 14 | 16.81 | .55 |
| Area 15 | 18.30 | .81+b |
| Area 16 | 17.36 | 2.41 |
| ROOFERS: | | |
| Area 1 | 13.50 | .65 |
| Area 2 | 16.16 | 2.28 |
| Area 3 | 17.24 | 3.11 |
| Area 4 | 14.03 | 2.70 |
| Area 5 | 18.15 | 1.50 |
| Area 6: | | |
| Composition, Damp, & Waterproof | 15.75 | 2.25+m |
| Slate, Tile & Asbestos | 15.97 | 2.25+m |
| Area 7 | 16.45 | 3.88 |
| Area 8 | 21.28 | 3.30 |
| SHEET METAL WORKERS: | | |
| Area 1 | 15.65 | 2.97+n |
| Area 2 | 17.46 | 3.18+n |
| Area 3 | 17.27 | 3.55 |
| Area 4 | 16.20 | 3.49+n |
| Area 5 | 17.60 | 3.87 |
| Area 6 | 17.55 | 3.26 |
| Area 7 | 17.51 | 4.68 |
| Area 8 | 17.18 | 3.32 |
| Area 9 | 20.21 | 4.38 |
| Area 10 | 16.46 | 2.57+n |
| SOFT FLOOR LAYERS: | | |
| Area 1 | 15.63 | 3.33 |
| Area 2 | 15.40 | 3.14 |
| Area 3 | 16.89 | 3.11+c |
| Area 4 | 15.76 | 3%+3.53 |
| Area 5 | 13.00 | 2.075 |
| Area 6 | 17.51 | 3.37 |
| Area 7 | 14.40 | 3.57 |
| Area 8 | 18.70 | 3.15 |
| Area 9 | 18.95 | 5.16 |
| Area 10 | 15.92 | 2.89 |
| Area 11 | 16.25 | 4.50+o |
| SPRINKLER FITTERS: | | |
| Area 1 | 20.42 | 4.43 |
| Area 2 | 17.67 | 3.38 |

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| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LABORERS: | | |
| Area 1: | | |
| Group 1 | $12.81 | $3.00 |
| Group 2 | 13.06 | 3.00 |
| Group 3 | 13.33 | 3.00 |
| Area 2: | | |
| Group 1 | 11.90 | 3.00 |
| Group 2 | 12.05 | 3.00 |
| Group 3 | 12.20 | 3.00 |
| Area 3: | | |
| Group 1 | 12.82 | 3.00 |
| Group 2 | 13.02 | 3.00 |
| Group 3 | 13.06 | 3.00 |
| Area 4: | | |
| Group 1 | 13.42 | 2.45 |
| Group 2 | 13.72 | 2.45 |
| Group 3 | 14.07 | 2.45 |
| Area 5: | | |
| Group 1 | 14.75 | 2.60 |
| Group 2 | 14.85 | 2.60 |
| Group 3 | 14.90 | 2.60 |
| Group 4 | 14.95 | 2.60 |
| Group 5 | 15.10 | 2.60 |
| Group 6 | 15.25 | 2.60 |
| Group 7 | 15.50 | 2.60 |
| Group 8 | 14.95 | 2.60 |
| Group 9 | 13.92 | 2.25 |
| Group 10 | 14.07 | 2.25 |
| Area 6: | | |
| Group 1 | 13.94 | 2.70 |
| Group 2 | 14.04 | 2.70 |
| Group 3 | 14.14 | 2.70 |
| Group 4 | 14.27 | 2.70 |
| Group 5 | 14.52 | 2.70 |
| Group 6 | 14.29 | 2.70 |
| Group 7 | 14.54 | 2.70 |
| Group 8 | 14.43 | 2.70 |
| Group 9 | 14.39 | 2.70 |
| Area 7: | | |
| Group 1 | 13.86 | 3.00 |
| Group 2 | 14.06 | 3.00 |
| Group 3 | 14.36 | 3.00 |
| Group 4 | 14.46 | 3.00 |
| Area 8: | | |
| Group 1 | 12.20 | 3.00 |
| Group 2 | 12.45 | 3.00 |
| Group 3 | 12.60 | 3.00 |
| Group 4 | 12.70 | 3.00 |
| Area 9: | | |
| Group 1 | $13.80 | $3.00 |
| Group 2 | 13.97 | 3.00 |
| Group 3 | 14.00 | 3.00 |
| Group 4 | 14.13 | 3.00 |
| Group 5 | 14.48 | 3.00 |
| Group 6 | 14.30 | 3.00 |
| Group 7 | 14.63 | 3.00 |
| Group 8 | 14.70 | 3.00 |
| Group 9: $.35 Premium | | |
| Area 10: | | |
| Group 1 | 13.39 | 2.70 |
| Group 2 | 13.54 | 2.70 |
| Group 3 | 13.59 | 2.70 |
| Group 4 | 13.64 | 2.70 |
| Group 5 | 13.69 | 2.70 |
| Group 6 | 13.84 | 2.70 |
| Group 7 | 13.89 | 2.70 |
| Group 8 | 13.99 | 2.70 |
| Group 9 | 14.06 | 2.70 |
| Area 11: | | |
| Excluding Apartments, Condominiums, & Nursing Homes: | | |
| Group 1 | 13.02 | 3.00 |
| Group 2 | 13.14 | 3.00 |
| Group 3 | 13.165 | 3.00 |
| Group 4 | 13.17 | 3.00 |
| Group 5 | 13.195 | 3.00 |
| Group 6 | 13.255 | 3.00 |
| Group 7 | 13.31 | 3.00 |
| Group 8 | 13.425 | 3.00 |
| Group 9 | 13.67 | 3.00 |
| Apartments, Condominiums & Nursing Homes | 70%JR | 3.00 |
| Area 12: | | |
| Group 1 | 14.86 | 3.00 |
| Group 2 | 15.06 | 3.00 |
| Group 3 | 15.26 | 3.00 |
| Area 13: | | |
| Group 1 | 13.61 | 3.00 |
| Group 2 | 13.81 | 3.00 |
| Group 3 | 14.21 | 3.00 |
| Area 14: | | |
| Group 1 | 12.42 | 3.00 |
| Group 2 | 12.73 | 3.00 |

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LABORERS (CONT'D): | | |
| Area 15: | | |
| Group 1 | $10.00 | $6.30 |
| Group 2 | 15.00 | 6.30 |
| Group 3 | 15.15 | 6.30 |
| Group 4 | 15.25 | 6.30 |
| Group 5 | 15.40 | 6.30 |
| Group 6 | 15.48 | 6.30 |
| Group 7 | 15.50 | 6.30 |
| Group 8 | 15.65 | 6.30 |
| Group 9 | 16.50 | 6.30 |
| Area 16: | | |
| Group 1 | 12.27 | 3.00 |
| Group 2 | 12.37 | 3.00 |
| Group 3 | 12.62 | 3.00 |
| Area 17: | | |
| Group 1 | 15.02 | 3.06 |
| Group 2 | 15.17 | 3.06 |
| Group 3 | 15.22 | 3.06 |
| Group 4 | 15.52 | 3.06 |
| Area 18: | | |
| Group 1 | 14.00 | 3.00 |
| Group 2 | 14.35 | 3.00 |
| Area 19: | | |
| Group 1 | 12.47 | 3.00 |
| Group 2 | 12.67 | 3.00 |
| Area 20: | | |
| Group 1 | 14.08 | 3.01 |
| Group 2 | 14.30 | 2.71 |
| LINE CONSTRUCTION: | | |
| Area 1: | | |
| Cable Splicers | 20.31 | 3½%+ 2.35 |
| Linemen | 18.46 | 3½%+ 2.35 |
| Operators: All Mechanized Equipment | 14.77 | 3½%+ 2.35 |
| Groundmen | 12.00 | 3½%+ 2.35 |
| Area 2: | | |
| Linemen | 17.72 | 8½%+ 1.00 |
| Equipment Operators | 15.95 | 8½%+ 1.00 |
| Groundmen Truck Drivers | 11.60 | 8½%+ 1.00 |
| Area 3: | | |
| Equipment Operators; Linemen | 17.74 | 3.2%+ 2.31 |
| Line Truck Drivers | 10.64 | 3.2%+ 2.31 |
| Groundmen | 11.53 | 3.2%+ 2.31 |
| Area 4: | | |
| Linemen; Technicians | $15.43 | 3½%+ 4.25 |
| Cable Splicers | 15.68 | 3½%+ 4.25 |
| Groundmen | 12.42 | 3½%+ 4.25 |
| Area 5: | | |
| Zone 1 - Up to & Inclu. 25 mi. radius from Hamilton Co. Court House, Cincinnati: | | |
| Linemen; Equipment Operators | 16.00 | 3½%+ 3.30 |
| Groundmen | 12.00 | 3½%+ 3.30 |
| Zone 2 - Over 25 mi. radius from Hamilton Co. Court House, Cincinnati: | | |
| Linemen; Equipment Operators | 16.95 | 3½%+ 3.30 |
| Groundmen | 12.41 | 3½%+ 3.30 |
| Area 6: | | |
| Linemen | 17.40 | 3½%+ 2.50 |
| Cable Splicers | 17.90 | 3½%+ 2.50 |
| Groundmen | 12.18 | 3½%+ 2.50 |
| Area 7: | | |
| Linemen | 17.59 | 10.8%+ 2.85 |
| Linem | | |
| Cable Splicers | 16.48 | 10.8%+ 2.85 |
| Line Equipment Operators | 15.33 | 10.8%+ 2.85 |
| Groundmen; Truck Drivers | 11.73 | 10.8%+ 2.85 |
| Area 8: | | |
| Linemen; Line Equipment Operators; Truck Drivers | 18.00 | 44½%+e |
| Groundmen | 10.80 | 44½%+e |
| Area 9: | | |
| Cable Splicers; Equipment Ops.; & Linemen | 20.00 | 3½%+ .85 |
| Groundmen | 13.00 | 3½%+ .85 |



| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LINE CONSTRUCTION (CONT'D): | | |
| Area 10: | | |
| Zone 1: | | |
| Linemen; Cable Splicers; Operators: Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket | $16.98 | 3½%+ $2.40 |
| Operators: Line Truck with Winch or Pole & Steel Handling | 12.73 | 3½%+ 2.40 |
| Operators: Non-Specialized Trucks & Miscellaneous Equipment | 10.12 | 3½%+ 2.40 |
| Groundmen-Truck Drivers | 10.19 | 3½%+ 2.40 |
| Zone 2: | | |
| Linemen; Cable Splicers; Operators: Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket | 17.21 | 3½%+ 2.40 |
| Operators: Line Truck with Winch or Pole & Steel Handling | 12.96 | 3½%+ 2.40 |
| Operators: Non-Specialized Trucks & Miscellaneous Equipment | 10.35 | 3½%+ 2.40 |
| Groundmen-Truck Drivers | 10.32 | 3½%+ 2.40 |
| Area 11: | | |
| Linemen; Cable Splicers | 19.50 | 10½%+ .85 |
| Pole Digging Equipment | 17.55 | 10½%+ .85 |
| Groundmen | 15.60 | 10½%+ .85 |
| Area 12: | | |
| Cable Splicers; Linemen | 16.83 | 3½%+ 1.00 |
| Operators | 14.67 | 3½%+ 1.00 |
| Area 13: | | |
| Linemen | 19.97 | 8½%+ .85+p |
| Technicians | 19.37 | 8½%+ .85+p |
| Cable Splicers | $22.97 | 8½%+ .85+p |
| Operator Class I | 15.98 | 8½%+ .85+p |
| Operator Class II | 13.98 | 8½%+ .85+p |
| Groundmen | 11.98 | 8½%+ .85+p |
| Area 14: | | |
| Cable Splicers; Equipment Operators & Linemen | 17.33 | 3½%+ 1.85 |
| Truck Driver (Winch) Groundmen; Groundmen | 11.26 | 3½%+ 1.85 |
| Area 15: | | |
| Cable Splicers; Operators: All Mechanized Equipment; & Linemen | 17.50 | 3½%+.85 |
| Groundmen-Truck Drivers | 13.87 | 3½%+.85 |
| Groundmen | 10.70 | 3½%+.85 |
| Area 16: | | |
| Cable Splicers | 18.06 | 3½%+ 2.75 |
| Equipment Operators: & Linemen | 16.80 | 3½%+ 2.75 |
| Truck Drivers | 9.99 | 3½%+ 2.75 |
| Groundmen | 9.58 | 3½%+ 2.75 |
| Area 17: | | |
| Cable Splicers; Linemen; & Equipment Operators | 21.68 | 3½%+.85 |
| Truck Driver (Winch) Groundmen | 14.09 | 3½%+.85 |
| Area 18: | | |
| Linemen; Equipment Ops. | 18.93 | 3%+3.75 |
| Cable Splicers | 19.18 | 3%+3.75 |
| Truck Drivers (Winch) Groundmen; Groundmen | 12.30 | 3%+3.75 |
| Area 19: | | |
| Cable Splicers; Equipment Ops.; & Linemen | 18.95 | 3½%+ 2.90 |
| Truck Drivers (Winch) Groundmen; Groundmen | 12.32 | 3½%+ 2.90 |

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| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| LINE CONSTRUCTION (CONT'D): | | |
| Area 20: | | |
| Cable Splicers | $20.88 | 3½%+ $1.99 |
| Equipment Operators | 14.63 | 3½%+ 1.99 |
| Linemen | 19.51 | 3½%+ 1.99 |
| Groundmen; Truck Drivers | 9.76 | 3½%+ 1.99 |
| Area 21: | | |
| Linemen; Cable Splicers; & Equipment Operators | 17.24 | 3½%+.60 |
| Groundmen | 10.25 | 3½%+.60 |
| Area 22: | | |
| Cable Splicers; Equipment Operators; & Linemen | 19.32 | 3½%+.85 |
| Groundmen | 10.66 | 3½%+.85 |
| TRUCK DRIVERS: | | |
| Area 1: | | |
| Group 1 | 12.82 | 44.00q |
| Group 2 | 13.93 | 44.00q |
| Area 2: | | |
| Group 1 | 9.60 | 44.00q |
| Group 2 | 8.60 | 44.00q |
| Area 3: | | |
| Group 1 | 14.60 | 94.80q |
| Group 2 | 14.61 | 94.80q |
| Group 3 | 14.65 | 94.80q |
| Group 4 | 14.68 | 94.80q |
| Group 5 | 14.70 | 94.80q |
| Group 6 | 14.80 | 94.80q |
| Group 7 | 14.88 | 94.80q |
| Group 8 | 14.93 | 94.80q |
| Group 9 | 14.96 | 94.80q |
| Group 10 | 15.23 | 94.80q |
| Group 11 | 15.30 | 94.80q |
| Group 12 | 15.33 | 94.80q |
| Area 4: | | |
| Group 1 | 12.48 | 109.00q |
| Group 2 | 12.63 | 109.00q |
| Group 3 | 12.73 | 109.00q |
| Group 4 | 12.89 | 109.00q |
| Group 5 | 12.93 | 109.00q |
| Area 5: | | |
| Group 1 | 11.42 | r,s & t |
| Group 2 | 11.48 | r,s & t |
| Group 3 | 11.53 | r,s & t |
| Group 4 | 11.59 | r,s & t |
| Group 5 | 11.95 | r,s & t |
| Area 6: | | |
| Group 1 | $14.29 | $1.91+ 51.00q |
| Group 2 | 14.51 | 1.91+ 51.00q |
| Group 3 | 14.76 | 1.91+ 51.00q |
| Group 4 | 14.86 | 1.91+ 51.00q |
| Area 7: | | |
| Group 1 | 13.65 | 43.00q |
| Group 2 | 13.75 | 43.00q |
| Group 3 | 13.85 | 43.00q |
| Area 8: | | |
| Group 1 | 14.99 | 1.00+u |
| Group 2 | 15.29 | 1.00+u |
| Group 3 | 15.34 | 1.00+u |
| Group 4 | 15.41 | 1.00+u |
| Group 5 | 15.47 | 1.00+u |
| Group 6 | 15.77 | 1.00+u |
| Group 7 | 16.08 | 1.00+u |
| Area 9: | | |
| Group 1 | 14.31 | 54.00q |
| Group 2 | 14.32 | 54.00q |
| Group 3 | 14.355 | 54.00q |
| Group 4 | 14.38 | 54.00q |
| Group 5 | 14.88 | 54.00q |
| Group 6 | 14.97 | 54.00q |
| Group 7 | 15.075 | 54.00q |
| Area 10: | | |
| Group 1 | 14.62 | v |
| Group 2 | 14.72 | v |
| Group 3 | 14.87 | v |
| Group 4 | 15.02 | v |
| Group 5 | 15.27 | v |
| Group 6 | 15.37 | v |
| Group 7 | 15.52 | v |
| POWER EQUIPMENT OPERATORS: | | |
| All Counties, Except Columbiana: Well & Pump Work (Inclu. Drilling & Repair of all Water Wells; Test Holes & Wells; Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells): | | |
| Well Driller & Pump Installer | 8.10 | .61+w |

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| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| POWER EQUIPMENT OPERATORS (CONT'D): | | |
| Columbiana County: | | |
| Class I | $17.38 | $4.21 |
| Class II | 16.59 | 4.21 |
| Class III | 15.83 | 4.21 |
| Class IV | 15.36 | 4.21 |
| Class V | 15.26 | 4.21 |
| Class VI | 17.65 | 4.21 |
| Class VII | 17.88 | 4.21 |
| Class VIII | 18.38 | 4.21 |
| Excluding Well & Pump Work: | | |
| Zone 1: | | |
| Master Mechanic | 18.26 | 3.57 |
| Group A | 17.74 | 3.57 |
| Group B | 17.58 | 3.57 |
| Group C | 17.23 | 3.57 |
| Group D | 16.42 | 3.57 |
| Group E | 16.09 | 3.57 |
| Group F | 13.38 | 3.57 |
| Zone 2: | | |
| Master Mechanic | 17.98 | 3.57 |
| Group A | 17.46 | 3.57 |
| Group B | 17.30 | 3.57 |
| Group C | 16.94 | 3.57 |
| Group D | 16.16 | 3.57 |
| Group E | 15.83 | 3.57 |
| Group F | 13.13 | 3.57 |
| Zone 3: | | |
| Master Mechanic | 20.27 | 3.57 |
| Group A | 19.77 | 3.57 |
| Group B | 19.62 | 3.57 |
| Group C | 19.27 | 3.57 |
| Group D | 18.49 | 3.57 |
| Group E | 18.17 | 3.57 |
| Group F | 13.74 | 3.57 |

## AREA DESCRIPTIONS

### ASBESTOS WORKERS

Area 1: Adams, Brown, Butler (Twps. of Fairfield, Hanover, Liberty, Milford, Morgan, Oxford, Ripley, Ross, St. Clair, Union & Wayne), Clermont, Hamilton, Highland, & Warren (Twps. of Deerfield, Hamilton, Harlan, Salem, Union, & Washington)Cos.
Area 2: Allen, Defiance, Mercer, Paulding, Van Wert, & Williams Cos.
Area 3: Ashland, Coshocton, Holmes, Medina, Richland, Tuscarawas, & Wayne Cos.
Area 4: Auglaize, Butler (Middletown & Vic.), Champaign, Clark, Clinton, Darke, Greene, Logan, Miami, Montgomery, Preble, Shelby, & Warren (Twps. of Clear Creek, Franklin, Massie, Turtle Creek & Wayne) Cos.
Area 5: Belmont, Jefferson, & Monroe Cos.
Area 6: Carroll, Columbiana, & Harrison Cos.
Area 7: Crawford, Delaware, Fairfield, Fayette, Franklin, Guernsey, Hardin, Hocking, Knox, Licking, Madison, Marion, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Ross, Union, & Vinton Cos.
Area 8: Erie (E½), Geauga, & Huron Cos.
Area 9: Erie (W½), Fulton, Hancock, Henry, Ottawa, Putnam, Sandusky, Seneca, Wood & Wyandot Cos.
Area 10: Gallia, Jackson, Lawrence, Meigs, Pike, Scioto, & Washington Cos.

### BOILERMAKERS

Area 1: Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Highland, Hocking, Jackson, Lawrence, Licking, Madison, Meigs, Miami, Montgomery, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Vinton, & Warren Cos.
Area 2: Allen, Ashland, Auglaize, Crawford, Darke, Defiance, Delaware, Erie, Fulton, Hancock, Hardin, Henry, Huron, Knox, Logan, Marion, Mercer, Morrow, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Shelby, Union, Van Wert, Williams, Wood, & Wyandot Cos.
Area 3: Belmont, Monroe, & Washington Cos.
Area 4: Carroll, Coshocton, Geauga, Harrison, Holmes, Medina, Tuscarawas, & Wayne Cos.
Area 5: Columbiana & Jefferson Cos.

### BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS

Area 1: Adams, & Scioto Cos.
Area 2: Allen, Auglaize, Mercer & Van Wert Cos.
Area 3: Ashland, Crawford, Hardin, Holmes, Marion, Morrow, Richland, Wayne (Except Milton & Chippewa Twps.) & Wyandot (except Crawford, Ridge, Richland & Tymochtee Twps.) Cos.
Area 4: Belmont, Jefferson (Warren & Mt. Pleasant Twps. & Village of Dillonvale), & Monroe Cos.
Area 5: Brown, Butler, Clermont, Hamilton, Preble (Dixon, Israel, Lanier, Somers & Gratis Twps.) & Warren Cos.



## AREA DESCRIPTION (CONT'D)

### BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS (CONT'D)

Area 6: Carroll, Columbiana (Twps. of Knox, Butler, West, & Hanover) & Tuscarawas Cos.
Area 7: Champaign, Clark, Clinton, Darke, Greene, Highland, Logan, Miami, Montgomery, Preble (Exclu. Dixon, Israel, Lanier, Somers, & Gratis Twps.), & Shelby Cos.
Area 8: Columbiana (East Liverpool, Wayne, Franklin, Madison, St. Clair, & Yellow Creek Twps.), & Jefferson (Brush Creek & Saline Twps.) Cos.
Area 9: Columbiana (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) Co.
Area 10: Coshocton, Fairfield, Guernsey, Hocking, Knox, Licking, Morgan, Muskingum, & Perry Cos.
Area 11: Defiance, Fulton (except, Fulton, Amboy & Swan Creek Twps.), Henry (except Monroe, Bartlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside city limits of City of Napolean), Paulding, Putnam, & Williams Cos.
Area 12: Delaware, Franklin, Madison, Pickaway, & Union Cos.
Area 13: Erie, Hancock, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), & Wyandot (Tymochtee, Ridge, & Richland Twps.) Cos. & Island of Lake Erie North of Sandusky
Area 14: Fayette, Pike, & Ross Cos.
Area 15: Fulton (Fulton, Amboy, & Swan Creek Twps.), Henry (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & Wood (Ross, Perrysbury, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson, & Grand Rapids Twps.) Cos.
Area 16: Gallia & Meigs Cos.
Area 17: Geauga Co.
Area 18: Harrison, Jefferson (except, Mt. Pleasant, Warren, Brush Creek, & Salineville Twps. & Village of Dillonvale) Cos.
Area 19: Jackson & Vinton Cos.
Area 20: Lawrence Co.
Area 21: Medina (Hinkley, Granger, Brunswick, Medina, Liverpool, Montville, & York Twps.) Co.
Area 22: Medina (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & Wayne (Milton & Chippewa Twps.) Cos.
Area 23: Medina (Litchfield, Chatham, Harrisville, Homer, & Spencer Twps.) Co.
Area 24: Noble (Brookfield, Noble, Center, Sharon, Olive, Enoch, Stock, Elk, & Jackson Twps.) & Washington Cos.

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AREA DESCRIPTIONS (CONT'D)

CARPENTERS

Area 1: Adams, Fayette, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, Ross, & Scioto Cos.
Area 2: Allen, Auglaize, Champaign, Clark, Coshocton, Delaware, Fairfield, Franklin, Guernsey, Hardin, Holmes, Knox, Licking, Logan, Madison, Marion, Mercer, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Putnam, Union, Van Wert & Wyandot Cos.
Area 3: Ashland, Crawford, Erie, Hancock (City of Fostoria), Huron, Ottawa, Richland, Sandusky, Seneca, & Wood (City of Fostoria) Cos.
Area 4: Belmont, Columbiana, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Butler, Clermont, Clinton, Hamilton & Warren Cos.
Area 6: Carroll, Tuscarawas, & Wayne Cos.
Area 7: Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 8: Defiance, Fulton, Hancock (Except City of Fostoria), Henry, Paulding & Williams Cos.
Area 9: Geauga County
Area 10: Hocking, Vinton, & Washington Cos.
Area 11: Medina County
Area 12: Wood (Except City of Fostoria) Co.

CEMENT MASONS

Area 1: Adams, Lawrence (except Fayette, Union & Rome Twps.), Pike & Scioto Cos.
Area 2: Allen, Auglaize, Hardin, Logan, Mercer, & Van Wert Cos.
Area 3: Ashland Crawford, Marion, Morrow, Richland, & Wyandot (Exclu. Tymochtee, Crawford, Ridge, & Richland Twps.) Cos.
Area 4: Belmont, Harrison, & Jefferson Cos.
Area 5: Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.
Area 6: Carroll & Tuscarawas Cos.
Area 7: Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 8: Columbiana County
Area 9: Defiance, Paulding, & Williams Cos.
Area 10: Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, Madison, Morgan, Muskingum, Perry, Pickaway, Ross, & Union Counties
Area 11: Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), Wyandot (Tymochtee, Crawford, Ridge & Richland Twps.) Cos. & the Island of Lake Erie North of Sandusky
Area 12: Fulton, Hancock, Henry, Putnam, & Wood (Exclu. Perry & Bloom Twps.) Counties
Area 13: Gallia & Meigs Counties
Area 14: Geauga County
Area 15: Holmes, & Wayne (Except Milton & Chippewa Twps.) Cos.
Area 16: Jackson & Vinton Counties
Area 17: Lawrence (Fayette, Union, & Rome Twps.) Co.
Area 18: Medina (Litchfield,Chatham, Homer, Harrisville, & Spencer Twps.) County
Area 19: Medina (except Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) Co.
Area 20: Monroe, Noble, & Washington Counties



DECISION NO. OH85-5028

AREA DESCRIPTIONS (CONT'D)

ELECTRICIANS

Area 1: Adams, Jackson (Bloomfield, Franklin, Hamilton, Jefferson, Lick, Marion, & Scioto Twps.), Pike (Camp Creek, Marion, Newton, Scioto, & Sunfish), & Scioto Counties
Area 2: Allen, Auglaize, Hardin, Logan, Mercer, Shelby, Van Wert, Wyandot (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) Co.
Area 3: Ashland, Crawford, Huron (New Haven, Richmond, Ripley & Greenwich Twps.) Knox (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown, & Jefferson Twps.), Marion, Morrow, Richland, & Wyandot (Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee Twps.) Cos.
Area 4: Belmont Co.
Area 5: Brown, Clermont, & Hamilton Cos.
Area 6: Butler & Warren (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union, & Washington Twps.) Cos.
Area 7: Carroll (N½ incl. Fox, Harrison, Rose & Washington Twps.), Columbiana (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Twps.), & Wayne (S. of Baughman, Chester, Green & Wayne Twps.) Cos.
Area 8: Carroll (S. ½, Exclu. Fox, Harrison, Rose & Washington Twps.), Columbiana (S. of Butler, Fairfield, Knox, Salem, & Unity Twps.), Harrison, & Jefferson Cos.
Area 9: Champaign, Clark, & Madison (Pike, Paint, Somerford, Union, & Stokes Twps.) Cos.
Area 10: Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (Twps. of Wayne, Clear Creek, & Franklin Twps.) Cos.
Area 11: Columbiana (Butler, Fairfield, Perry, Salem & Unity Twps.) CO.
Area 12: Coshocton, Guernsey, Knox (Clay, Jackson, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, & College Twps.), Licking, Muskingum, Perry, & Tuscarawas (Auburn, York, Jefferson, Clay, Rush, Oxford, Washington, Salem, Perry & Bucks Twps.) Cos.
Area 13: Defiance, Fulton, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos.
Area 14: Delaware, Fairfield, Franklin, Madison (Canaan, Darby, Deer Creek, Fairfield, Jefferson, Monroe, Oak Run, Pleasant & Range Twps.), Pickaway (Darby, Circleville, Harrison, Jackson, Madison, Monroe, Washington, Muhlenberg, Scioto & Walnut Twps.), & Union Cos.
Area 15: Erie, & Huron (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarkfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) Cos.
Area 16: Fayette, Highland, Hocking, Jackson (Coal, Jackson, Liberty, Milton, & Washington Twps.), Pickaway (Deer Creek, Pickaway, salt Creek & Wayne Twps.) Pike (Except Camp Creek, Marion, Newton, Scioto, Sunfish & Union Twps.), Ross, & Vinton (Clinton, Eagle, Elk, Harrison, Jackson, Richland, Swan Twps.) Cos.
Area 17: Gallia & Lawrence Cos.

AREA DESCRIPTIONS (CONT'D)

ELECTRICIANS (CONT'D)

Area 18: Geauga (Russell, Chester, & Bainbridge Twps.) Co.
Area 19: Geauga (Auburn, Middlefield, Parkman & Troy Twps.) Co.
Area 20: Geauga (Rem. of Co.) Co.
Area 21: Medina (Litchfield, & Liverpool Twps.) Co.
Area 22: Medina (Rem. of Co.) & Wayne (N½) Cos.
Area 23: Meigs, Monroe, Morgan, Noble, Vinton (Brown, Knox, Madison, Vinton, & Wilkesville Twps.), & Washington Cos.

ELEVATOR CONSTRUCTORS

Area 1: Adams, Brown, Butler, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Preble, & Warren Cos.
Area 2: Allen, Auglaize, Defiance, Mercer, Paulding, Putnam, Van Wert, & Williams Cos.
Area 3: Ashland, Champaign, Clark, Coshocton, Crawford, Delaware, Fairfield, Fayette, Franklin, Hardin, Hocking, Holmes, Knox Licking, Logan, Madison, Marion, Morgan, Morrow, Muskingum, Perry, Pickaway, Pickaway , Richland, Ross, Shelby, Tuscarawas, Union & Vinton Cos.
Area 4: Belmont, Carroll, Guernsey, Harrison, Jefferson, Monroe Noble, & Washington Cos.
Area 5: Columbiana Co.
Area 6: Erie, Geauga, & Huron Cos.
Area 7: Fulton, Hancock, Henry, Ottawa, Sandusky, Seneca, Wood, & Wyandot Cos.
Area 8: Gallia, Jackson, Lawrence, Meigs, Pike, & Scioto Counties
Area 9: Medina & Wayne Counties

GLAZIERS:

Area 1: Adams, Brown, Butler (Hamilton & Vic.), Clermont, Clinton (S½), Hamilton, Highland (S. Part), & Warren (Lebanon & South) Cos.
Area 2: Allen, Auglaize, Hancock, Hardin, Logan, Mercer, Paulding, Putnam, Shelby (N. part), Van Wert, & Wyandot (Western Part) Cos.
Area 3: Ashland, Crawford, Huron (S½), Knox, Marion, Richland & Wyandot (E. Part) Cos.:
Area 4: Belmont, Guernsey, Harrison, & Jefferson Cos.
Area 5: Butler (Exclu. Hamilton & Vic.), Champaign, Clark, Clinton (N½), Darke, Fayette (W½), Greene, Highland (N Part), Miami, Montgomery, Preble, Shelby (S. Part), Warren (N. of Lebanon) Cos.
Area 6: Carroll, Coshocton, Holmes, Medina (S½), Tuscarawas, & Wayne Counties
Area 7: Columbiana Co.
Area 8: Defiance, Erie (NW Tip to Rte. #4), Fulton, Henry, Ottawa, Sandusky, Seneca, Williams, & Wood Counties
Area 9: Delaware, Fairfield, Fayette (E½), Franklin, Hocking, Jackson, Licking, Madison, Morgan, Muskingum, Perry, Pickaway





AREA DEFINITIONS (CONT'D)

GLAZIERS (CONT'D)

Pike, Ross Union & Vinton Cos.
Area 10: Erie (Exclu. NW Tip to Rte. #4), Geauga, Huron (N½), & Medina Cos.

IRONWORKERS

Area 1: Adams (E½), Gallia, Jackson (S½), Lawrence, Pike (S½), & Scioto Cos.
Area 2: Adams (W½), Brown, Butler (s½), Clermont, Clinton (S. of a line drawn from Blanchester to Lynchburg), Hamilton, Highland (Exclu. E. 1/5 and portion of Co. inside lines drawn from Marshall to Lynchburgh from the N. Co. line through E. Monroe to Marhall), & Warren (S½) Cos.
Area 3 - Allen (S½), Auglaize, Butler (N½), Champaign (W 2/3), Clark (W 3/4) Clinton (Exclu. S. of a line drawn from Blanchester to Lynchburg) Darke, Greene, Highland (Inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), Logan (W 2/3) Mercer (S½), Miami, Montgomery, Preble,Shelby, & Warren (N½) Cos.
Area 4: Allen (N½), Defiance (except Portion S. of a Line Drawn from where Rte. 66 meets the No. line through Independence to the E. Co. border, Mercer (N½), Paulding, Putnam (except Portion E. of a line drawn from the N. border down thru Miller City to where 696 meets the S. border), Van Wert & Williams (Except Portion E. of a line drawn from Pioneer thru Stryker to the S. Border) Cos.
Area 5: Ashland, Carroll, Columbiana (W. of a line from Damascus to Highlandtown), Coshocton (E. of a line beginning at NW Co. line going through Walhonding & Tunnel Hill to the south Co. line), Holmes, Huron (S. of Old Rte. #224), Medina (S. of Old Rte. #224), Richland, Tuscarawas, & Wayne Cos.
Area 6: Belmont, Guernsey, Harrison, Jefferson, Monroe, & Muskingum (Except portion W. of a line starting at Adams Mill going to Adamsville & going from Adamsville through Blue Rock to the S. border) Cos.
Area 7: Champaign (E 1/3), Clark (E½), Coshocton (W. of a line Beg. at N. W. Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), Crawford (S. of Rte 30), Fayette, Hardin (Except a line drawn from Roundhead to Maysville), Highland (E 1/5), Hocking, Jackson (N½), Knox, Logan (E 1/3), Marion, Morrow, Muskingum (W. of a line Starting at Adams Mill going to Adamsville & going from Adamsville thru Blue Rock to the S. Border), Perry, Pike (N½), Ross, Vinton, & Wyandot (S. of Rte. #30) Cos.
Area 9: Columbiana (E. of a line from Damascus to Highlandtown), & Geauga (E. of a line from Austinburg to Middlefield & S.) Cos.
Area 9: Crawford (Area bet. lines drawn from where Hwy #598 & #30 meet thru N. Liberty to the N. Border & from said Hwy junction point due w. to the Border), Defiance (S. of a line drawn from where Rte. #66 Meets the N. Line thru Independence to the E. Co. Border), Erie (W. 1/3), Fulton, Hancock, Hardin (N. of a line drawn from Maysville to a point 4 mi. S. of the N. line on the E. line), Henry, Huron (W. of a line drawn from the N. Border thru Monroeville & Williard), Ottawa, Putnam (E. of a line drawn from the N. Border down thru Miller City to where #696 meets the S. Border), Sandusky, Seneca, Williams (E. of a line drawn from Pioneer thru Stryker to the S. Border), Wood, & Wyandot (Area N. of Rte. #30) Cos.

AREA DESCRIPTIONS (CONT'D)

IRONWORKERS (CONT'D)

Area 10: Delaware, Fairfield, Licking, Madison, Pickaway, & Union Cos.
Area 11: Erie (E 2/3), Geauga (W ½), Huron (E. of a line drawn from the North border through Monroeville & Willard), & Medina (N. of Old Rte. #224) Cos.
Area 12: Franklin Co.
Area 13: Meigs, Morgan, Noble, & Washington Cos.

LATHERS

Area 1: Auglaize, Butler (N ½), Champaign, Clark (W ½), Clinton (N ½), Darke, Fayette (W ½), Greene, Logan, Mercer, Miami, Montgomery, Preble, Shelby, & Warren (N ½) Cos.
Area 2: Belmont, Columbiana, Harrison, Jefferson, & Monroe Cos.
Area 3: Clermont, Hamilton, Highland (Except NE Tip), & Warren (S ½) Cos.
Area 4: Defiance, Fulton, Hancock, Henry, Paulding & Williams Cos.
Area 5: Erie & Huron Cos.
Area 6: Ottawa, Sandusky, Seneca, & Wood Cos.

MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS

Area 1: Adams & Scioto Cos.
Area 2: Allen, Auglaize, Mercer, & Van Wert Cos.
Area 3: Ashland, Crawford, Hardin, Holmes, Marion, Morrow, Richland, Wayne (except Milton & Chippewa Twps.), & Wyandot (Except Crawford, Ridge, Richland, & Tymochtee twps.) Cos.
Area 4: Brown, Butler, Clermont, Hamilton, Preble (Dixon, Israel, Lanier, Somers, & Gratis Twps.), & Warren Cos.
Area 5: Carroll & Tuscarawas Cos.
Area 6: Champaign, Clark, Clinton, Darke, Greene, Highland, Logan, Miami, Montgomery, Preble (Except Dixon, Israel, Lanier, Somers, & Gratis Twps.), & Shelby Cos.
Area 7: Columbiana (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) Co.
Area 8: Columbiana ( St. Clair, Madison, Wayne, Franklin, Washington, Yellow Creek, & Liverpool Twps.), Jefferson (Brush Creek & Saline Twps.) Cos.
Area 9: Coshocton, Fairfield, Guernsey, Hocking, Knox, Licking, Morgan, Muskingum, & Perry Cos.
Area 10: Defiance, Fulton ( Except Fulton, Amboy & Swan Creek Twps), Henry (Except Monroe, Bartlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside city limits of City of Napolean), Paulding, Putnam & Williams Cos.
Area 11: Delaware, Franklin, Madison, Pickaway, & Union Cos.
Area 12: Erie, Hancock, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), & Wyandot (Ridge, Tymochtee, & Richland Twps.) Cos. & Island of Lake Erie North of Sandusky
Area 13: Fulton (Fulton, Amboy, & Swan Creek Twps.), Henry (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & Wood (Ross, Perrysburg, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) Cos.



AREA DESCRIPTIONS (CONT'D)

MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS (CONT'D)

Area 14: Fulton & Wood (Except Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) Cos.
Area 15: Gallia & Meigs Cos.
Area 16: Geauga Co.
Area 17: Harrison & Jefferson (Except Mt. Pleasant, Warren Brush Creek, & Salineville Twps. & the village of Dillonvale) Cos.
Area 18: Jackson & Vinton Cos.
Area 19: Lawrence Co.
Area 20: Medina (Hinckley, Granger, Brunswick, Median, Liverpool, Montville, & York Twps.) Co.
Area 21: Medina (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & Wayne (Milton & Chippewa Twps.) Cos.
Area 22: Medina (Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) Co.
Area 23: Noble (Brookfield, Noble, Creek, Sharon, Olive, Enoch, Stock Elk, Jackson, & Jefferson Twps.), & Washington Cos.

MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS & TILE SETTERS' FINISHERS

Area 1: Adams, Brown, Butler, Clermont, Clinton, Fayette, Gallia, Hamilton, Highland, Jackson, Lawrence, Meigs, Pike, Ross, Scioto, Cinton, Warren, & Washington Cos.
Area 2: Allen, Defiance, Fulton, Henry, Paulding, Putnam, Williams, & Wood (Exclu. Perry & Bloom Twps.) Cos.
Area 3: Ashland, Erie, Geauga, Huron, Medina (Exclu. Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & Richland Cos.
Area 4: Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan, Mercer, Miami, Montgomery, Preble, & Shelby Cos.
Area 5: Carroll & Tuscarawas Cos.
Area 6: Columbiana, Coshocton, Harrison, Holmes, Jefferson, & Wayne (Exclu. Milton & Chippewa Twps.) Cos.
Area 7: Delaware, Fairfield, Franklin, Pickaway, & Union Cos.
Area 8: Hancock, Ottawa, Sandusky, Seneca, Wyandot (Tymochtee, Ridge, & Richland Twps.) Cos.
Area 9: Medina (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & Wayne (Milton & Chippewa Twps.) Cos.

MILLWRIGHTS

Area 1: Adams, Fayette, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, Ross, & Scioto Cos.
Area 2: Allen, Auglaize, Champaign, Clark, Coshocton, Delaware, Fairfield, Franklin, Guernsey, Hardin, Holmes, Knox, Licking, Logan, Madison, Marion, Mercer, Morgan, Morrow, Muskigum, Noble, Perry, Pickaway, Putnam, Union, Van Wert & Wayandot Cos.

AREA DESCRIPTIONS (CONT'D)

MILLWRIGHTS

Area 3: Ashland, Crawford, Erie (E. of B & O RR Tracks), Geauga, Huron, Medina, & Richland Cos.
Area 4: Belmont, Columbiana, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Butler, Clermont, Clinton, Hamilton, & Warren Cos.
Area 6: Carroll, Tuscarawas, & Wayne Cos.
Area 7: Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 8: Defiance, Erie ( W of B & O RR Tracks), Fulton, Hancock, Henry, Ottawa, Paulding, Sandusky, Seneca, Williams & Wood Cos.
Area 9: Hocking, Vinton & Washington Cos.

PAINTERS:

Area 1: Adams, Highland, Jackson, Pike, & Scioto Cos.
Area 2: Allen, Auglaize, Defiance, Hardin, Mercer, Paulding, Putnam, Shelby, Van Wert, & Williams Cos.
Area 3: Ashland, Crawford, Marion, Morrow, & Richland Cos.
Area 4: Belmont, Harrison, & Jefferson Cos.
Area 5: Brown, Clermont, & Hamilton Cos.
Area 6: Butler & Warren Cos.
Area 7: Carroll, Coshocton, Holmes, Tuscarawas & Wayne Cos.
Area 8: Champaign, Clark, Logan, & Madison Cos.
Area 9: Clinton, Darke, Greene, Miami, Montgomery, & Preble Cos.
Area 10: Columbiana County
Area 11: Delaware, Fairfield, Fayette, Franklin, Pickaway, Ross, & Union Cos.
Area 12: Erie, Hancock, Huron, Sandusky, Seneca, & Wyandot Cos.
Area 13: Fulton, Henry, Ottawa, & Wood Cos.
Area 14: Gallia, Lawrence, Meigs & Vinton Cos.
Area 15: Geauga Co.
Area 16: Hocking Co.
Area 17: Knox, Licking, Muskingum, & Perry Cos.
Area 18: Medina Co.
Area 19: Monroe, Morgan, Noble & Washington Cos.

PILEDRIVERMEN

Area 1: Adams, Fayette, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, Ross, & Scioto cos.
Area 2: Allen, Auglaize, Champaign, Clark, Coshocton, Delaware, Fairfield, Franklin, Guernsey, Hardin, Holmes, Knox, Licking, Logan, Madison, Marion, Mercer, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Putnam, Union, Van Wert, & Wyandot Cos.
Area 3: Ashland, Crawford, Erie (E. of B & O RR Tracks), Geauga, Huron, Medina, & Richland Cos.
Area 4: Belmont, Harrison, & Monroe Cos.
Area 5: Brown, Butler, Clermont, Clinton, Hamilton, & Warren Cos.
Area 6: Carroll, Tuscarawas, & Wayne Cos.
Area 7: Columbiana & Jefferson Cos.
Area 8: Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 9: Defiance, Erie (W. of B & RR Tracks), Fulton, Hancock, Henry, Ottawa, Paulding, Sandusky, Seneca, Williams & Wood Cos.
Area 10: Hocking, Vinton, & Washington Cos.



AREA DESCRIPTIONS (CONT'D)

PIPEFITTERS; PLUMBERS; & STEAMFITTERS

Area 1: Adams, Gallia, Highland, Jackson, Lawrence, Pike, Scioto, & Vinton Cos.
Area 2: Allen, Auglaize, Hardin, Mercer, Shelby, & Van Wert Cos.
Area 3: Ashland, Crawford, Erie, Huron, Knox, Morrow, Richland, & Wyandot Cos.
Area 4: Belmont, & Monroe (N. of Rte. #78) Cos.
Area 5: Brown, Clermont & Hamilton Cos.
Area 6: Butler & Warren (N 2/3, N. of Rte. #63, Exclu. Lebanon & S. Lebanon) Cos.
Area 7: Carroll (Ross, Monroe, Union, Lee, Orange, Perry, & Loundon Twps.), Coshocton, Guernsey, Holmes, Morgan (S. to State Rte. #78 & from McConnelsville W. on State Rte. #37 to the Perry Co. line), Muskingum, Noble, & Tuscarawas Cos.
Area 8: Carroll (Exclu. Ross, Monroe, Lee, Union, Orange, Perry, & Loudon Twps.), & Wayne Cos.
Area 9: Champaign, Clark, Greene, (Ross, Cedarville, Jefferson, Ceasar Creek, & New Jasper Twps.), Logan, & Madison (W. of Rte. #38, incl. city of London) Cos.
Area 10: Clinton, Darke, Fayette, Greene (Exclu. Miami, Cedarville, Ross, Jefferson, Ceasar Creek, & New Jasper Twps.), Miami, Montgomery, & Preble Cos.
Area 11: Columbiana Co. (Exclu. Washington & Yellow Creek Twps. & Loverpool Twp. - Secs. 35 & 36 - W. of Co. Rd. #427)
Area 12: Columbiana (Washington & Yellow Creek Twps. & Liverpool Twp. - Sec. 35 & 36 - W. of Co. Rd. #427), Harrison, & Jefferson Cos.
Area 13: Defiance, Fulton, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos.
Area 14: Delaware, Fairfield, Franklin, Hocking, Licking, Madison (E. of Rte. #38 not incl. city of London), Marion, Perry, Pickaway, Ross, & Union Cos.
Area 15: Geauga, & Medina (N. of #18, exclu. city of Medina) Cos.
Area 16: Geauga, & Medina (N. of #18 & Smith Rd.) Cos.
Area 17: Medina (S. of #18. exclu. City of Medina) Co.
Area 18: Meigs, Monroe (S. of Rte. #78), Morgan (S. of Rte. #76), & Washington Cos.

PLASTERERS

Area 1: Adams, Lawrence (Except Fayette, Union & Rome Twps.), Pike & Scioto Cos.
Area 2: Allen, Ashland, Auglaize, Crawford, Delaware, Fairfield, Fayette, Franklin, Hardin, Hocking, Knox, Licking, Logan, Madison, Marion, Mercer, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Richland, Ross, Union, Van Wert, Washington, & Wyandot (Exclu. Tymochtee, Crawford, Ridge, & Richland Twps.) Cos.
Area 3: Belmont, Harrison, & Jefferson Cos.
Area 4: Brown, Butler, Clermont, Hamilton, Highland, & Warren Cos.

AREA DESCRIPTIONS (CONT'D)

PLASTERERS (CONT'D)

Area 5: Carroll & Tuscarawas Cos.
Area 6: Champaign, Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 7: Columbiana Co.
Area 8: Defiance, Fulton, Hancock, Henry, Paulding, Putnam, Williams, & Wood (Exclu. Perry & Bloom Twps.) Cos.
Area 9: Erie, Huron, Ottawa, Sandusky, Seneca, Wood (Perry & Bloom Twps.), & Wyandot (Tymochtee, Ridge & Richland Twps.) Cos. & The Island of Lake Erie N. of Sandusky
Area 10: Gallia & Meigs Cos.
Area 11: Geauga Co.
Area 12: Holmes & Wayne (Except Milton & Chippewa Twps.) Cos.
Area 13: Jackson & Vinton Cos
Area 14: Lawrence (Payette, Union & Rome Twps.) Cos.
Area 15: Medina (Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) Co.
Area 16: Medina (Except Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) Co.

ROOFERS

Area 1: Adams, Gallia, Guernsey, Jackson, Lawrence, Meigs, Morgan, Muskingum, Noble, Pike, Scioto, & Vinton Cos.
Area 2: Allen, Auglaize, Champaign, Delaware, Fairfield, Fayette, Franklin, Hardin, Hocking, Knox, Licking, Logan, Madison, Marion, Mercer, Morrow, Perry, Pickaway, Putnam, Ross, Union, Van Wert, & Wyandot Cos.
Area 3: Ashland, Carroll, Columbiana, Coshocton, Crawford, Holmes, Medina, Richland, Tuscarawas, & Wayne Cos.
Area 4: Belmont, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Butler, Clermont, Hamilton, & Warren Cos.
Area 6: Clark, Clinton, Darke, Greene, Miami, Montgomery, Preble, & Shelby Cos.
Area 7: Defiance, Fulton, Hancock, Henry, Paulding, Williams & Wood Cos.
Area 8: Erie, Geauga, Huron, Ottawa, Sandusky, & Seneca Cos.

SHEET METAL WORKERS

Area 1: Adams, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Hocking, Jackson, Knox, Lawrence, Licking, Madison, Marion, Meigs, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Scioto, Union, & Vinton Cos.
Area 2: Allen, Auglaize, Butler, Champaign, Clark, Clinton, Darke, Greene, Hardin, Logan, Mercer, Miami, Montgomery, Preble, Shelby, Van Wert, Warren & Wyandot Cos.



AREA DESCRIPTIONS (CONT'D)

SHEET METAL WORKERS (CONT'D)

Area 3: Ashland, Carroll, Coshocton, Crawford, Holmes, Medina, Richland, Tuscarawas, & Wayne Cos.
Area 4: Belmont, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Clermont, Hamilton, & Highland Cos.
Area 6: Columbiana Co.
Area 7: Defiance, Fulton, Hancock, Henry, Ottawa, Paulding, Putnam, Seneca, Williams, & Wood Cos.
Area 8: Erie, Huron, & Sandusky Cos.
Area 9: Geauga Co.
Area 10: Washington Co.

SOFT FLOOR LAYERS

Area 1: Adams, Fayette, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, & Scioto Cos.
Area 2: Allen, Auglaize, Champaign, Clark, Coshocton, Delaware, Fairfield, Franklin, Guernsey, Hardin, Holmes, Knox, Licking, Logan, Madison, Marion, Mercer, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Putnam, Union, Van Wert, & Wyandot Cos.
Area 3: Ashland, Crawford, Erie, Huron, Ottawa, Richland, Sandusky, & Seneca Cos. & that portion of the City of Fostoria located in Hancock & Wood Cos.
Area 4: Belmont, Columbiana, Harrison, Jefferson, & Monroe Cos.
Area 5: Brown, Butler, Clermont, Clinton, Hamilton, & Warren Cos.
Area 6: Carroll, Tuscarawas, & Wayne Cos.
Area 7: Darke, Greene, Miami, Montgomery, Preble & Shelby Cos.
Area 8: Defiance, Fulton, Hancock (Except city of Fostoria), Henry, Paulding, Williams & Wood (Except city of Fostoria) Cos.
Area 9: Geauga
Area 10: Hocking, Vinton, & Washington Cos.
Area 11: Medina County

SPRINKLER FITTERS

Area 1: Geauga, & Medina (N. of #18, exclu. City of Medina) Cos.
Area 2: Remaining Cos.

LABORERS:

Area 1: Adams, Gallia, Highland, Jackson, Lawrence, Meigs, Pike, & Scioto Cos.
Area 2: Allen, Auglaize, Mercer, Paulding, Putnam, Shelby & Van Wert Cos.
Area 3: Ashland, Crawford, Knox, Morrow, & Richland Cos.
Area 4: Belmont Co.
Area 5: Brown, Clermont, Clinton & Hamilton Cos.
Area 6: Butler & Warren Cos.
Area 7: Carroll, Coshocton, Holmes, Tuscarawas, & Wayne cos.
Area 8: Champaign, Clark, & Logan Cos.
Area 9: Columbiana, Harrison, & Jefferson Cos.
Area 10: Darke, Greene, Miami, Montgomery, & Preble Cos.
Area 11: Defiance, Fulton, Henry, & Williams Cos.
Area 12: Delaware, Hancock, Hardin, Marion, Seneca, & Wyandot Cos.

AREA DESCRIPTIONS (CONT'D)

LABORERS (CONT'D)

Area 13: Erie, Huron, Ottawa, & Sandusky Cos.
Area 14: Fairfield, Fayette, Franklin, Hocking, Licking, Madison, Pickaway, & Union Cos.
Area 15: Geauga Co.
Area 16: Guernsey, Muskingum, Noble, & Perry Cos.
Area 17: Medina Co.
Area 18: Monroe, Morgan, & Washington Cos.
Area 19: Ross & Vinton Cos.
Area 20: Wood Co.

LINE CONSTRUCTION

Area 1: Adams, Gallia, Jackson (Bloomfield, Franklin, Hamilton, Lick, Jefferson, Scioto, & Madison Twps.), Lawrence, Meigs, Pike, (Camp Creek, Marion, Newton, Scioto, Sunfish & Union Twps.), Scioto, & Vinton (Brown, Knox, Madison, Vinton, & Wilksville Twps.) Cos.
Area 2: Allen, Auglaize, Hardin, Logan, Mercer, Shelby, Van Wert, & Wyandot (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) Cos.
Area 3: Ashland, Crawford, Huron (New Haven, Richmond, Ripley & Greenwich Twps.), Knox (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berline, Brown, & Jefferson Twps.), Marion, Morrow, Richland, & Wyandot (Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee Twps.) Cos.
Area 4: Belmont Co.
Area 5: Brown, Clermont, & Hamilton Cos.
Area 6: Butler, Warren (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union & Washington Twps.) Cos.
Area 7: Carroll (N ½ Incl. Fox, Harrison, Rose & Washington Twps.), Columbiana (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Twps.), & Wayne Twps. S. of Baughman, Chester, Greene & Wayne Twps.) Cos.
Area 8: Carroll (S. of Fox, Harrison, Rose & Washington Twps.), Columbiana (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.), Harrison & Jefferson Cos.
Area 9: Champaign, Clark, & Madison (Except Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.) Cos.
Area 10: Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (Wayne, Clear Creek, & Franklin Twps.) Cos.
Zone 1: Within 11 mi. radius of 3rd & Main Streets in Dayton, Ohio
Zone 2: Beyond 11 mi. radius of 3rd & Main Streets in Dayton, Ohio
Area 11: Columbiana (Butler, Fairfield, Perry, Salem, & Unity Twps.), & Geauga (Auburn, Middlefield, Parkman, Burton & Troy Twps.) Cos.
Area 12: Coshocton, Delaware, Franklin, Guernsey, Madison (Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.), Muskingum, Perry, Pickaway (Darby, Circleville, Harrison, Jackson, Madison, Monroe, Muhlenburg, Scioto, Walnut, & Washington Twps.), & Tuscarawas (Oxford, Washington, Perry, Rush, Clay, Salem, Bucks, York, & Jefferson Twps.) Cos.
Area 13: Defiance, Fulton, Hancock, Henry, Ottawa, Paulding, Putnam, Sandusky, Seneca, Williams, & Wood Cos.



AREA DEFINITIONS (CONT'D)

LINE CONSTRUCTION (CONT'D)

Area 14: Erie & Huron (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) Cos.
Area 15: Fairfield, Knox (Butler, College, Clay, Harrison, Hilliar, Jackson, Morgan, Milford, Miller, & Pleasant Twps.), & Licking Cos.
Area 16: Fayette, Highland, Hocking, Jackson (Coal, Jackson, Liberty, Milton, & Washington Twps.), Pickaway (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), Pike (Exclu. Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), Ross, & Vinton (Clinton, Eagle, Elk, Harrison, Jackson, Richland, & Swan Twps.) Cos.
Area 17: Geauga (Bainbridge, Russell, & Chester Twps.) Co.
Area 18: Geauga (Exclu. Bainbridge, Chester, Russell, Auburn, Middlefield, Parkman & Troy Twps.) Co.
Area 19: Medina (Litchfield, & Liverpool Twps.) Co.
Area 20: Medina (Brunswick, Chatham, Granger, Guilford, Harrisville, Hinckley, Homer, Lafayette, Medina, Montville, Sharon, Spencer, Wadsworth, Westfield, & York Twps.), & Wayne (Northern ½ of Co.) Cos.
Area 21: Monroe, Morgan, Noble, & Washington Cos.
Area 22: Union Co.

TRUCK DRIVERS:

Area 1: Adams, Brown, Highland, Jackson, Lawrence (W. of Coal Grove & W. of St. Rt. #75, Pike, Ross, Scioto & Vinton Cos.
Area 2: Allen, Auglaize, Defiance, Hancock, Hardin, Logan, Mercer, Paulding, Putnam, Shelby, Union, & Van Wert Cos.
Area 3: Belmont, Jefferson (N. to Short Creek), & Monroe Cos.
Area 4: Butler & Warren Cos.
Area 5: Clinton, Darke, Greene, Miami, Montgomery, & Preble Cos.
Area 6: Columbiana Co.
Area 7: Delaware, Fayette, Franklin, Madison, Pickaway & Ross Cos.
Area 8: Gallia, Lawrence (E. of Ohio State Rte. #75) & Meigs Cos.
Area 9: Harrison & Jefferson (S. to Short Creek) Cos.
Area 10: Washington County

POWER EQUIPMENT OPERATORS

Zone 1: Allen, Ashland, Belmont, Carroll, Coshocton, Defiance, Fulton, Guernsey, Hancock, Hardin, Harrison, Henry, Holmes, Jefferson, Monroe, Noble, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Tuscarawas, Van Wert, Washington, Wayne, Williams, & Wood Counties
Zone 2: Adams, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Morgan, Morrow, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, & Wyandot Counties
Zone 3: Erie, Geauga, Huron, & Medina Counties

CLASSIFICATION DEFINITIONS

LABORERS

AREA 1

Group 1 - Bottom Men; Building & Construction Laborers; Carpenters Tenders; Mason Tenders; Mortar Mixers; Pipelayers; Plasterers' Tenders; Sheeting & Shoring Men
Group 2 - Air & Machine Driven Tool Op.; Asphalt Rakers & Smoothers; Burning & Cutting Torches; Chain Saws; Form Setters (Street & Highway); Hand Spikers & Powered Concrete Buggies
Group 3 - Gunnite Machine Op.; Gunnite Nozzle Men; & Powdermen & Blasters

AREA 2

Group 1 - Building Laborers, Laser Beam; Power Wheelbarrow or Power Buggy
Group 2 - All Machine Driven Tools (Gas, Electric, Air); Asphalt Rakers; Caisson; Cement Finishers' Tenders; Cofferdam; Demolition; Packers; Pot Tenders; Pump Man Under 4" Discharge; Spikers by Hand (Railroad); Tamper; Torch Man; Tunnel Vibrators; & Cement Rakers
Group 3 - Blaster Tender; Cylinder, Shaft; Jackhammer; Manhole Builders; Mason Tenders; Mortar Mixers; Plasterers' Tenders; Sewer Bottom Man; Sewer Pipelayer; Sewer, Water Conduit; Gas, Oil Pipeline, except Mainlines; Wagon Drill Tender; Blaster-Powderman; Gunnite Ops. Muckers & Miners (Tunnel & Caisson) Free Air; Sandblasters; & Wagon Drill Ops.

AREA 3

Group 1 - Building & Construction Laborers; Carpenter Tenders; Concrete Handler; Finisher Tender; Guard Rail Erector; & Tool Cribmen
Group 2 - Air & Power Driven Tools; Bottom Men; Burner on Demolition Work; Caisson Worker; Cofferdam Worker; Creosote Worker; Form Setter; Hod Carrier; Laser Beam Set-up Man; Mason Tender; Mortar Mixer; Mucker; Pipe Layer; Plasterer Tender; Powder Men; Scaffold Builder; Stonemason Tender; Swinging Scaffold; & Tunnel Laborers
Group 3 - Gunnite Operator

AREA 4

Group 1 - Laborers; Carpenter Tender; Demolition Workers; Landscape Laborer
Group 2 - Powderman Tender; Semi-Skilled Laborer; Scaffold Builders; Grader Checker; Brick Masons Tenders; Plasterers Tenders; Cement Finishers Tenders; Stone Masons Tenders; Lathers Tenders; Tile Setters Tenders; Mortar Mixer; Jackhammer Operators; Vibrator Operators; Tamper Operators; Pavement Buster Operator; Chipping and Peening Hammer Operators; Air Siphon and Air Pump Operators; Riprap Finishers; Concrete Saw Operators; Concrete Technician; Power Saw Operators; Chain Saw Operators; Motorized Buggy Operators; Pipe Layers Tenders; Drill Operators Tenders; Sheeters and Shorers; Post Hole Digger Operator; Asphalt Rakers; Lance and/or Water Blaster



CLASSIFICATION DEFINITIONS (CONT'D)

LABORERS (CONT'D)

AREA 4 (CONT'D)

Operators; Blacksmith Tender; Batch House Scale Operators; Mastic Asphalt; Nozzlemen for Gunnite or Sandblasting; Ride or Walk Roller Tampers
Group 3 - Blacksmith; Powderman; Air Track Operator; Pipe Layer (Including Laser Beam Set Up) Burner

AREA 5:

Group 1 - Common Laborers; Cement Masons' Tenders; Hand Operated Mechanical Mule; & Mechanical Sweeper
Group 2 - Bottom Man; Pipelayer
Group 3 - Burning Torch Operator; Chipping Hammer; Concrete Pump Hose Man; Jackhammer; Mechanical & Air Tamper Operator; Mechanical Concrete Buggies; Power Operated Mechanical Mule; Vibrator Man; Air Spader;
Group 4 - Bottom Jackhammer Man; Plasterers' Tenders
Group 5 - Plaster Mixer Pump Operator
Group 6 - Tunnel Laborer
Group 7 - Gunnite Nozzle Operator
Group 8 - Mason Tenders
Group 9 - Demolition Construction - Wrecking Laborers
Group 10 - Demolition Construction - Jackhammer Man; Burner; & Wall Man

AREA 6

Group 1: Building & Common Laborers; Rough Rider - 4" Small Pump; Portable Generators - Bobcat to Cleanup
Group 2: Asphalt Raker; Chisel; Hand Air Pump; Hand Air Tamper; Handling & Laying Precast Concrete Floors & Decks; Power Tamper Op.; Smoother; Switch Assemblies; Tamper, & Tool Repairman
Group 3: Acetylene Burner; Barco Tamper Man; Bos'n or Cradleman; Bottom Man; Chipping Hammer; Concrete Saw Man; Form Cleanout & Blowout Man; Grade Checker; Jackhammer & Concrete Busterman; Pipelayers; Power Georgia Buggy Man; Power Sweeper Man; Rail Spikers; Red Concrete Coloring Man (Electrical Safety); & Vibrator
Group 4: Mason Tenders; Mortar Mixers & Scaffold Builders
Group 5: Fork Lift for Mason
Group 6: Gunite Man; Sand Blasters Concrete Pump & Hose Man
Group 7: Miners & Muckers, Free Air
Group 8: Powderman or Blaster above Ground
Group 9: Mortar or Gypsum Machineman

AREA 7

Group 1 - Building Construction Laborers; Carpenter Tender; Concrete Handler; Finisher Tender; Guard Rail Erector; Tool Cribmen & Utility Construction
Group 2 - Air & Power Driven Tools; Bottom Men; Burner on Demolition; Caisson Worker; Cofferdam Worker; Creosote Worker; Form Setter; Hod Carrier; Laser Beam Setup Man; Mucker; Pipelayer; Plasterer Tender; Powder Men & Dynamite Blasters; Scaffold Building; Swinging Scaffold & Tunnel Laborer
Group 3 - Mason Tender; Mortar Mixer; & Stonemason Tender
Group 4 - Gunnite Op.

CLASSIFICATION DEFINITIONS (CONT'D)

LABORERS (CONT'D)

AREA 8

Group 1 - Carpenters' Tenders; Laborers
Group 2 - Air & Machine Driven Tool Ops.; Asphalt Raker & Tamper; Barko & Chain Saw; Bottom Man; Gunnite Machine Op. & Nozzle Man; Hand Spikers; Jackhammer; Power Concrete & Buggies; Sewer Pipelayers; & Wagon Drill
Group 3 - Mason Tenders; Mortar Mixers; Plasterers' Tenders; Asbestos Remover; & Hazardous Material Handler
Group 4 - Miners & Muckers for Tunnel & Caisson; Powdermen & Blasters

AREA 9

Group 1: General; Carpenter Tender; Landscaper
Group 2: Brick Handlers; Tenders for Brick Masons, Plasterers, Stonemasons, & Tile Setters; Mortarmen for Masons & Plasterers; Men Mixing Cement for Cement Finishers; Scaffold Builders; Mortar Mixer Machine Operator
Group 3: Laborers Operating Concrete Busters; Jack Hammers; Air Spades; Chipping Hammers; Air Tampers; Vibrators; Power Buggy; Concrete Saw; Power Saw; Sandblaster; Acetylene Burners; Panel Cleaning Machine Ops.; Power Driven Tools; Air Pump; Air Blow Pipe; Pipelayer & Tenders Working in Ditches or Tunnels; & Laborers Handling Concrete For Test or Working with Tar, Acid, Creosote; & Asbestos, 2" & Under
Group 4: Laborers performing work pertaining to or in connection with & Repair of Stoves, Blast Furnaces, Basic Oxygen Process Furnaces, Steeples & Stacks, Annealing Process Furnaces, Kilns, Soaking Pits, Coke Batteries on Industrial Work; Demolition of Stacks 50' to 100'; Tunnel Laborers; Muckers including Caissons & Coffers, Horizontal & Underground
Group 5: Blastermen & Tenders; Bellman & Lancer; Bottom Men in Blast Furnaces, Stacks, Stoves, & Dust Catchers; Mud Men & Laborers Working with Carbon Brick & Handling Bottom Block on Blast Furnaces, Stacks, Stoves & Dust Catchers
Group 6: Demolition of Stacks 100' to 150'
Group 7: Gunite Nozzleman & Gunite Machine Operator - Grout Nozzlemen & Grout Machine Operator
Group 8: Demolition of Stacks over 150'
Group 9: Laser Beam

AREA 10

Group 1 - Laborers
Group 2 - All Machine Power Driven Tools; Chipping Hammers; Power Buggies; Railroad Spikers by Hand; Swinging Scaffold over 15 ft.; & Vibrators
Group 3 - Air Drill; Batter Board Setter & Bottom Men; Jackhammer; Man Hole Builders; Sandblasterers; & Sewer Pipelayers
Group 4 - Caisson Work; Scaffold W/Power Tools
Group 5 - Torch Man on Wrecking



CLASSIFICATION DEFINITIONS (CONT'D)

LABORERS (CONT'D)

AREA 10 (CONT'D)

Group 6 - Caisson Work W/Jackhammer
Group 7 - Gunnite Operator; Wagon Drill Operator, and Blaster - Powder Man
Group 8 - Tenders for Bricklayers and Masons & Flexicore
Group 9 - Tenders for Lathers and Plasterers

AREA 11

Group 1 - Carpenter Tenders; Cement Finishers' Tenders; Laborers
Group 2 - Gunnite Pot Man; Mason Tenders; & Winch Ops.
Group 3 - Burners, Torchmen & Nozzlemen for Concrete Pumps
Group 4 - All Power Driven Tools & Buggies
Group 5 - Plasterers' Tenders
Group 6 - Bellman, Bottom Man; & Brick Expeditor
Group 7 - Car Pusher
Group 8 - Mucker W/O Pressure
Group 9 - Nozzle Operator Gunnite Work

AREA 12

Group 1 - Building & Construction Laborer; Tool Cribmen; Carpenter Tender; Finisher Tender; Concrete Handler; Utility Constuction Laborer; Guard Rail Erector
Group 2 - Bottom Man; Scaffold Builders; Tunnel Laborer; Pipelayer; Air & Power Driven Tool; Burner on Demolition; Swinging Scaffold Worker; Caisson Workers; Cofferdam Worker; Powdermen & Dynamite Blaster; creosote Worker; Mortar Mixer; Form Setter; Mason Tender; Plasterer Tender; Hod Carrier; Laser Beam Set-up Man & Stonemason Tender
Group 3 - Gunnite Operator

AREA 13

Group 1 - Building & Construction Laborer; Carpenter Tender; Concrete Handler; Finisher Tender; Guard Rail Erector; Tool Cribmen & Utility Construction Laborer
Group 2 - Air & Power Driven Tool; Bottom Men; Burner on Demolition Work; Caisson Worker; Cofferdam Worker; Creosote Worker; Form Setter Hod Carrier; Laser Beam Set-Up Man; Mason Tender; Mortar Mixer; Mucker;Pipelayer; Plasterer Tender; Powder Men & Dynamite Blaster; Scaffold Builders & Swinging Scaffold; Stonemasons Tenders & Tunnel Laborer
Group 3 - Gunnite Operator; Caustic Lime Worker; Dry Standblast; & Radidactive Atmosphere Worker

CLASSIFICATION DEFINITIONS (CONT'D)

LABORERS (CONT'D)

AREA 14

Group 1 - Carpenter Tenders; Cleaning Debris; Cleaning of all Material; Common Laborer; Conveyor Belt; General Clean Up; Handling & Conveying all Material ; Landscape; Loading and Unloading All Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Salamander; Sod Layers; Washing of All Windows; & Wire Mesh Handlers or Setters
Group 2 - Air or Electric Pneumatic Tool Operator; All Scaffold Builders (Swinging Scaffold); Asphalt and Blacktop Rakers; Bottom Man; Brick Tenders; Caisson Bottom Man; Cement Mason Tender; Concrete Saw Operator, and Brush Feeders on Pulverizers; Forklift Operator; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun Burners; Mortar Mixers & Operators; Pipe Layers; Plasterers' Tenders; Power Buggy Operator; Power Driven Tools; Power Wheelbarrow Operator; Sand and Vacuum Cleaning; Sandblasting of Concrete; Stone Mason Tender; Vibrator Man; Wagon and Churn Drill Operators; & Wall Wrecker & Bar Man on Demolition

AREA 15

Group 1: Asbestos Removal; Final Cleanup Laborers (not tending other crafts); Landscaping; Sewer Jet; & Unloading of Furniture & Fixtures
Group 2: Building and Construction Laborers & Tenders
Group 3: Firebrick Tenders
Group 4: Air Track & Wagon Drill; Swinging Scaffolds
Group 5: Mason Tender Handling Carbon Block & Bottom Block Material
Group 6: Gunite Operating
Group 7: Acid Brick Tenders; Blasters, Shooters, Caisson, Well, Cylinder, Cofferdams, & Mine Workers w/o Air
Group 8: Bellman & Bottom Man in Blast Furnace & Stove
Group 9: Lansing Burners

AREA 16

Group 1 - Building & Construction Laborers; Carpenter Tenders; Planters (Landscape); Plumbers Tenders & Tree Trimmers
Group 2 - Air & Machine Driven Tool Operators; Asphalt Plant Aggremeter Operator; Asphalt Plant Mixer Men; Brick Slingers; Car Pushers; & Tunnel Laborers; Caulkers; Cement Handlers; Concrete Puddlers (behind mixers); Curb Cutters & Setters; Cutting with Burning Torches; Dumpmen (Batch Trucks); Hand Spikers Operators; Jackhammer Operator; Mason Tenders; Mortar Mixers; Huckers; Pipelayers; Plasterers' Tenders; Proportioning Plant Op.; Pump Men (under 4"); Road Form Setters; Sewer Bottom Men; Sheeting & Shoring Men; Stone Mason Tenders; Vibrator Operator; Yarners & Wrench Men
Group 3 - Brick Droppers; Lock Tenders; & Powdermen or Blasters



CLASSIFICATION DEFINTIONS (CONT'D)

LABORERS (CONT'D)

AREA 17

Group 1 - Carpenter Tenders; Common Laborers; Concrete Bucket Tenders; Landscape Laborers; Mason Tender; & Welder Tenders
Group 2 - Air Driven Boring Machine; Asphalt Rake; Hook-up Man on Demolition Work; Materials Mixer; Paving Bed Maker; Power Tools (Air, Gas or Electric); Scaffold Erector; Structural Precast Erector; Tamper Operator; & Wire Mesh Handler
Group 3 - Barco Type Tampers; Bob Cat or Similar; Bottom Man; Burners; Form Setters; Hod Carriers; Jackhammer; Muckers - Tunnel; Pipelayers; Power Buggy or Power Wheelbarrow; Power Saws; & Rock Drillers
Group 4 - Dynamite Men; Gunnite Nozzlemen; Pump Hose Nozzlemen; Structural Precast & Welder & Layout; Tunnel Miners; & Water Line Caulkers

AREA 18

Group 1 - Unskilled
Group 2 - Semi-Skilled

AREA 19

Group 1 - All Water Pumps Up to & inclu. 3" Intake; Cleanup incl. Vacuum Cleaning; Cleaning Debris; Common Laborers; Conveyor Belt; Handling & Conveying All Materials; Landscape; Loading & Unloading all Trucks; Man on Bucket Pouring of All Concrete; Sod Layers; & Washing of All Windows
Group 2 - Air or Electrical Pneumatic Tool Operators; All Scaffold Builders (Swinging Scaffolds); Asphalt & Blacktop Rakers; Bottom Man; Brick Tenders; Brush Feeders on Pulverizers; Burners; Carpenters' Tenders; Cement Masons' Tenders; Concrete Saw Operators; Forklift Operators; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun; Mortar Mixer & Operators; Pipelayers; Plasterers' Tenders; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemasons' Tenders; Vibrator Man; Wagon & Churn Drill Operators; Wall Wreckers & Bar Man on Demolition; Welders on Demolition

AREA 20

Group 1 - Unskilled Laborers
Group 2 - Plasterers' Tenders; Mixers

CLASSIFICATION DEFINITIONS (CONT'D)

TRUCK DRIVERS

AREA 1

Group 1 - Autos; Bus (inclu. Equip. used for hauling men, materials, & tools); Dumps up to 2 tons; Flat Bed (single axle vehicle under 2 tons); Fuel; Jeeps; & Pickups
Group 2 - Dumps over 2 Tons; Tandems; Forklift (inclu. Mason Tending Work); Truck Mechanic or Tender ; Semi-Tractor; Lowboys; Euclid; Dumpsters; End Dumps; Hopper Type Waster & Material Trucks; Truck with Hydraulic Attachments

Area 2

Group 1 - Lowboys
Group 2 - Tenders

AREA 3

Group 1 - Pickups; Tenders
Group 2 - Mechanic Tenders
Group 3 - Flat bed Material Trucks; Dumps & Semi-Dumps
Group 4 - Tank Truck (Straight & Semi)
Group 5 - Semi-Track Trailers
Group 6 - Pole Trailer
Group 7 - Agitator & Mixer Trucks (Up to 5 cu. yds.)
Group 8 - Euclids; Dumpsters; Tournarockers; Ross Carriers; & Athey Wagons
Group 9 - Agitator & Mixer Trucks (Over 5 cu. yds.)
Group 10 - Lowboy Trailer; Winch; Fork & Distributor Trucks ( Front & Back End) & Trucks Crane
Group 11 - A-Frame
Group 12 - Mechanics

AREA 4

Group 1 - Jeeps; Pickup; & Single Axle Trucks
Group 2 - Fork Lifts; Tandem Axles; Dumps, Tandem Axles; & Winch Trucks
Group 3 - Semi-Combination & Combination of Hauling Units
Group 4 - Drag & Lowboys
Group 5 - Euclids; Mechanics

AREA 5

Group 1: Straight Flat; Dumps; & Winch Trucks
Group 2: Ready Mix & Dumpcrete
Group 3: Tandem & Tractor Trailer Combinations
Group 4: Euclids Up to & Inclu. 12 yds.
Group 5: Euclids over 12 yds.



CLASSIFICATION DEFINITIONS (CONT'D)

TRUCK DRIVERS (CONT'D)

AREA 6

Group 1 - Dumps; Stake Body; Batch; Flat Bottom; & Pickups
Group 2 - Semis; Tandems
Group 3 - Carry Alls; Euclid Wagon; D. W. 10 Caterpillar (or equivalent)
Group 4 - Tractor Trailer (Low Boy)

AREA 7

Group 1 - Dumps & Straight
Group 2 - Tandem & Semi-Farm Tractor
Group 3 - Lowboy

AREA 8

Group 1 - Truck Tenders; Pickups; Station Wagons; Panel Trucks; Flat-body Material Truck; Dump Truck (Up to 5 cu. yd.)
Group 2 - Tank Truck (straight); Dump Trucks (5 cubic yds. and over Agitator or Mixer Trucks (up to 5 cubic yds.); and Flat Bed Tandems
Group 3 - Winch Trucks; Fork Trucks; Distributor Trucks (front end and back end); Truck Crane; Monorail Truck
Group 4 - Mechanic's Tender
Group 5 - Agitator or Mixer Truck (5 cubic yds. and over)
Group 6 - Tri-Axle Dump Trucks; Hydraulic Lift Tailgate Truck & Farm Type Tractors; End Dumpster; Tournarockers; Ross Carriers; Athey Wagon or Similar Equipment; A-Frame; Hydro-lift; Dual Purpose Truck semi-Dump; semi-Trailer; Semi-Tank and Lowboys Trailers; Mechancis

AREA 9

Group 1 - Truck Tenders
Group 2 - Mechanic Tenders
Group 3 - Flatboy Material Trucks; Dumps & Semi Dumps
Group 4 - Tank Trucks (Straight & Semi); Euclids; Dumpsters; Tournarockers; Ross Carriers; & Athey Wagons
Group 5 - Lowboy Trailers; Winches; A-Frames; Forks; Distributors (Front & Back End); & Truck Cranes
Group 6 - Mechanics
Group 7 - Semi-Trailers & Tractor Trailers

AREA 10

Group 1 - Pickups; Station Wagons; Panel Trucks
Group 2 - Flat Body Materials Truck (Straight Jobs); Dump Truck (up to 5 cu. yds.); Mechanic Tenders; Tank Truck (Straight)
Group 3 - Dump Trucks (5 cu. yds. & over); Semi-Dump Trucks; Semi-Trailers; Agitators or mixed Trucks (up to 5 cu. yds.); Monorails

TRUCK DRIVERS (CONT'D)

Group 4 - Low Boy Trailers; Winch Trucks; Fork Truck Distributor Trucks (Front and Back end); Truck Crane; Agitators or Mixer Trucks (5 cu. yds. & Over); Hydraulic Tail Gate Farm Type Tractors
Group 5 - Euclids, Dumpster; Tournarockers; Ross Carriers; Athey Wagons or similar Equipment; A-Frame; Hydrolift; Dual Purpose Trucks
Group 6 - Mechanics
Group 7 - Master Mechanics

POWER EQUIPMENT OPERATORS

COLUMBIANA COUNTY

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backfiller W/Drag Attachment; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Berm Builder-Automatic; Boat Derrick; Boat Tug; Boring Mach. Attached to Tractor; Bullclam; Bulldozer; C. M. I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall - Scraper or Scoop; Chicago Boom; Compactor W/Blade Attached; Concrete Spreader Finisher Comb.; Crane; Crane-Stationary or Climbing; Crane-Electric Overhead Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-Wheel (not trencher or road widener); Double Nine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Kocal and Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front End; Locomotive; Mechanic as Welder; Metro Clip Harvester W/Boom; Mucking Mach.; Paving-Asphalt Finishing Mach.; Paver Road Concrete; Paver-Slip Form; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Reigs- Drilling; Shovels; Spikemaster; Stonecrusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor w/Attachments; Trench Mach.; Trucks-Boom; Truck Tire-Assigned to Job; Tunnel Machine (Mark 21 Java or Similar); Whirley
CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O-Boom; Cleaning Mach.- Pipeline Type; Coating Mach.- Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Hoist-Single Drum; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Fireman; Power Broom; Refrigeration Plant; Sasgen Derrick; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Soil Stabilizer (Pump Type); Spray Cure Mach. Self-Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I or Similar Type; Tugger Hoist



CLASSIFICATION DEFINITIONS (CONT'D)

COLUMBIANA COUNTY (CONT'D)

CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or Over); Curb Builder (Self-Propelled); Generator-Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Mach.; Pin Puller; Pulverizer; Pump; Road Finishing Mach. (Pulltype); Roller; Saw-Concrete-Self-Propelled; Spray Cure Mach.-Motor Powered; Spreader (Side Driver Shoulder Attachment); Tractor; Trencher Form; Water Blaster
CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 Feet or Under Other Than Servicing Bricklayers; Deck Hand; Drill Wagon; Fireman; Generator Sets; Heater-Portable Power (2 to 5); Jacks Hydraulic (Railroad); Ladavator; Roller (Walk Behind 1 Ton or Over); Steam Jenny; Syphons; Tender Mechanic; Vibrator-Gasoline; Welding Machines (2) (Foel Burning)
CLASS V - Oiler
CLASS VI - Rigs-Pile Driving or Caisson Type; rigs (Hydraulic Unit attached
CLASS VII - Lead Engineer
CLASS VIII - Placecrete Machine

POWER EQUIPMENT OPERATORS CONT'D)

ZONES 1 AND 2

GROUP A: Boiler or Compressor Operator Mounted on Crane (Piggy-Back Operation); Boom Trucks; Cableways; Cherry Pickers; Combination Concrete Mixer and Tower; Concrete Pumps (Except Trailer Pumps); * Cranes; Derricks; Draglines; Dredges (Dipper, Clam or Suction) 3 Man Crew; Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Helicopter Operator and Helicopter Winch Operator (When Hoisting Builders Materials); Hoes; Hoists (2 or more drums); Lift Slab or Panel Jack Operator; Locomotives; Maintenance Engineer (Mechanic or Welder); Mixer Paving (Multiple drum); Mobile Concrete Pumps (With Boom); Panelboard; Pile Driver; Power Shovels; Rotary Drills used on Caisson Work for Foundations and Substructure Work; Side Boom; Slip Form Pavers; Straddle Carriers; Trench Machine (over 24" Wide); & Tug Boat
GROUP B: Asphalt Paver; Bulldozer; C.M.I. Type Equipment; Endloaders; Kohlman Type Loaders (Dirt Loading); Lead Greaseman; Mucking Machines; Power Grader; Power Scoops; Power Scrapers; & Push Cat
GROUP C: A-Frames; Air Compressor (Pressurizing Shafts or Tunnels); Asphalt Rollers; Boiler (15 lbs. Pressure & Over); Fork Lifts (Except Masonry); Hoisting Engines (1 drum); House Elevators (Except those automatic call button controlled); Man Lift; Mud Jacks; Pressure Grouting; Pump Operators (Installing or Operating Well Points or Other Type of Dewatering System); Pumps (4" and Over Discharge); Submersible Pumps (4" and Over Discharge); Trailer Concrete Pumps (without Booms); Trench Machines (24" and Under); & Utility Operators
GROUP D: Compressors; Concrete Mixers (Capacity more than one bag); Concrete Mixers (one bag capacity, side loader); Conveyors; Generators; Gunite Machines; Pavement Breaker (Hydraulic or Cable); Post Driver; Post Hole Diggers; Road Widening Trencher; & Rollers (except Asphalt Rollers)

POWER EQUIPMENT OPERATORS (CONT'D)

ZONES 1 AND 2 (CONT'D)

GROUP E: Backfiller & Tampers; Bar and Joint Installing Machines; Batch Plant; Bullfloats; Burlap and Curing Machines; Clefplanes; Concrete Spreaders; Crushers; Deckhands; Drum Fireman (In Asphalt Plants); Farm-type Tractors (Pulling Attach.); Finishing Machines; Form Trenchers; Hydro Seeders; Pressure Pumps (Over ½" Discharge); Self-propelled Power Spreader; Self-propelled Sub-Grader; Tire Repairman; Tractors (Pulling Sheep Foot Roller or Grader); Vibratory Compactor (with Integral Power)

GROUP F: Boilers (Less Than 15 lbs. pressure); Fork Lift (Masonry); Inboard & Outboard Motor Boat Launch; Light Plant Operator; Oiler; Power Driven Heaters (Oil Fired); Power Scrubbers; Power Sweepers; Pumps (Under 4" Discharge); Submersible Pumps (Under 4" Discharge); Tenders; & VAC/ALLS

*BOOM & JIB OVER 150 FEET, $.25 PREMIUM; BOOM & JIB OVER 250 FEET, $.50 PREMIUM

ZONE 3

GROUP A: A-Frames; Boiler or Compressor Operator Mounted on Crane (Piggy-Back Operation); Boom Trucks; Cableways; Cherry Pickers; Combination Concrete Mixer & Tower; Concrete Pumps; Cranes; Derricks; Draglines; Dredge (Dipper, Clam or Suction) 3 Man Crew; Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Helicopter Operator & Helicopter Winch Operator (When Hoisting Builders Materials); Hoes; Hoists (2 or More drums); Lift Slab or Panel Jack Operator; Locomotives; Maintenance Engineer (Mechanic or Welder); Mixer Paving (Multiple drum); Mobile Concrete Pumps (With Boom); Panelboard; Pile Driver; Power Shovels; Rotary Drills used on Caisson Work for foundations and Substructure Work; Side Boom; Slip Form Pavers; Straddle Carriers; Trench Machine (Over 24" Wide); & Tug Boats

GROUP B: Asphalt Paver; Bulldozer; C.M.I. Type Equipment; End Loaders; Kohlman Type Loaders (Dirt Loading); Lead Greaseman; Mucking Machines; Power Grader; Power Scoops; Power Scrapers; & Push Cats

GROUP C: Air Compressor (Pressurizing Shafts or Tunnels); Asphalt Rollers; Fork Lifts; Hoists (1 drum); House Elevators (except automatic call button controlled); Man Lift; Mud Jacks; Power Boilers (Over 15 lbs. Pressure); Pressure Grouting; Pump Operators (Installing Well Points or other type of Dewatering system; Pumps (4" and Over Discharge); Submersible Pumps (4" and Over Discharge); Trenchers (24" and Under); & Utility Operators

GROUP D: Compressors; Conveyors; Generators; Gunite Machines; Mixers (Capacity more than 1 bag); Mixers (1 Bag capacity, side loader); Pavement Breaker (Hydraulic or Cable); Post Driver; Post Hole Diggers; Road Widening Trencher; & Rollers



POWER EQUIPMENT OPERATORS (CONT'D)

ZONE 3 (CONT'D)

GROUP E: Backfiller & Tampers; Bar & Joint Installing Machines; Batch Plant; Bullfloats; Burlap and Curing Machine; Clefplanes; Concrete Spreading Machine; Crushers; Deck Hands; Drum Fireman (Asphalt); Farm-type Tractors (Pulling Attach.); Finishing Machines; Form Trenchers High Pressure Pumps (Over ½" Discharge); Hydro Seeders; Self-propelled Power Spreader; Self-propelled Sub-Grader; Tire Repairman; Tractors (Pulling Sheeps Foot Roller or Grader); Vibratory Compactor (with Integral Power)

GROUP F: Inboard & Outboard Motor Boat Launch; Light Plant Operator; Oiler; Power Driven Heaters (Oil Fired); Power Scrubbers; Power Sweepers; Boilers (Less than 15 lbs. Pressure); Pumps (Under 4" Discharge); Submersible Pumps (Under 4" Discharge); Tenders; & VAC/ALLS

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. 2.5% of weekly gross earnings
b. 2 paid holidays: C & D
c. 2 paid holidays: B & D
d. 1 paid holiday: D
e. 1½ paid holidays: The last scheduled workday prior to Christmas and 4 hours on Good Friday
f. 7 paid holidays: A through F and Day after Thanksgiving
g. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for employee who has worked in business less than 5 years.
h. 3 paid holidays: D, E, & F
i. $25.00 per year
j. $50.00 per year
k. 6 paid holidays: A, C, E, F, Decoration Day, &.Veterans' Day
l. 1 paid holiday: D, providing the employee has worked 5 consecutive days before and after the holiday.
m. .625% of gross earnings
n. 3% of gross earnings to SASMI
o. $150.00 per year
p. 10 paid holidays: A through F, Good Friday, Day After Thanksgiving Day, Christmas Eve & New Year's Eve
q. Per employee per week
r. $79.70 per week per employee
s. 1 year's employment - 1 week's paid vacation; 7 years' employment - 2 weeks' paid vacation providing the employee has been on the payroll for 8 months during the previous 12 month period

FOOTNOTES (CONT'D):

t. An employee who has been on the payroll 30 days or more & has worked his last scheduled workday within 7 calendar days before his next scheduled workday within 7 calendar days after New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, & Christmas Day shall receive 8 hours' pay for said holidays.
u. $305.50 per employee per month
v. $244.84 per employee per month
w. 9 paid holidays: A through F: Good Friday, Friday after Thanksgiving Day, & Christmas Eve; Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation: 3rd continuous calendar year - 2 weeks' paid vacation: 11th continuous calendar year - 3 weeks' paid vacation.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 7a) (1) (ii)).



STATE: Pennsylvania COUNTY: Erie
DECISION NO.: PA85-3029 DATE: Date of Publication
Supersedes Decision No. PA83-3009, dated May 6, 1983, in 48 FR 20610.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (Does not include single family homes or apartments up to and including 4 stories), excluding Sewage and Water Treatment Plant Projects.

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | 19.54 | 3.38 |
| BOILERMAKERS | 20.37 | 4.19 |
| BRICKLAYERS | 17.35 | 2.57 |
| CARPENTERS | 14.72 | 4.51 |
| CEMENT MASONS | 17.35 | 2.57 |
| DRYWALL FINISHERS | 13.75 | 1.52 |
| ELECTRICIANS | 16.15 | 6.00+ 3%% |
| ELEVATOR CONSTRUCTORS | 17.255 | 3.29+ a+b |
| ELEVATOR CONSTRUCTORS' HELPERS | 12.08 | 3.29+ a+b |
| ELEVATOR CONSTRUCTORS' HELPERS (PROS.) | 8.63 | |
| GLAZIERS | 16.29 | 2.37 |
| IRONWORKERS | | |
| Structural | 16.55 | 4.54 |
| Ornamental | 16.55 | 4.54 |
| Reinforcing | 16.55 | 4.54 |
| LATHERS | 14.72 | 4.51 |
| LABORERS: | | |
| Common Laborers | 13.10 | 22%+ .08 |
| Mason Tenders & Plasterers Tenders | 13.60 | 22%+ .08 |
| LINE CONSTRUCTION: | | |
| Linemen, Heavy Equipment Operator | 16.04 | 1.00+ 3 3/8% |
| Winch - Truck Driver | 11.34 | 1.00+ 3 3/8% |
| Groundmen | 10.05 | 1.00+ 3 3/8% |
| MARBLE SETTERS | 15.10 | 2.57 |
| MARBLE FINISHERS | 13.60 | .08+ 22% |
| MILLWRIGHTS | 15.22 | 63%% |
| PAINTERS: | | |
| Brush | 13.75 | 3.07 |
| Structural steel | 14.50 | 3.07 |
| Spray | 14.50 | 3.07 |
| PILEDRIVERMEN | 16.14 | 28% |
| PLASTERERS | 16.42 | 1.58 |
| PLUMBERS | 16.57 | 4.40 |
| ROOFERS: | | |
| Composition | 16.48 | 2.28 |
| SHEETMETAL WORKERS | 16.49 | 4.96 |
| SOFT FLOOR LAYERS | 14.72 | 4.51 |
| SPRINKLER FITTERS | 16.92 | 3.23 |
| STEAMFITTERS | 16.57 | 4.40 |
| STONEMASONS | 17.35 | 2.57 |
| TERRAZZO WORKERS | 15.10 | 2.57 |
| TERRAZZO FINISHERS | 13.60 | .08+ 22% |
| TILE SETTERS | 15.10 | 2.57 |
| TILE FINISHERS | 13.60 | .08+ 22% |
| TRUCK DRIVERS | 10.57 | 22%+ c+d+e |
| POWER EQUIPMENT OPERATOR | | |
| Class 1 | 15.94 | 3.15 |
| Class 1-A | 16.23 | 3.15 |
| Class 1-B | 16.50 | 3.15 |
| Class 1-C | 16.78 | 3.15 |
| Class 2 | 15.44 | 3.15 |
| Class 3 | 15.27 | 3.15 |
| Class 4 | 13.78 | 3.15 |
| Class 5 | 13.49 | 3.15 |
| Class 5-A | 13.78 | 3.15 |

DECISION NO. PA85-3029

POWER EQUIPMENT OPERATORS

Class 1: Auger (truck or tractor mounted), Austin Western or similar type, Austin Western or similar type up to 25 tons (25 tons or over requires an oiler), Backhoe, Backhoe (under 5/8 yd.), Batch Plant - Automatic, Boom - side, cableways, Conveyors Belts - up to 4 floors, Conveyor Belts - over 4 units, Crane - Tower (climbing type), Derrick (all types), Derrick - Traveler, Dragline, Drill - Caisson, Electro Matic or similar, Gradall (remote control or otherwise), Helicopter, Helicopter - hoisting operating Hi-lift (3 yards or over), Hoist - on 50 ft. stack or over, Hoist on slip form job, Hoist - hod (single cage), Hoist - hod (2 cages up to 10 floors), Hop-to or similar type with 360 degree swing, Hop-to or similar type with 360 degree swing under 5/8 yd., Koehring Scooper, Kocal or similar type, Leverman, Mix Mobile or similar type, Mixer - concrete paving, Mixer - paving (self-propelled), Multiple Bowel Machines or Multi-engine, Pile Driver -Franki or similar type, Pile Driver (when assistance in required it will be an operating engineer), Placer - belt (concrete), Plant - Central Mix, Quad Nine, Shovels (all types), Shovels under 5/8 yd.) Tractors - Boom mounted (all types), Tugboat, Whirlers, Boat - job work (inboard or outboard), Bulldozer, Carrier Ross or similar type, Compactor - (with blade attached), Curb Builder - self-propelled, Drill - Core Drill - Well and Core (truck mounted), Engineer - maintenance (daily rated) Grader, Grader - Elevating, Greaser - equipment, Hi-lift (less than 3 yards), Hoist 2 drums in one unit, Hop-to or similar type with 180 degree swing, Tractors (all types with hydraulic backhoe attached), Cranes, Tower, Metro Chip Harvester (or similar type), Mixer - paving mixer - mortar - over 10 cu. ft., Plant - crushing and screening, Pumpcrete - mobile or similar type, Road Builder - Automatic, Scoop - self-powered and Tractor drawn (single bowl), spray Cure Machine Machine (power drivern), Spreader, Steam Jenny (or similar type), Syphone (steam or air) Tractors (all types with hydraulic backhoe attached)

Class 1-A: Austin Western or similar type with jib + 25¢, Austin Western or similar type 25 tons or over with jib + 25¢, Cranes (excluding over head cranes), Crane - placed on building structure, Hoist single cage with Chicago Boom attached + 25¢, Engineer - lead, Hoist hod (2 cages over 10 floors), Cranes - 100 feet to 150 feet

Class 1-B: Cranes - 150 feet to 200 feet

Class 1-C: Cranes - 200 feet and over



DECISION NO. PA85-3029

POWER EQUIPMENT OPERATORS CONT'D

Class 2: Backfilling Machine, Boat - material or personnel, Compressor and air pump, Compressor and air tugger, Compressor and gunnite machine (combination), Compressors and sandblasting unit (combination), Compressors (two), crane - overhead, Fork lift - elevating - lull or similar type generators - two Grade - sub, Jumbo - power, Layer - cable, Layer - pipe - no joint, Lift Slab Machine, Locomotive Machines - other minor, machines - small (two), Mucking Machine, Mobile Tower, Pipe - bending Machine (pipeline only), Pipe - cleaning machine, Pipe - wrapping machine, Plant - asphalt operator, Plant - portable crushing and screening, Plant - refrigeration pump - grout, Spreader-concrete, Asphalt and Stone, Well point systems (Section 1C), Winch Truck (handling steel), Wire wrapping machine - pre-stress, Drill - Davey or similar, Drill - truck mounted and/or core drill for testing, Elevator (new buildings and major remodeling of old), Hoist one drum, Paver - asphalt, Post Driver - guard rail (other than truck mounted), post Driver - guard rail (truck mounted), Pumpcrete or similar type (not self-propelled), Tire Repairman, Trencher Machine, Welder Machines (up to and including 4)

Class 3: Boiler, Breeker - pavement (self-propelled or ridden), Compactor (ridden or self-propelled), Crane - carry, Crusher - stone, Drill - well (horizontal), Drill (self-propelled and self contained), Elevator (alterations of old buildings), Finisher - broom (C.M.I. or similar type), Finishing Machine and Spreader (concrete), Forklifts (ridden or self-propelled), Form Line Machine, Minor equipment (all other), Motorman, Pipe Dream, Roller, Saw - concrete (ridden or self-propelled), Soil Stabilizer, Tractors (when used for snaking and hauling), Truck - winch, Tugger

Class 4: Blaster - water, Boring Machine, Broom - powet, Compressor - 65 cu. ft. or under (regardless of power used) (2 gun painters), Conveyor - 1 story (regardless of power used), Conveyor (over 1 and up to 3 units regardless of power used), Generator (4 KW or over), Hauck Machine or similar type, Heaters - up to and including four), Jack and Pump - motor hydraulic, Jenny - steam (or similar type), Ladavator, Mixer - concrete (regardless of power used), Mixer - mortar (over 10 cu. ft. regardless of power used), Mobile - track (or similar type), Mulching Machine, Pin Puller, Pulverizer, Pump - 1½ inch discharge or less, Regulator - Ballast, Seeding Machine, Shoulder, Spray Cure Machine, Syphon - (steam or air), Tie Tamper (multiple heads), Tractor - farm (when used for landscaping), Welding machine - single (300 amp. or over), Oiler, Truck Crane

CLASS 5: Brake man, Deck hand, Helicopter, signalman, Oiler, Mechanic helper

Class 5-A: Oiler, Truck crane (50 tons or over & Fireman

DECISION NO. PA85-3029

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F, plus Friday after Thanksgiving Day.

c. Employer agree to contribute $137.27 per month to a Health and Welfare Fund.

d. Employer agree to contribute $26.00 per week to a pension fund.

e. One week vacation after 1 years work; two weeks vacation after five years of service.

WELDER: Receive rate prescribed for craft performing operation to which is incidential.

*Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: Cumberland, Dauphin, Perry, Juniata, New Cumberland Deport in York County

DECISION NO.: PA85-3030

DATE: Date of Publication

Supersedes Decision No. PA84-3015 dated June 1, 1984, in 49 FR 22976.

DESCRIPTION OF WORK: Building Erection and Foundation Excavation Project, (does not include single family homes or apartments up to and including 4 stories), excluding Sewage and Water Treatment projects.

| | Basic Hourly Rates | Fringe Benefits |
|---|---|---|
| ASBESTOS WORKERS | 17.91 | 2.04 |
| BOILERMAKERS | 18.88 | 2.865 |
| BRICKLAYERS & BLOCK LAYERS | 14.55 | 2.16 |
| CARPENTERS | 15.00 | 2.67 |
| CEMENT MASONS | 14.27 | 2.60 |
| ELECTRICIANS | 15.41 | 1.83+ 3%% |
| ELEVATOR CONSTRUCTORS | 15.90 | 3.29+ a+b |
| ELEVATOR CONSTRUCTORS' HELPERS | 11.13 | 3.29+ a+b |
| ELEVATOR CONSTRUCTORS' HELPERS (PROB.) | 7.95 | |
| GLAZIERS | 13.51 | 1.66 |
| IRONWORKERS, STRUCTURAL | 17.265 | 4.25 |
| IRONWORKERS, ORNAMENTAL | 17.265 | 4.25 |
| IRONWORKERS, REINFORCING | 17.265 | 4.25 |
| LABORERS: | | |
| Group 1 | 10.70 | 1.68 |
| Group 2 | 11.17 | 1.68 |
| Group 3 | 10.10 | 1.68 |
| Group 4 | 11.37 | 1.71 |
| LATHERS | 15.00 | 2.67 |
| LEAD BURNERS | 10.75 | .66+c |
| MARBLE SETTERS | 16.27 | 2.15 |
| MILLWRIGHTS | 17.09 | 2.67 |
| LINE CONSTRUCTION: | | |
| Linemen | 15.06 | .80+ 3/8% |
| Groundmen | 9.04 | .80+ 3/8% |
| Cable Splicers | 15.06 | .80+ 3/8% |
| Winch Truck Operator | 10.54 | .80+ 3/8% |
| PAINTERS: | | |
| Brush | 12.47 | 1.30 |
| Structural Steel | 12.92 | 1.30 |
| Spray | 13.22 | 1.30 |
| Tanks, Bridges, Stacks | 13.72 | 1.30 |
| PILEDRIVERMEN | 15.97 | 6.91+d |
| PLASTERERS | 12.90 | 2.61 |
| PLUMBERS | 17.85 | 2.82 |
| ROOFERS: | | |
| Composition | 12.61 | 2.10 |
| SHEET METAL WORKERS | 16.73 | 4.92 |
| SOFT FLOOR LAYERS | 12.84 | 2.65 |
| STEAMFITTERS | 17.85 | 2.82 |
| SPRINKLER FITTERS | 16.92 | 3.23 |
| STONE MASONS | 14.55 | 2.16 |
| TERRAZZO WORKERS & TILE SETTERS | 15.02 | 2.15 |
| POWER EQUIPMENT OPERATORS | | |
| Group 1* | 16.52 | 26.6% +e |
| Group 2 | 16.23 | 26.6% +e |
| Group 3 | 15.17 | 26.6% +e |
| Group 4 | 14.52 | 26.6% +e |
| Group 5 | 13.26 | 26.6% +e |
| Group 6 | 12.36 | 26.6% +e |
| TRUCK DRIVERS: | | |
| Truck Drivers, Pick-ups, dump, service trucks, flat trucks, to and including 2 highway license plates | 9.47 | f+g |
| Transit mix, winch trucks, tractor all types euclids, ross lumber and over 2 plates | 9.72 | f+g |

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

*Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))."

DECISION NO. PA85-3030

LABORERS CLASSIFICATIONS DEFINITIONS

Group 1. General Laborers: Air, fuel and electric tool operators and all other pneumatic and mechanical tools, including blow-pipe and vacum cleaners. Cassion workers (top men), piplelayers for all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same. Power-buggy, precast slab placer & signal men, Blaster helper, excavation of all foundation, digging of trenches, piers and manholes. Wrecking and moving of all structures. Underpinning & shoring, stripping, dismantling, oiling & moving of concrete forms, loading and carrying, of reinforcing steel, handling & distribution of lumber, and all other building materials to stock piles, unloading, carring, distrubution, and laying of precast concrete slabs and planks for flooring & roofing, general cleanup & removal of refuge, debris, and all scrap material(s), vibrator operator (concrete placing - whose power is supplied by compressed air, electric, gasoline & any other means).

Group 2 Semi-Skilled: Cassion worker (bottom men), blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine (nozzle men), and steam jenny. Plasterer & cement mason tenders, machine mixers, plasterer pump and scaffold builders (excluding masonry scaffolding). Sand blasting (nozzle man).

Group 3 Nursery Workers, window washers, floor scrubbers, and watchmen. Tenders of propane gas burners, salamander(s), smudge pots, tool room workers. Fire watch.

Group 4 Mason Tenders: (Brick & Block), machine mixers, motorized stockers, scaffold builders (masonry), motor pump, conveyors, mechanical cleaners and sandblasting for masonry and masonry equipment.

POWER EQUIPMENT OPERATORS CLASSIFICATIONS DEFINITIONS

Group 1: Machines doing book work, any machine handling machinery, cable spinning machines, helocopters, machines similar to the above

Group 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above



POWER EQUIPMENT OPERATORS DEFINITIONS CONTINUED

Group 3: Conveyors, building hoist (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

Group 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines concrete breaking machines, rollers, seaman pulverring mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above

Group 5: Fireman, grease truck

Group 6: Oilers and deck hands (personnel boats), core drill helper

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

c. Eight paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days prior to the holiday, and is available for work the days preceding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day and Thanksgiving Day.

e. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

f. $93.03 per month for employees who have worked sixty hours or more during the month.

g. $57.89 per month for employees who have worked sixth hours or more during the month.

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federal register

Friday
June 21, 1985

Part III

# Department of Transportation

Office of the Secretary

49 CFR Part 71

Standard Time Zone Boundary in the State of Indiana; Proposed Relocation; Proposed Rulemaking

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**49 CFR Part 71**

**[OST Docket No. 6; Notice 85-9]**

## Standard Time Zone Boundary in the State of Indiana; Proposed Relocation

**AGENCY:** Office of the Secretary, Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** At the request of the Indiana legislature, DOT proposes to relocate the boundary between eastern and central time in the State of Indiana in order to move the five counties of Indiana in the southwestern corner of the State that are currently in the central zone to the eastern zone. Public comment is invited.

**DATES:** Public hearing(s) will be held in the area; the schedule will be published later. If time zones are changed as a result of this rulemaking, the expected effective date is 2:00 a.m. CDT Sunday, October 27, 1985.

**FOR FURTHER INFORMATION CONTACT:** Joanne Petrie, Office of the General Counsel, C-50, Department of Transportation, Washington, D.C. 20590 (202) 472-5577.

**SUPPLEMENTARY INFORMATION:**

### Background

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-64), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce".

### The Proposal

A formal request from the General Assembly (the State Legislature) of the State of Indiana (Senate Concurrent Resolution 6) was received by DOT on May 6, 1985 requesting that the southwestern counties of Gibson, Posey, Vanderburgh, Warrick, and Spencer be moved from central to eastern time.[1] These Indiana counties adjoin Illinois on the west and Kentucky on the south.

Accompanying the Resolution was information indicating that the requested change, if made, would serve the convenience of commerce. Consequently, DOT is proposing to make the requested change and is inviting public comment. Although the Indiana legislature has submitted sufficient information to begin the rulemaking process, the decision whether actually to make the change will be based upon the information received at the hearing(s) or submitted in writing to the docket. Persons supporting or opposing the change should not assume that the change will be made merely because DOT is making the proposal.

Furthermore, DOT reserves the right to grant more or less than what the Indiana legislature has requested. If the information gathered as part of this proceeding supports moving to the eastern zone areas other than those mentioned in the Resolution (including portions of Illinois and Kentucky), or moving less than the five counties, or making no time change at all, DOT is free to act accordingly, and interested persons should direct their comments to these alternatives. We are not bound either to accept or reject the State of Indiana's proposal in its entirety.

### Time Observance in Indiana: Current Situation

The State of Indiana is unique in the pattern of its observance of standard time and daylight saving time (DST). Although twelve other States are in two time zones,[2] in only Indiana are there *three* distinct areas of time observance. In the northwest near Chicago, Illinois and including the cities of Gary and Hammond, Indiana are six Indiana counties in the central zone. In the southwest, including Evansville, Indiana, *but not touching the six northwestern counties*, are the five counties in the central zone that are involved in this proceeding. The rest of the State (81 counties) is in the eastern zone, including the area between the two central zone areas. To compound the uniqueness of time observance in Indiana, the State has a State law exemption from DST, but the law applies only to the eastern zone area of the State. As a consequence, during the period of the year when DST is in effect, despite the difference in time zones, the entire State observes a uniform clock time.

### Time Observance in Indiana: History

The appropriate time zone for Indiana has been the subject of much debate since time zones were first established. When time zones were first adopted by the Federal Government in 1918, all of Indiana was in the central zone. In 1961, the Interstate Commerce Commission (DOT's predecessor in this regard) moved the eastern half of the State (including Indianapolis, the capital) to the eastern zone, but denied requests to include more of the State in eastern time.

In 1967, DOT proposed to rescind the ICC action and restore the entire State to central time. That proposal—issued at the request of the Governor of Indiana—was overwhelmingly unpopular with the people of Indiana; consequently, in 1968, DOT amended its 1967 proposal by proposing to include in the eastern zone all of the State except six counties in the northwest near Chicago, Illinois and seven counties in the southwest, including the five involved in this proceeding. That amended proposal met with great support, with one modification: there was support for leaving only six of the southwestern counties in the central zone. Effective April 27, 1969, therefore, all of the State was put in the eastern zone except six in the northwest and six in the southwest.

In 1977, at the request of the Board of County Commissioners of Pike County, one of the six *southwestern* counties in the central zone, DOT conducted a proceeding similar to this one that resulted in Pike County being moved from central to eastern time. In 1981, at the request of the Board of County Commissioners of Starke County, one of the six *northwestern* counties in the central zone, DOT conducted a proceeding similar to this one, but decided at the end of the proceeding *not* to move Starke County from central to eastern time.

### Impact on Observance of Daylight Saving Time

This time zone proposal does not directly affect the observance of daylight saving time (DST). Under the Uniform Time Act of 1966, the standard time of each time zone in the United States is advanced one hour from 2:00 a.m. on the last Sunday in April until 2:00 a.m. on the last Sunday in October, except in any State that has, by law, exempted itself from this observance. A State in more than one time zone may

[1] The proposal, if implemented by DOT, would leave six northwestern Indiana counties, near Chicago, Illinois—Newton, Lake, Jasper, Porter, LaPorte, and Starke—in the central zone. The rest of Indiana would be in the eastern zone.

[2] Split between eastern and central time, in addition to Indiana, are Michigan, Kentucky, Tennessee, and Florida; split between central and mountain time are North Dakota, South Dakota, Nebraska, Kansas, and Texas; split beteen mountain and Pacific time are Idaho and Oregon; and split between Alaska and Hawaii-Aleutian time is Alaska.

have its exemption apply only to that part of the State that is in the more easterly time zone. Indiana is the only State that has exercised this "split State" exemption.

As explained above, the 81 counties of the State that are in the eastern time zone do *not* observe DST, while the eleven in the central zone—including the five that are involved in this rulemaking—do. Although the only question addressed by DOT in this proceeding—and the only question over which it has control—is in what time zones the area should be included, discussions of this nature in Indiana invariably involve also questions of DST, a matter over which the State has control. Given the current relationship between Federal and Indiana law, a decision by DOT to move an area of Indiana from central time to eastern time means that the area will be exempt from DST.

**Regulatory Impact**

I certify under the criteria of the Regulatory Flexibility Act that this proposal, if implemented, would not have a significant economic impact on a substantial number of small entities, because of its highly localized impact. Furthermore, it is not a major rule under Executive Order 12291, nor a significant rule under DOT Regulatory Policies and Procedures, 44 FR 11034, for the same reason. The economic impact is so minimal that it does not warrant preparation of a regulatory evaluation. Finally, DOT has determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and therefore that an environmental impact statement is not required.

**List of Subjects in 49 CFR Part 71**

Time.

## PART 71—[AMENDED]

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

**Authority:** As of March 19, 1918, as amended by the Uniform Time Act of 1966 and Pub. L. 97–449, 15 U.S.C. 260–64; 49 CFR 1.57(a).

2. In consideration of the foregoing, DOT proposes to amend Title 49, Code of Federal Regulations, by revising paragraph (b) of § 71.5 to read as appears below.

**§ 71.5 Boundary between eastern and central zones.**

* * * * *

(b) *Indiana-Illinois.* From the juncture of the western boundary of the State of Michigan with the northern boundary of the State of Indiana easterly along the northern boundary of the State of Indiana to the east line of LaPorte County; thence southerly along the east line of LaPorte County to the north line of Starke County; thence east along the north line of Starke County to the east line of Starke County; thence south along the east line of Starke County to the south line of Starke County; thence west along the south line of Starke County to the east line of Jasper County; thence south along the east line of Jasper County to the south line of Jasper County; thence west along the south lines of Jasper and Newton Counties to the Indiana-Illinois boundary; thence south along the Indiana-Illinois boundary to the Indiana Kentucky boundary; thence westerly along the Indiana-Kentucky boundary to the west line of Meade County, Kentucky.

* * * * *

Issued in Washington, DC, on June 11, 1985.

**Jim J. Marquez,**

*General Counsel.*

[FR Doc. 85–14841 Filed 6–20–85; 8:45 am]

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federal register

Friday
June 21, 1985

Part IV

# Department of Health and Human Services

## Office of Human Development Services

## Administration for Children, Youth and Families Child Abuse and Neglect Research, Demonstration and Service Improvement Projects; Availability of Funds and Request for Applications Under Discretionary Grants Program

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Human Development Services

**[Program Announcement No. HDS-85.2]**

### Administration for Children, Youth and Families Child Abuse and Neglect Research, Demonstration and Service Improvement Projects

**AGENCY:** Office of Human Development Services (HDS), Department of Health and Human Services.

**ACTION:** Announcement of availability of funds and request for applications under the HDS' Discretionary Grants Program.

**SUMMARY:** Applications are being accepted for new grants relating to the prevention, identification, treatment and remediation of child abuse and neglect, including child sexual abuse.

Authority: Authority for this announcement is contained in Section 4(a), Pub. L. 93-247, as amended (42 U.S.C. 5103(a)). Approximately $2 million is available for additional grants in FY 1985. To the extent that worthy proposals exceed the amount available for funding in FY 1985, some proposals may be funded in FY 1986 subject to the availability of funds.

Eligible applicants: In general, any State, or local public, or nonprofit organization or agency may submit an application under this announcement. Applications developed jointly by State, local and community-based service agencies, professional organizations, such as, law enforcement, legal, educational, health, and other child serving agencies, foundations or universities are encouraged in order to promote comprehensive coordinated child protective service programs.

Closing date: The closing date for receipt of applications is July 22, 1985.

Application receipt point: Department of Health and Human Services, Office of Human Development Services, Discretionary Grants Management Branch, William J. McCarron, Chief, Hubert H. Humphrey Building, Room 345-F, 200 Independence Ave., SW., Washington, D.C. 20201. Attn: HDS-85-2.

**FOR FURTHER INFORMATION CONTACT:** Mr. Roland Sneed, National Center on Child Abuse and Neglect, P.O. Box 1182, Washington, D.C. 20013, Telephone (202) 245-2840.

**SUPPLEMENTARY INFORMATION:** This announcement reflects: (1) Public comments received in response to proposed child abuse and neglect priorities published in the **Federal Register** on July 20, 1984, (49 FR 29463); and (2) requirements resulting from Pub. L. 98-457, The Child Abuse Amendments of 1984, signed on October 9, 1984. This announcement supplements the HDS Coordinated Discretionary Funds Program announcement published in the **Federal Register** on August 23, 1984 (49 FR 33530), the Indian Child Welfare Discretionary Funds Program and Indian Child Welfare Act Grants Program, Fiscal Year 1985 announcement published in the **Federal Register** on November 7, 1984 (49 FR 44606), and the Resource Centers for Child Welfare Services announcement published in the **Federal Register** on April 1, 1985 (50 FR 12918) which also included child abuse and neglect activities. Proposals of up to three years in duration will be considered in certain areas as specified. However, when proposals exceed seventeen months, budget and program justification must be provided for each year, and the work planned so that suitable products or other evidence are provided at the ninth month, of each year, when continuation proposals will be considered for second or third year of funding.

Applicants must be willing to participate with related projects in an information exchange to maximize the results of projects funded. For this purpose, supplementary awards may be provided to selected grantees under this announcement to serve as facilitators or consortium leaders when multiple projects are funded in priority areas identified under Section A below. Applicants interested in serving as the consortium leader for their group should provide a statement of interest and qualifications with the current application; workplans and budgets for this purpose will be negotiated when it is decided that such project groupings are appropriate. Priorities are divided into two sections:

*A. Child Abuse and Neglect Prevention, Identification, and Treatment:* Child abuse and neglect is defined as including physical or metal, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen (or the age specified by State law), by a person, including any employee of a residential facility or any staff person providing out-of-home care, who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby; and

*B. Child Sexual Abuse Prevention, Identification, and Treatment:* Sexual abuse is defined as including the employment, use, persuasion, inducement, enticement, or coercion of any child under the age of eighteen to engage in, or having a child assist any other person to engage in, any sexually explicit conduct (or any simulation of such conduct) for the purpose of producing any visual depiction of such conduct, or the rape, molestation, prostitution, or other such form of sexual exploitation of children, or incest with children, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.

**Part I: Program Priorities**

*A. Child Abuse and Neglect Prevention, Identification and Treatment*

Children are normally protected under the laws of the State or jurisdiction in which they reside and all States have mandatory reporting requirements for cases of suspected child abuse and neglect. Nevertheless, the protection of children depends on the commitment and involvement of all sectors in the community: public and private agencies, professionals who work with or care for children, parents, and private citizens.

In soliciting responses to these priorities, emphasis is placed on solutions which involve these sectors of the community more directly in the prevention, identification, treatment and remediation of abuses against children. Community support networks, parent aid programs, self-help groups, and increased involvement of the business sector are to be stressed, as well as increased participation of school, medical, law enforcement, social work professionals, and the courts. Multidisciplinary or interdisciplinary service improvement projects involving the community are also encouraged.

*A.1 Abuses in Out-of-Home Child Care Settings:* Until the recent passage of the Child Abuse Amendments of 1984, Pub. L. 98-457, the National Center on Child Abuse and Neglect and many of the States concerned themselves mainly with intrafamilial child maltreatment. The premise of the law is that parents have primary responsibility for protecting children from extra-familial abuses and that the criminal justice system has responsibility for investigating and prosecuting these cases. However, under the amended law, the Federal definition of child abuse and neglect has been broadened to include maltreatment by staff providing out-of-home care, in recognition of increasing allegations of abuses of children in congregate child care settings. Thus, it can be expected that State reporting and investigatory procedures may need to be altered to

respond to reports of such abuses. Also, with the increased numbers of these cases child protective service agencies, law enforcement, mental health agencies and prosecutor's offices must cooperate in the identification and implementation of the scope, focus and role for each agency in the investigation, prosecution, and treatment of such cases.

Applications for demonstration and service improvement projects to address these and other issues related to child maltreatment in out-of-home child care settings are invited. Preference will be given to those which provide evidence of collaboration and coordination among the various agencies involved in out-of-home child care abuse cases. Projects for up to 2 years duration at not more than $100,000 per year will be supported. Applicants must be willing to participate in a consortium relationship if sufficient projects of a similar nature are funded. Applicants interested in serving as the consortium leader for the group should so indicate. However, the budget and workplan for the consortium leadership role need not be specified in the proposal at this time. If a sufficient number of projects is funded, one applicant will be selected as consortium leader; additional funds will be provided to cover consortium related activities which will be negotiated.

Proposals will also be considered to analyze child sexual abuses in out-of-home settings in approximately 20–25 recent cases nationwide to determine what patterns exist, if any, in terms of the type of abuse, abuser characteristics, the context in which such abuses have occurred, and the responses of community agencies to obtain a better picture of this phenomenon, so that steps can be taken to more effectively prevent these situations and/or coordinate effective solutions. One project will be funded for up to 17 months in duration for up to $150,000.

*A.2 Neglect of Children:* Child neglect, as defined by the various states, is negligent treatment or maltreatment including the failure to provide adequate shelter, nourishment, medical care, education and supervision. Sixty-four percent of all substantiated child maltreatment reports (1976–1982) were instances of neglect. In addition, two out five reported maltreating families are low income single parent families in which the mother receives public assistance. Neglected children are more likely to enter and remain in foster care longer than abused children.

Few program models for working with neglecting families have been developed and existing models have had only modest success in effecting the desired changes in the families' functioning. National data (1976–82) show that casework counselling was provided to 80% of all families served by child protective service agencies and is the service typically provided to neglecting families. Casework counselling is labor intensive and costly to public agencies and the outcomes for families have been inconclusive.

Special attention will be given to proposals which include alternate treatment approaches to casework counselling such as increased utilization of community support networks, parent aide programs, and other private sector solutions (e.g. employee assistance programs or employer supported day care which are applied in concert with public agency services to families that are identified as abusive or at risk for abuse or neglect of their children). Projects for up to 2 years duration at not more than $150,000 per year will be supported. Applicants must be willing to participate in a consortium relationship if sufficient projects of a similar nature are funded. Applicants interested in serving as the consortium leader should so indicate. However, the budget and workplan for the consortium leadership role need not be specified in the proposal at this time. If a sufficient number of projects is funded, one applicant will be selected the consortium leader; additional funds will be provided to cover corsortium activities which will be negotiated.

*B. Child Sexual Abuse Prevention, Identification and Treatment*

Frequently Characterized as the "last frontier" in the child abuse field, sexual abuse of children is of growing national concern. Public outrage is coupled with the concern of practitioners and researchers about the complexity of child sexual abuse. Parents, families, social services, law enforcement, medical, mental health, educational and legal professionals share responsibility for its prevention and treatment. Since the National Center on Child Abuse and Neglect (NCCAN) began funding sexual abuse projects in 1980, knowledge has expanded rapidly. Work to date yields some answers but raises many new questions and issues. The child sexual abuse field is at a crucial juncture and there is an acute need to disseminate the latest information and provide practical skill-based knowledge to social workers and other professionals engaged in this multi-dimensional area. Simultaneously, it is essential to undertake research and analytic assessments that will provide critically needed information to enable the field to move forward in the prevention and treatment of child sexual abuse. Future progress in prevention and treatment of child sexual abuse depends on a sound knowledge base upon which to plan future programs and services.

Special attention will be given to projects which show promise of results relevant to practice improvements. A recent unpublished state-of-the-art paper entitled, "Designing Studies on the Impact and Treatment of Child Sexual Abuse," by David Finkelhor, Ph.D. which may be helpful in developing proposals is available on request from the Clearinghouse, National Center on Child Abuse and Neglect, P.O. Box 1182, Washington, D.C., or by phone at (301) 251–5157.

Child sexual abuse projects will be considered in the following priority areas:

B.1 Development of Educational Materials Geared to Preschool Aged Children and Adolescents.
B.2 Effectiveness and Usefulness of Specific Approaches to Child Sexual Abuse Treatment.
B.3 Targeted Professional Training curricula.
B.4 Development of Materials for Domestic and/or Family Court Personnel for Handling Sexual Abuse Allegations in Custody Disputes.
B.5 Effects of Intervention and Disclosure of Sexual Abuse on the Family.
B.6 Assessing the Impact of Child Sexual Abuse on Victims.
B.7 Individuals at Greatest Risk of Sexual Abuse Victimization.

*B.1 Development of Educational Materials Geared to Preschool Aged Children and Adolescents.* Most sexual abuse prevention materials have focused on elementary aged children. Special attention needs to be directed at the development of age appropriate educational materials and methods for presentation of information for: (1) Preschool aged children, their parents and preschool educators; and, (2) adolescents. NCCAN will support two materials development projects: one, for preschool children; and, a second, for adolescents. Proposals for up to 2 years in duration not exceeding $200,000 for the first year and $150,000 for the second year will be supported. Applicants must evidence a good knowledge of existing materials for one of these age groups and provide a suitable plan for utilization or repackaging of existing materials, as appropriate, and of steps which will be taken to pilot and test the materials before presenting camera ready hard copies and/or master copies of films or other materials to NCCAN.

which are suitable for duplication and wide scale dissemination.

*B.2 Effectiveness and Usefulness of Specific Approaches to Child Sexual Abuse Treatment.* Therapeutic approaches in the treatment of child sexual abuse have evolved rapidly in response to increased awareness of the problem. Self-help groups, family, individual and group therapy, play therapy and art therapy with child victims are among the approaches which have been utilized. To date, no assessment of these other approaches has been undertaken. Some of the most complex questions and unresolved problems for the field surround treatment of child sexual abuse victims. Analytically based objective approaches to assess the impact of services and to improve their delivery with strong plans for dissemination will be given priority. One project for up to 36 months in duration at no more than $200,000 per year will be supported for a systematic review and comparative study of alternative treatment approaches and good practice guidelines.

*B.3 Targeted Professional Training Curricula.* Child sexual abuse demands specialized legal, case management and treatment responses. Social workers, health and mental health personnel, law enforcement professionals and judges are now handling a variety of intra-familial and extra-familial abuse cases without adequate specialized training and background.

Professional training and continuing education programs tailored to specialized professionals or interdisciplinary groups are sought to help deal with child sexual abuse. Proposals for curriculum materials including techniques for communicating with, interviewing, and relating to children, which emphasize the use of repackaging of existing training materials will be considered. Evidence of coordination with the appropriate professional organizations to help assure acceptance, utility and suitability to meet continuing education and certification requirements in the appropriate fields must be provided. Training packages should include written and audiovisual materials for both instructors and students, including individual and group exercises, bibliographic and resource materials. Plans for piloting and testing the materials should be provided. Projects for up to 17 months in duration at no more than $250,000 will be supported.

*B.4 Development of Materials for Domestic and/or Family Court Personnel for Handling Sexual Abuse Allegations in Custody Disputes.* More allegations of child sexual abuse are surfacing during domestic relations disputes involving divorce, custody and/or visitation decisions. These cases have been problematic for the courts since they require specialized knowledge and collaboration with community resources not ordinarily accessed by the courts.

Proposals are invited which plan to increase the understanding of judges and court professionals of this problem, utilization of appropriate resources and enhance their ability to deal with these allegations in court custody disputes. Special attention will be given to the development of educational materials for domestic court personnel and mediation counselors offering guidance on approaches to the resolution of allegations of child sexual abuse raised in domestic relations disputes. Materials should be applicable to jurisdictions throughout the United States. One project for up to 17 months in duration not to exceed $250,000 will be supported.

*B.5 Effects on Intervention and Disclosure of Sexual Abuse on the Family.* No formal research has been undertaken to examine how the disclosure of child sexual abuse affects the child and the family. Proposals are invited which will examine and analyze factors (retrospectively), such as pre-abuse data, who receives blame for the abuse, age of the child, whether the child receives parental support after disclosure, whether the child or parent is removed from the home, the type of legal intervention and remedy adopted, the impact of treatment, the effect on other siblings, and socio-economic status changes affecting the family. One project for up to 36 months in duration at not more than $200,000 per year will be supported.

*B.6 Assessing the Impact of Child Sexual Abuse on Victims.* Literature and anecdotal information suggest that child sexual abuse has long-term impact upon the victim, which may not be evident for years after the incident and subsequent intervention. Proposals to study the nature of this impact, its manifestations at critical developmental periods throughout the child's maturation and adulthood are invited. One project of up to 36 months duration at not more than $150,000 per year will be supported.

*B.7 Individuals at Greatest Risk of Sexual Abuse Victimization.* A number of studies have pointed to a variety of risk factors which may be associated with child sexual abuse. These include: family characteristics such as presence of stepfathers, relationships with and presence or absence of mothers, rural residence, birth order of child, sibling relationships, and illness in family; e.g., alcohol and drug use/abuse. However, no comprehensive analysis has been undertaken to establish whether these or other variables, such as employment status income, and education level taken in combination can provide suitable profiles to identify individuals at risk. Proposals to develop a suitable profile to measure risk and plan preventive action will be considered. One project of up to 17 months duration at no more than $150,000 will be supported.

**Part II: Application Process**

**A. Eligible Applicants**

In general, any State, or local, public or nonprofit organization or agency may submit an application under this announcement. Applications developed jointly by State, local and community-based social service agencies, such as, law enforcement, legal, educational, health, and other child serving agencies, foundations or universities are encouraged in order to promote comprehensive coordinated child protective service programs.

*B. Available Funds*

Approximately $2 million is available for grants in FY 1985. To the extent that worthy proposals exceed the amount available for funding in FY 1985, some proposals may be deferred for funding until FY 1986, subject to the availability of funds.

*C. Grantee Share of the Project*

There is a 25% non-Federal share matching requirement for this program. The non-federal share represents 25% of total project costs, federal as well as non-federal. In other words, for every three dollars of federal support requested, a minimum of one dollar must come from a source other than the federal government. The only exceptions to this requirement are for research grants with universities which already have institutional cost sharing agreements with HHS. The non-Federal portion may be in cash or third party in-kind contributions, in accordance with 45 CFR Part 74, Subpart G.

*D. Application Requirements.*

In order to be considered for a grant under this announcement, an application must be submitted on the forms and in the manner required by the Office of Human Development Services. The application must be executed by an individual authorized to act for the applicant agency who can assume responsibility for the obligations imposed by the terms and conditions of the grant award. Applications must be prepared in accordance with the

instructions provided in Part III of this announcement.

1. *Availability of Forms.* For your convenience, a copy of each form required by submitting an application for a grant under this announcement and instructions for completing the application are included as Appendix A and Appendix B to this announcement. We suggest that you reproduce the forms and use them to prepare your application. Additional copies of this announcement may be obtained by mail or telephone from: National Center on Child Abuse and Neglect, P.O. Box 1182, Washington, D.C. 20013, Telephone: (202) 245–2840.

2. *Application Submission.* One signed original and a minimum of two copies of the application must be submitted to: Department of Health and Human Services, Office of Human Development Services, Discretionary Grants Management Branch, William J. McCarron, Chief, Hubert H. Humphrey Building, Room 345–F, 200 Independence Ave. SW., Washington, D.C. 20201—ATTN: HDS–85–2.

Submittal of five additional copies will expedite processing.

There is no penalty for not submitting these additional copies.

3. *Notification Under Executive Order 12372.* The program listed under this announcement is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." State Processes or directly affected State, area-wide, regional, and local officials and entities have 60 days to comment on the application, starting from the deadline date for application submission to HDS. A Single Point of Contact (SPOC) to fulfill the requirements of E.O. 12372 has been established in all States and territories except Alaska, Idaho, and American Samoa (applicants from these 3 areas need take no action regarding E.O. 12372). Applicants must submit required material to their SPOCS so HDS can obtain comments from the SPOCs as part of the award process. (Applicants for programs to be administered directly by Federally recognized Indian tribes are exempt from the requirements of E.O. 12372.) Applicants should contact their SPOC as soon as possible to alert them of the prospective application and receive specific instructions regarding the process. SPOCs should submit their comments directly to HDS Grants Management Office. The address is the same as for the application submission listed in this announcement. HDS will notify the State of any applications received which have no indication that the SPOC has had an opportunity for review.

4. *Application Consideration.* Complete applications that conform to the requirements of this program announcement will be reviewed competitively and evaluated by qualified non-Federal experts and HDS staff. Comments from Federal, Regional and Headquarters program staff offices, from the State Single Point of Contact, and from appropriate specialists and constituents inside and outside of the Federal government may also be taken into account in considering proposals for funding. HDS reserves the option of discussing applications with, or referring them to other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant.

*E. Special Considerations for Funding*

Within the limit of available Federal funds, awards will be made consistent with the purposes of the statutory authorities governing this announcement. In making these decisions, preference will be given to projects that propose the innovative use of volunteers or involve the private sector. To the extent possible, final decisions will reflect the equitable distribution of assistance among the States, geographical areas of the nation, and rural and urban areas.

*F. Criteria for Screening and Review*

All applications that meet the deadline will be screened to determine completeness and conformity to the requirements of this announcement. Complete, conforming applications will then be reviewed and evaluated competitively. Non-conforming applications will be returned to applicants without review.

1. *Screening Requirements.* In order for an application to be in conformance, it must meet all of the following requirements:

a. Number of copies: An original signed application and two copies must be submitted.

b. Length: The narrative portion of the application must not exceed twenty-four double-spaced pages (or twelve single-spaced) typewritten on one side of the paper only. Applications containing narratives in excess of twenty-four typewritten double-spaced pages (or twelve typewritten single-spaced pages) will not be given further consideration.

c. The application must include:

—SF 424, completed according to instructions.

—Human Subjects Certification (HHS—Form 596).

—Assurance of Compliance (HHS—Form 441).

—Assurance of Compliance with section 504 of the Rehabilitation Act of 1973, as amended.

d. Multiple Submittals: A project can only be proposed once under this announcement. Multiple submittals of the same—or essentially the same—project as applications under different priority areas will be deemed nonconforming.

e. Eligibility: The applicant must be an eligible entity as defined in Part II A of this announcement.

f. HDS' Priorities: The concept or project embodied in the application must specifically address a priority stated in the announcement.

g. There is a 25% non-federal share matching requirement for this program. The non-federal share represents 25% of the total project costs, federal as well as non-federal. In other words, for every three dollars of federal support requested, a minimum of one dollar must come from a source other than the federal government. The only exceptions to this requirement are for research grants with universities which already have institutional cost sharing agreements with HHS.

**Applications Must Meet All of the Above Requirements To Be Considered; Nonconforming Applicants Will Not Be Allowed To Correct Deficiencies or Resubmit Amended Applications**

2. *Review and Evaluation Criteria.* Complete applications that conform to the requirements of this program announcement will be reviewed competitively and evaluated by qualified non-Federal experts and HDS staff. Acceptable applications must be complete and meet the following criteria:

a. Criterion I: Technical Approach (25 Points).

• The application includes a well-defined and carefully worked out technical approach (including problem or issue definition) that is, if well executed, capable of achieving the objectives of the project. The approach may include: research methodology, demonstration plan, innovativeness of concept, design of training programs or other appropriate techniques.

• Where appropriate, the application describes evaluation components. Evaluation, data collection and analysis procedures are geared to assess (using quantitative measures as much as possible) the degree to which intended objectives are achieved. The applicant

clearly distinguishes the evaluation from management activities.

b. Criterion II: Beneficial Impact (25 Points).

• The knowledge, methods, or technology to be developed can be expected to impact beneficially on human service programs and target populations beyond the site at which the project is conducted. This includes the use of results for research, demonstrations, and evaluation projects.

c. Criterion III: Project Implementation Plan (20 Points).

• The application specifies a sound plan for task accomplishment and staff loading by task.

• The application includes the size of population to be affected.

• The application contains a suitable plan for insuring the use of project results by appropriate users. The plan describes the kinds of reports and media to be used in transmitting final results to users and explains why this is expected to be an effective dissemination package that will reach and influence users.

d. Criterion IV: Staffing and Management (15 Points).

• The proposed staff are well qualified to carry out the project.

• The division of responsibilities is appropriate to carry out project tasks, including sufficient time of senior staff to assure adequate management of the project.

• The applicant organization has adequate facilities, resources, and experience to conduct the project as proposed.

• The author(s) for the application should be clearly identified together with their current relationship to the applicant organization and any future project role they may have if the application is funded.

e. Criterion V: Budget Appropriateness and Reasonableness (15 Points).

• The proposed budget is commensurate with the level of effort needed to accomplish the project objectives. The cost of the project is reasonable in relation to the value of the anticipated results.

• The contribution of any collaborative agencies or organizations is assured in writing and included with the application when it is submitted. The participation of an agency other than the applicant, if critical to the proposed project, is evidenced by a letter indicating agreement to participate.

*G. Closing Date for Receipt of Applications*

The closing date for submittal of applications under priorities identified in this program announcement is July 22, 1985. Applications must be mailed or hand delivered to: Department of Health and Human Services, Office of Human Development Services, Discretionary Grants Management Branch, William J. McCarron, Chief, Hubert H. Humphrey Building, Room 345–F, 200 Independence Ave., SW., Washington, D.C. 20201—ATTN: HDS–85–2.

*Deadlines.* Applications shall be considered as meeting an announced deadline if they are either:

1. Received on or before the deadline date at the above address, or

2. Sent on or before the deadline date and received by the granting agency in time to be considered during the competitive review and evaluation process. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

*Late applications.* Applications which do not meet the criteria in the above paragraph of this section are considered late applications. HDS shall notify each late applicant that its application will not be considered in the current competition.

*Extension of deadlines.* HDS may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is a widespread disruption of the mails. However, if HDS does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

**Part III: Instructions for Completing Applications**

*A. Application Package*

In order to expedite the processing of applications, we request that you follow these instructions explicitly. Each application submission must include:

1. An original and a minimum of two additional copies of the application (See Section B below). While an original and two copies are required, five additional copies will facilitate processing. No applicant will be penalized for submitting only the three required copies. Each copy should be stapled in the upper left corner. At least one copy (the original) must have an original signature on the Standard Form 424. Please do not use covers, binders or tabs or include attachments such as agency promotion brochures, slides, tapes, film clips, etc. It is not feasible to use such items in the review process, and they will be discarded if included.

2. Three extra copies of Form 424 and three copies of the cover sheet with abstract stapled together apart from the copies of the application.

*B. Content of Application*

Each copy of the application must contain, in the order listed, each of the following items:

1. Standard Form 424, page 1.

2. Cover sheet with abstract.

3. Part II—Project Approval Information.

4. Part III—Budget Information.

5. Part IV—Project narrative.

6. HHS—SF–441, Assurance of Compliance, Title IV, Civil Rights Act of 1964.

7. HHS—SF–641, Assurance of Compliance, Section 504, Rehabilitation Act of 1973, as amended.

8. HHS—Form 596, Human Subjects Certification.

*C. Instructions for Preparing the Application*

For your convenience, we have reprinted the forms and instructions for applying for Federal assistance from HDS programs as Appendices A and B to this announcement. We suggest that you reproduce and type your application on the appropriate forms.

Prepare you application in accordance with the following instructions:

1. Standard Form 424 page 1 (follow instructions contained in Appendix B).

2. Cover Sheet with Abstract: On a single sheet of plain white bond, type (single-spaced):

• Title of application (exactly as entered in item 7 on Form 424).

• Name and address of applicant organization (exactly as in item 4). Priority area under which the preapplication is submitted.

• Target population(s).

• total project period and total amount requested.

• Proposed match which should be at least one dollar for every three requested from HDS except in the case of research grants with universities which already have an institutional cost sharing agreement with HHS. If this exception applies, state so clearly here.

• Project abstract summarizing, in 200 nontechnical words or less, the proposed project. The abstract should be so clearly written that the following questions could be answered by a member of the general public who reads it:

• What is the specific purpose of the project?

• How is the project to be conducted?

• What will be its concrete outcomes?

• What difference might the results make?

•

To whom will the results apply?

• It is important that the abstract be an accurate reflection of the activities proposed in the application.

The name of the author(s), their current relationship to the applicant and the proposed project role.

3. Part II—Project Approval Information (follow instruction contained in Appendix B).

4. Part III—Budget Information (follow instructions contained in Appendix B).

5. Part IV—Project Narrative: Describe the project you propose in response to this announcement. Your narrative (24 pages typed double-spaced, or 12 pages typed single-spaced maximum, on 8½"x11" plain white bond with 1" margins on both sides) should provide information on how the application meets the review criteria. We strongly suggest that you follow these format and page limitations:

a. Technical approach for the proposed project (10 pages typed double-spaced or 5 pages typed single-spaced maximum). This portion of the application should contain a well-defined and carefully worked out technical approach which includes the problems and issues. A statement of the project's goals and objectives should be concise and clear. The approach may include: research methodology, demonstration plan, design of training programs or other appropriate techniques. When appropriate, the application describes evaluation components. Evaluation, data collection and analysis procedures are geared to assess (using quantitative measures as much as possible) the degree to which intended objectives are achieved. The applicant clearly distinguishes the evaluation from management activities designed primarily to give project staff feedback on their progress toward meeting project objectives.

b. Beneficial Impact (4 pages double-spaced or 2 typed single-space maximum) This portion of the application should state how the knowledge, methods, or technology to be developed can be expected to impact beneficially on human service programs and target populations to be affected beyond the site at which the project is conducted. This includes demonstrations, and evaluation projects. Emphasis should be placed on outcomes as opposed to process measures.

c. Project Implementation Plan (6 doubled-spaced pages maximum) This portion of the application should contain the narrative which specifies a sound plan for task accomplishment and staff loading by task. The narrative contains a suitable plan for insuring the use of project results by appropriate users. The plan describes the kinds of reports and media to be used in transmitting final results to users and explains why this is expected to be an effective dissemination package that will reach and influence users. Provide quarterly accomplishments to be achieved, if possible.

d. Staffing and Management (2 pages doubled-spaced maximum) This portion of the application should list the proposed staff and qualifications to carry out the project. This includes the division of responsibilities appropriate to carry our project tasks and sufficient time of senior staff to assure adequate management of the project. The narrative should describe the applicant organization and assume that adequate facilities, resources, and experience to conduct project as proposed. The author(s) of the application should be clearly identified together with their current relationship to the applicant organization and any future project role they may have if the application is funded.

e. Budget Appropriateness and Reasonableness (2 pages doubled-spaced maximum). This part of the applications should indicate that the proposed budget is commensurate with the level of effort needed to accomplish the project objectives and that the cost of the project is reasonable in relation to the value of the anticipated results. The contribution of any collaborative agencies or organizations must be assured in writing and included with the application when it is submitted.

6. HHS—SF–441, Assurance of Compliance, Title IV, Civil Rights Act of 1964: (self explanatory).

7. HHS—SF–641, Assurance of Compliance, Section 504, Rehabilitation Act of 1973, as amended: (self explanatory).

8. HHS–596, Human Subjects Certification: (self explanatory).

*D. Points to Remember*

• You are required to send an original and two copies of an application. We request that you send five additional copies to facilitate our review. However, there is no penalty for sending only three copies.

• Designate your application for one priority area and one priority area only.

• Although multiple applications (of different concepts) from the same applicant are not prohibited, they are not encouraged.

• There is a 25% non-federal share matching requirement for this program. The non-federal share represents 25% of total project costs, federal as well as non-federal. In other words, for every three dollars of federal support requested, a minimum of one dollar must come from a source other than the federal government. The only exceptions to this requirement are for research grants with universities which already have institutional cost sharing agreements with HHS.

• Applications containing narratives in excess of twenty-four typewritten double-spaced pages (or twelve typewritten single-spaced pages) will not be given further consideration.

• The cover page with the abstract of 200 words or less is an essential element of the application. It is important that the abstract accurately reflect the nature and scope of the proposed project.

• Follow the recommended format as closely as possible in preparing the application's narrative.

• The qualifications of key staff should be described in a few paragraphs rather than informal vitae.

• Letters of agreement (where appropriate) are required in applications from agencies whose participation is essential to the conduct of the proposed project.

• Applicants are strongly encouraged to have someone other than the writer apply the screening requirements and review criteria to the application prior to its submittal. In this way, applicants will gain a sense of their application's quality and potential competitiveness.

*E. Activities That Generally Will Not Meet the Purposes of This Announcement Include*

• Projects whose main activity is a conference or meeting.

• Projects whose major product is a manual.

• Proposals that request expansion or continuation of existing services or programs.

• Proposals that would establish clearinghouses.

**Executive Order 12372—State Single Points of Contact**

**Alabama**

Mrs. Donna J. Snowden, SPOC, Alabama State Clearinghouse, Alabama Department of Economic and Community Affairs, 3465 Norman Bridge Road, Post Office Box 2939, Montgomery, Alabama 36105–0939, Tel. (205) 284–8905

**Alaska**

None

**Arizona**

Office of Economic Planning and Development, State of Arizona

Note: Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

Jo Stephens, Director, Local Government Assistance, ATTN: Arizona State Clearinghouse, 1700 West Washington, Rm. 205, Phoenix, Arizona 85007, Tel. (602) 255–4952.

**Arkansas**

State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Tel. (501) 371–1074

**California**

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 445–0282

**Colorado**

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Rm. 520, Denver, Colorado 80203, Tel. (303) 866–2156

**Connecticut**

Gary E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106–4459

Note: Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Tel. (203) 566–4298

**Delaware**

Executive Department, Thomas Collins Building, Dover, Delaware 19903, Attn: Francine Booth, Tel. (302) 736–4204

**Florida**

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301, Tel. (904) 488–8114

**Georgia**

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta, Georgia 30334, Tel. (404) 656–3855

**Hawaii**

Kent M. Keith, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804. For Information Contact: Hawaii State Clearinghouse, Tel. (808) 548–3085

**Idaho**

None

**Illinois**

Tom Berkshire, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782–8639

**Indiana**

Ms. Susan J. Kennell, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232–5604

**Iowa**

Office for Planning and Programming, Capitol Annex, 523 East 12th Street, Des Moines, Iowa 50319, Tel. (515) 281–3864

**Kansas**

Kansas Department of Human Resources, Office of the Secretary, Attention: Judy Krueger, 401 Topeka Avenue, Topeka, Kansas 66603, Tel. (913) 296–5075

**Kentucky**

Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Tel. (502) 564–2382

**Louisiana**

Michael J. Jefferson, Dept. of Urban & Community Affairs Office of State Clearinghouse, P.O. Box 44455, Capitol Station, Baton Rouge, Louisiana 70804, Tel. (504) 925–3722

**Maine**

State Planning Office, Attn: Intergovernmental Review Process, State House Station #38, Augusta, Maine 04333, Tel. (207) 289–3154

**Maryland**

Guy W. Hager, Director, Maryland State Clearinghouse for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Tel. (301) 383–7875

**Massachusetts**

Executive Office of Communities and Development, 100 Cambridge Street, Rm. 1401, Boston, Massachusetts 02202, Tel. (617) 727–3253

**Michigan**

John J. Reurink, Director, Management Services Bureau, Michigan Department of Commerce, P.O. Box 30004, Lansing, Michigan 48909, Tel. (517) 373–1802

**Minnesota**

Maurice D. Chandler, Coordinator, Intergovernmental Review, Minnesota State Planning Agency, Capitol Square Bldg., Rm. 101, 550 Cedar St., St. Paul, Minnesota 55101, Tel. (612) 296–2571

**Mississippi**

Office of Federal State Programs, Department of Planning and Policy, 2000 Walter Sillers Bldg., 500 High Street, Jackson, Mississippi 39202. For Information Contact: Mr. Marlan Baucum, Department of Planning and Policy, Tel. (601) 359–3150

**Missouri**

Missouri Federal Assistance Clearinghouse, Office of Administration, Division of Budget and Planning, Capitol Bldg., Rm. 129, Jefferson City, Missouri 65102, Tel. (314) 751–4834 or 751–2345

**Montana**

Anges Zipperian, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, Tel. (406) 444–5522

**Nebraska**

Policy Research Office, P.O. Box 94601, State Capitol, Rm. 1321, Lincoln, Nebraska 68509, Tel. (402) 471–2414

**Nevada**

Ms. Linda A. Ryan, Director, Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 885–4420

Note: Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

John Walker, Clearinghouse Coordinator, Tel. (702) 885–4420

**New Hampshire**

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271–2155

**New Jersey**

Mr. Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625–0803, Tel. (609) 292–6613

Note: Correspondence & questions concerning this State's E.O. 12372 process should be directed to:

Nelson S. Silver, State Review Process, Division of Local Government

Services-CN 803, Trenton, New Jersey 08625-0803, Tel. (609) 292-9025

**New Mexico**

Peter C. Pence, Director, Dept. of Finance and Administration, State of New Mexico, 515 Don Gaspar, Santa Fe, New Mexico 87503, Tel. (505) 827-3885

**New York**

Director of the Budget, New York State

Note: Correspondence & questions concerning the State's E.O. 12372 process should be directed to:

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474-1605

**North Carolina**

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733-4131

**North Dakota**

Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224-2094

**Ohio**

State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215. For Information Contact: Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466-0699

**Oklahoma**

Office of Federal Assistance Management, 4545 North Lincoln Blvd., Oklahoma City, Oklahoma 73105, Tel. (405) 528-8200

**Oregon**

Intergovernmental Relations Division, State Clearinghouse, Attn: Delores Streeter, Executive Building, 155 Cottage Street, NE., Salem, Oregon 97310, Tel. (503) 373-1998

**Pennsylvania**

Barbara J. Gontz, Project Coordinator, Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108, Tel. (717) 783-3700

**Rhode Island**

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277-2656

**South Carolina**

Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Rm. 477, Columbia, South Carolina 29201, Tel. (803) 758-2417

**South Dakota**

Connie Treidt, Commissioner, State Government Operations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773-3661

**Tennessee**

Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741-1676

**Texas**

Bob McPherson, State Planning Director, Office of the Governor, Austin, Texas 78711, Tel. (512) 475-6156

**Utah**

Dale Hatch, Director, Office of Planning and Budget State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533-5245

**Vermont**

State Planning Office, Attn: Bernie Johnson, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828-3326

**Virginia**

Shawn McNamara, Department of Housing and Community Development, 205 North 8th Street, Richmond, Virginia 23219 Tel. (804) 786-4474

**Washington**

Ken Black, Washington Department of Community Development, Ninth and Columbia Building, Olympia, Washington 98504, Tel. (206) 753-2200

**West Virginia**

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Economic and Community Development, Building #6, Rm. 553, Charleston, West Virginia 25305, Tel. (304) 348-4010

**Wisconsin**

Secretary Doris J. Hanson, Wisconsin Department of Administration, 101 South Webster—GEF 2, Madison, Wisconsin 53702, Tel. (608) 266-1212

Note: Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

Thomas Krauskopf, Federal-State Relations Coordinator, Wisconsin Department of Administration, P.O. Box 7864, Madison, Wisconsin 53707, Tel. (608) 266-8349

**Wyoming**

Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777-7574

**Virgin Islands**

Toya Andrew, Federal Program Coordinator, Office of the Governor, The Virgin Islands of the United States, Charlotte Amalie, St. Thomas 00801, Tel. (809) 774-6517

**District of Columbia**

Loretta Davis, Director, Office of Intergovernmental Relations Rm. 416, District Building, Washington, D.C. 20004, Tel. (202) 727-6265

**Puerto Rico**

Ms. Patricia G. Custodio, P.E., Chairman, Puerto Rico Planning Board, P.O. Box 4119, Minilla Station, San Juan, Puerto Rico 00940-9985, Tel. (809) 727-4444

**North Mariana Islands**

Planning and Budget Office, Office of the Governor, Saipan, CM 96950

**American Samoa**

None

**Guam**

Guam State Clearinghouse, Office of the Lieutenant Governor, P.O. Box 2950, Agana, Guam 96910

(Catalog of Federal Domestic Assistance Program Number: 13.628, Child Abuse and Neglect Prevention and Treatment)

Dated: May 29, 1985.

**Dodie Livingston,**

*Commissioner, Administration for Children, Youth and Families.*

**Dorcas R. Hardy,**

*Assistant Secretary for Human Development Services.*

June 17, 1985.

BILLING CODE 4130-01-M

APPENDIX A

OMB Approval No. 0348-0006

# FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION (Mark appropriate box)
- ☐ NOTICE OF INTENT (OPTIONAL)
- ☐ PREAPPLICATION
- ☐ APPLICATION

2. APPLICANT'S APPLICATION IDENTIFIER
- a. NUMBER
- b. DATE (Year month day) 19

3. STATE APPLICATION IDENTIFIER NOTE: TO BE ASSIGNED BY STATE
- a. NUMBER
- b. DATE ASSIGNED (Year month day) 19

Leave Blank

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name
- b. Organization Unit
- c. Street/P.O. Box
- d. City
- e. County
- f. State
- g. ZIP Code
- h. Contact Person (Name & Telephone No.)

5. EMPLOYER IDENTIFICATION NUMBER (EIN)

6. PROGRAM (From CFDA)
- a. NUMBER
- MULTIPLE ☐
- b. TITLE

7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)

8. TYPE OF APPLICANT/RECIPIENT
A—State; B—Interstate; C—Substate Organization; D—County; E—City; F—School District; G—Special Purpose District; H—Community Action Agency; I—Higher Educational Institution; J—Indian Tribe; K—Other (Specify):
Enter appropriate letter ☐

9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.)

10. ESTIMATED NUMBER OF PERSONS BENEFITING

11. TYPE OF ASSISTANCE
A—Basic Grant; B—Supplemental Grant; C—Loan; D—Insurance; E—Other
Enter appropriate letter(s) ☐☐

12. PROPOSED FUNDING

| | | |
|---|---|---|
| a. FEDERAL | $ | .00 |
| b. APPLICANT | | .00 |
| c. STATE | | .00 |
| d. LOCAL | | .00 |
| e. OTHER | | .00 |
| f. Total | $ | .00 |

13. CONGRESSIONAL DISTRICTS OF:
- a. APPLICANT
- b. PROJECT

15. PROJECT START DATE (Year month day) 19

16. PROJECT DURATION (Months)

18. DATE DUE TO FEDERAL AGENCY ► (Year month day) 19

14. TYPE OF APPLICATION
A—New; B—Renewal; C—Revision; D—Continuation; E—Augmentation
Enter appropriate letter ☐

17. TYPE OF CHANGE (For 14c or 14e)
A—Increase Dollars; B—Decrease Dollars; C—Increase Duration; D—Decrease Duration; E—Cancellation; F—Other (Specify):
Enter appropriate letter(s) ☐☐☐

19. FEDERAL AGENCY TO RECEIVE REQUEST
- a. ORGANIZATIONAL UNIT (IF APPROPRIATE)
- b. ADMINISTRATIVE CONTACT (IF KNOWN)
- c. ADDRESS

20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT► To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.
- a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____
- b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 ☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW ☐

23. CERTIFYING REPRESENTATIVE
- a. TYPED NAME AND TITLE
- b. SIGNATURE

SECTION III—FEDERAL AGENCY ACTION

24. APPLICATION RECEIVED (Year month day) 19

25. FEDERAL APPLICATION IDENTIFICATION NUMBER

26. FEDERAL GRANT IDENTIFICATION

27. ACTION TAKEN
- ☐ a. AWARDED
- ☐ b. REJECTED
- ☐ c. RETURNED FOR AMENDMENT
- ☐ d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE
- ☐ e. DEFERRED
- ☐ f. WITHDRAWN

28. FUNDING

| | | |
|---|---|---|
| a. FEDERAL | $ | .00 |
| b. APPLICANT | | .00 |
| c. STATE | | .00 |
| d. LOCAL | | .00 |
| e. OTHER | | .00 |
| f. TOTAL | $ | .00 |

29. ACTION DATE► (Year month day) 19

30. STARTING DATE (Year month date) 19

31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

32. ENDING DATE (Year month date) 19

33. REMARKS ADDED ☐ Yes ☐ No

NSN 7540-01-008-8162
PREVIOUS EDITION IS NOT USABLE

424-103

STANDARD FORM 424 PAGE 1 (Rev. 4-84)
Prescribed by OMB Circular A-102

OMB NO. 0348-0006

## PART II
## PROJECT APPROVAL INFORMATION

Item 1.
Does this assistance request require State, local regional, or other priority rating?
_____ Yes _____ No
Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?
_____ Yes _____ No
Name of Agency or Board _____
(Attach Documentation)

Item 3.
Does this assistance request require State, local, regional or other planning approval?
_____ Yes _____ No
Name of Approving Agency _____
Date _____

Item 4.
Is the proposed project covered by an approved comprehensive plan?
_____ Yes _____ No
Check one: State ☐ Local ☐ Regional ☐
Location of Plan _____

Item 5.
Will the assistance requested serve a Federal installation?
_____ Yes _____ No
Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 6.
Will the assistance requested be on Federal land or installation?
_____ Yes _____ No
Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 7.
Will the assistance requested have an impact or effect on the environment
_____ Yes _____ No
See instructions for additional information to be provided.

Item 8.
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?
_____ Yes _____ No
Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 9.
Is there other related assistance on this project previous, pending, or anticipated
_____ Yes _____ No
See instructions for additional information to be provided.

OMB NO. 0348-0006

## PART III - BUDGET INFORMATION

### SECTION A - BUDGET SUMMARY

| Grant Program, Function or Activity (a) | Federal Catalog No. (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. | | $ | $ | $ | $ | $ |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. TOTALS | | $ | $ | $ | $ | $ |

### SECTION B - BUDGET CATEGORIES

| 6. Object Class Categories | - Grant Program, Function or Activity | | | | Total |
|---|---|---|---|---|---|
| | (1) | (2) | (3) | (4) | (5) |
| a. Personnel | $ | $ | $ | $ | $ |
| b. Fringe Benefits | | | | | |
| c. Travel | | | | | |
| d. Equipment | | | | | |
| e. Supplies | | | | | |
| f. Contractual | | | | | |
| g. Construction | | | | | |
| h. Other | | | | | |
| i. Total Direct Charges | | | | | |
| j. Indirect Charges | | | | | |
| k. TOTALS | $ | $ | $ | $ | $ |
| 7. Program Income | $ | $ | $ | $ | $ |

OMB NO. 0348-0006

**SECTION C - NON-FEDERAL RESOURCES**

| (a) Grant Program | (b) APPLICANT | (c) STATE | (d) OTHER SOURCES | (e) TOTALS |
|---|---|---|---|---|
| 8. | $ | $ | $ | $ |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTALS | $ | $ | $ | $ |

**SECTION D - FORECASTED CASH NEEDS**

| | Total for 1st Year | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---|---|---|---|---|---|
| 13. Federal | $ | $ | $ | $ | $ |
| 14. Non-Federal | | | | | |
| 15. TOTAL | $ | $ | $ | $ | $ |

**SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT**

| (a) Grant Program | FUTURE FUNDING PERIODS (YEARS) | | | |
|---|---|---|---|---|
| | (b) FIRST | (c) SECOND | (d) THIRD | (e) FOURTH |
| 16. | $ | $ | $ | $ |
| 17. | | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTALS | $ | $ | $ | $ |

**SECTION F - OTHER BUDGET INFORMATION**
**(Attach Additional Sheets if Necessary)**

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

**PART IV PROGRAM NARRATIVE (Attach per instruction)**

## PART V

## ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines and requirements, including 45 CFR Part 74, and OMB Circulars No. A-102 and A-110, as they relate to the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.

9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

12. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

13. Applicants for the Administration for Native Americans Programs, hereby certify in accordance with 45 CFR 1336.53, that the financial assistance provided by the Office of Human Development Services for the specified activities to be performed under this program, will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

14. It will comply with the Age Discrimination Act of 1975 which provides that: No person in the United States shall, on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity for which the applicant receives Federal financial assistance.

15. It will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

# ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called the "Applicant") HEREBY
Name of Applicant (type or print)

AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Date _____ By _____
Signature and Title of Authorized Official

_____
Area Code — Telephone Number

_____
Applicant (type or print)

_____
Street Address

_____
City State Zip

**PLEASE RETURN ORIGINAL TO:** Office of Civil Rights
Room 5627/B North Building
330 Independence Ave., N.W.
Washington, DC 20201

**RETURN COPY TO:** **GRANTS MANAGEMENT OFFICE**

HHS-441 (7/84) Rev.

HDS GRANTS MANAGEMENT
GPO 908-718

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## ASSURANCE OF COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The undersigned (hereinafter called the "recipient") HEREBY AGREES THAT it will comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

Pursuant to § 84.5(a) of the regulation [45 C.F.R. 84.5(a)], the recipient gives this Assurance in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts (except procurement contracts and contracts of insurance or guaranty), property, discounts, or other federal financial assistance extended by the Department of Health and Human Services after the date of this Assurance, including payments or other assistance made after such date on applications for federal financial assistance that were approved before such date. The recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance and that the United States will have the right to enforce this Assurance through lawful means. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

This Assurance obligates the recipient for the period during which federal financial assistance is extended to it by the Department of Health and Human Services or, where the assistance is in the form of real or personal property, for the period provided for in § 84.5(b) of the regulation [45 C.F.R. 84.5(b)].

The recipient: [Check (a) or (b)]

a. ( ) employs fewer than fifteen persons;

b. ( ) employs fifteen or more persons and, pursuant to § 84.7(a) of the regulation [45 C.F.R. 84.7(a)], has designated the following person(s) to coordinate its efforts to comply with the HHS regulation:

_____

Name of Designee(s) — Type or Print

_____ _____

Name of Recipient — Type or Print | Street Address

_____ _____

(IRS) Employer Identification Number | City

_____ _____

Area Code — Telephone Number | State | Zip

I certify that the above information is complete and correct to the best of my knowledge.

_____ _____

Date | Signature and Title of Authorized Official

If there has been a change in name or ownership within the last year, please PRINT the former name below:

**PLEASE RETURN ORIGINAL TO:** Office for Civil Rights, Room 5627/B North Building, 330 Independence Avenue, N.W., Washington, D.C. 20201.

**RETURN COPY TO:** Grants Management Office

HHS-641 (7/84) REV.)
GPO 906-714

HHS GRANTS MANAGEMENT

DEPARTMENT OF HEALTH AND HUMAN SERVICES

**PROTECTION OF HUMAN SUBJECTS ASSURANCE/CERTIFICATION/DECLARATION**

☐ ORIGINAL ☐ FOLLOWUP ☐ REVISION

☐ GRANT ☐ CONTRACT ☐ FELLOW ☐ OTHER

☐ NEW ☐ RENEWAL ☐ CONTINUATION

APPLICATION IDENTIFICATION NUMBER *(If known)*

*STATEMENT OF POLICY: Safeguarding the rights and welfare of subjects at risk in activities supported under grants and contracts from DHHS is primarily the responsibility of the institution which receives or is accountable to DHHS for the funds awarded for the support of the activity. In order to provide for the adequate discharge of this institutional responsibility, it is the policy of DHHS that no activity involving human subjects to be supported by DHHS grants or contracts shall be undertaken unless the Institutional Review Board has reviewed and approved such activity, and the institution has submitted to DHHS a certification of such review and approval, in accordance with the requirements of Public Law 93-348, as implemented by Part 46 of Title 45 of the Code of Federal Regulations, as amended, (45 CFR 46). Administration of the DHHS policy and regulation is the responsibility of the Office for Protection from Research Risks, National Institutes of Health, Bethesda, MD 20205.*

1. TITLE OF PROPOSAL OR ACTIVITY

2. PRINCIPAL INVESTIGATOR/ACTIVITY DIRECTOR/FELLOW

3. DECLARATION THAT HUMAN SUBJECTS EITHER WOULD OR WOULD NOT BE INVOLVED

☐ A. NO INDIVIDUALS WHO MIGHT BE CONSIDERED HUMAN SUBJECTS, INCLUDING THOSE FROM WHOM ORGANS, TISSUES, FLUIDS, OR OTHER MATERIALS WOULD BE DERIVED, OR WHO COULD BE IDENTIFIED BY PERSONAL DATA, WOULD BE INVOLVED IN THE PROPOSED ACTIVITY. (IF NO HUMAN SUBJECTS WOULD BE INVOLVED, CHECK THIS BOX AND PROCEED TO ITEM 7. PROPOSALS DETERMINED BY THE AGENCY TO INVOLVE HUMAN SUBJECTS WILL BE RETURNED.)

☐ B. HUMAN SUBJECTS WOULD BE INVOLVED IN THE PROPOSED ACTIVITY AS EITHER: ☐ NONE OF THE FOLLOWING, OR INCLUDING: ☐ MINORS, ☐ FETUSES, ☐ ABORTUSES, ☐ PREGNANT WOMEN, ☐ PRISONERS, ☐ MENTALLY RETARDED, ☐ MENTALLY DISABLED. UNDER SECTION 6. COOPERATING INSTITUTIONS, ON REVERSE OF THIS FORM, GIVE NAME OF INSTITUTION AND NAME AND ADDRESS OF OFFICIAL(S) AUTHORIZING ACCESS TO ANY SUBJECTS IN FACILITIES NOT UNDER DIRECT CONTROL OF THE APPLICANT OR OFFERING INSTITUTION.

4. DECLARATION OF ASSURANCE STATUS/CERTIFICATION OF REVIEW

☐ A. THIS INSTITUTION HAS NOT PREVIOUSLY FILED AN ASSURANCE AND ASSURANCE IMPLEMENTING PROCEDURES FOR THE PROTECTION OF HUMAN SUBJECTS WITH THE DHHS THAT APPLIES TO THIS APPLICATION OR ACTIVITY. ASSURANCE IS HEREBY GIVEN THAT THIS INSTITUTION WILL COMPLY WITH REQUIREMENTS OF *DHHS Regulation 45 CFR 46*, THAT IT HAS ESTABLISHED AN INSTITUTIONAL REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS AND, WHEN REQUESTED, WILL SUBMIT TO DHHS DOCUMENTATION AND CERTIFICATION OF SUCH REVIEWS AND PROCEDURES AS MAY BE REQUIRED FOR IMPLEMENTATION OF THIS ASSURANCE FOR THE PROPOSED PROJECT OR ACTIVITY.

☐ B. THIS INSTITUTION HAS AN APPROVED GENERAL ASSURANCE (DHHS ASSURANCE NUMBER _____ ) OR AN ACTIVE SPECIAL ASSURANCE FOR THIS ONGOING ACTIVITY, ON FILE WITH DHHS. THE SIGNER CERTIFIES THAT ALL ACTIVITIES IN THIS APPLICATION PROPOSING TO INVOLVE HUMAN SUBJECTS HAVE BEEN REVIEWED AND APPROVED BY THIS INSTITUTION'S INSTITUTIONAL REVIEW BOARD IN A CONVENED MEETING ON THE DATE OF _____ IN ACCORDANCE WITH THE REQUIREMENTS OF THE *Code of Federal Regulations on Protection of Human Subjects (45 CFR 46)*. THIS CERTIFICATION INCLUDES, WHEN APPLICABLE, REQUIREMENTS FOR CERTIFYING FDA STATUS FOR EACH INVESTIGATIONAL NEW DRUG TO BE USED (SEE REVERSE SIDE OF THIS FORM).

THE INSTITUTIONAL REVIEW BOARD HAS DETERMINED, AND THE INSTITUTIONAL OFFICIAL SIGNING BELOW CONCURS THAT:

EITHER ☐ HUMAN SUBJECTS WILL NOT BE AT RISK; OR ☐ HUMAN SUBJECTS WILL BE AT RISK.

5. AND 6. SEE REVERSE SIDE

7. NAME AND ADDRESS OF INSTITUTION

| 8. TITLE OF INSTITUTIONAL OFFICIAL | TELEPHONE NUMBER |
|---|---|
| SIGNATURE OF INSTITUTIONAL OFFICIAL | DATE |

HHS-596 (Rev. 5-80)

*ENCLOSE THIS FORM WITH THE PROPOSAL OR RETURN IT TO REQUESTING AGENCY.*

5. INVESTIGATIONAL NEW DRUGS - ADDITIONAL CERTIFICATION REQUIREMENT

*SECTION 46.17 OF TITLE 45 OF THE Code of Federal Regulations states, "Where an organization is required to prepare or to submit a certification . . . and the proposal involves an investigational new drug within the meaning of The Food, Drug, and Cosmetic Act, the drug shall be identified in the certification together with a statement that the 30-day delay required by 21 CFR 130.3(a)(2) has elapsed and the Food and Drug Administration has not, prior to expiration of such 30-day interval, requested that the sponsor continue to withhold or to restrict use of the drug in human subjects; or that the Food and Drug Administration has waived the 30-day delay requirement; provided, however, that in those cases in which the 30-day delay interval has neither expired nor been waived, a statement shall be forwarded to DHHS upon such expiration or upon receipt of a waiver. No certification shall be considered acceptable until such statement has been received."*

INVESTIGATIONAL NEW DRUG CERTIFICATION

TO CERTIFY COMPLIANCE WITH FDA REQUIREMENTS FOR PROPOSED USE OF INVESTIGATIONAL NEW DRUGS IN ADDITION TO CERTIFICATION OF INSTITUTIONAL REVIEW BOARD APPROVAL, THE FOLLOWING REPORT FORMAT SHOULD BE USED FOR EACH IND: (ATTACH ADDITIONAL IND CERTIFICATIONS AS NECESSARY).

- IND FORMS FILED: ☐ FDA 1571, ☐ FDA 1572, ☐ FDA 1573

- NAME OF IND AND SPONSOR _____

- DATE OF 30-DAY EXPIRATION OR FDA WAIVER
  (FUTURE DATE REQUIRES FOLLOWUP REPORT TO AGENCY) _____

- FDA RESTRICTION _____

- SIGNATURE OF INVESTIGATOR _____ DATE _____

6. COOPERATING INSTITUTIONS - ADDITIONAL REPORTING REQUIREMENT

SECTION 46.16 OF TITLE 45 OF THE *Code of Federal Regulations* IMPOSES SPECIAL REQUIREMENTS ON THE CONDUCT OF STUDIES OR ACTIVITIES IN WHICH THE GRANTEE OR PRIME CONTRACTOR OBTAINS ACCESS TO ALL OR SOME OF THE SUBJECTS THROUGH COOPERATING INSTITUTIONS NOT UNDER ITS CONTROL. IN ORDER THAT THE DHHS BE FULLY INFORMED, THE FOLLOWING REPORT IS REQUESTED WHEN APPLICABLE.

USE FOLLOWING REPORT FORMAT FOR EACH INSTITUTION OTHER THAN GRANTEE OR CONTRACTING INSTITUTION WITH RESPONSIBILITY FOR HUMAN SUBJECTS PARTICIPATING IN THIS ACTIVITY: (ATTACH ADDITIONAL REPORT SHEETS AS NECESSARY).

INSTITUTIONAL AUTHORIZATION FOR ACCESS TO SUBJECTS

- SUBJECTS: STATUS (WARDS, RESIDENTS, EMPLOYEES, PATIENTS, ETC.) _____

NUMBER _____ AGE RANGE _____

NAME OF OFFICIAL (PLEASE PRINT) _____

TITLE _____ TELEPHONE _____

NAME AND ADDRESS OF COOPERATING INSTITUTION _____

- OFFICIAL SIGNATURE _____

NOTES: *(e.g., report of modification in proposal as submitted to agency affecting human subjects involvement)*

HHS-596 (Rev. 5-80) (Back)



BILLING CODE 4130-01-C

**Appendix B**

OMB 0980-0016
Expires: 2/85
Clearance Pending: February 1988

**Instructions for Applying for Federal Assistance from HDS Programs**

*Introduction*

Use of Forms

The forms included in this "kit" shall be used to apply for all new discretionary grants and cooperative agreements awarded by the Office of Human Development Services. They shall also be used to request supplemental assistance, proposed changes or amendments, and request continuation or refunding for previously approved grants or cooperative agreements from the Office of Human Development Services. An original and two copies of the forms should be submitted to the responsible grants management office. If an item cannot be answered or does not appear to be related or relevant to the assistance required, write "NA" for not applicable.

Applications

Applicants for new awards and competing continuations are required to submit a complete application which consists of Parts I (SF-424) through Part V. Applicants for new projects must include completed Standard Forms 441, Civil Rights Assurance and HHS—641, Rehabilitation Act Assurance. Applicants for additional funding (such as a non-competing continuation or supplemental grant) or amendments to a previously submitted application should include only affected pages. Previously submitted pages whose information is still current need not be resubmitted. Additionally, applicants for certain HDS programs may be subject to Executive Order 12372, Intergovernmental Review of Federal Programs (see Attachments 1 and 2). These applicants must follow the instructions provided relative to Executive Order 12372 coverage where appropriate, as listed on page 11.

Submission of Applicants

(1) Non-competing Continuation Grants—Applicants for continuation grants must submit these forms not later than 90 days prior to the budget period end date.

(2) New Projects and Competing Continuations—Applicants for Assistance to support new projects or for competing continuations should refer to program announcements for information regarding deadline dates for submission of forms.

**Instructions for Completion of Part I (SF-424)**

*Section I*

Applicants shall complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk (*) and use Section IV. An explanation follows for each item.

Item

1. Mark appropriate box. Preapplication and application are described in OMB Circular A-102 and HDS program instructions. Use of the SF-424 as a Notice of Intent is at State option. HDS does not require Notice of Intent.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. For a program covered by Executive Order 12372, enter the number assigned, if any, by the State Point of Contact Office. Applications submitted to OHDS must contain this identifier, if provided by the State Point of Contact. Note: Item 22 of this form must be completed for programs covered by E.O. 12372.

3b. Date identifier is assigned by State.

4a.-4h. Enter legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

IF THE PAYEE WILL BE OTHER THAN THE APPLICANT, ENTER IN THE REMARKS SECTION "PAYEE". THE PAYEE'S NAME, DEPARTMENT OR DIVISION, COMPLETE ADDRESS AND EMPLOYER IDENTIFICATION NUMBER AND DHHS ENTITY NUMBER.

If an individual's name and/or title is desired on the payment instrument, the name/or title of the designated individual must be specified.

5. Enter Employer Identification Number of applicant as assigned by the Internal Revenue Service. If the applicant organization has been assigned a DHHS Entity Number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full Entity Number. If applicant has other grants with DHHS and has been assigned a Payee Identification Number, enter PIN in parenthesis () beside employer identification number.

6a. Enter the Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint funding) enter "multiple" and explain in Section IV remarks. If unknown, cite Public Law or U.S. Code.

6b. Enter the program title from Catalog of Federal Domestic Assistance. Abbreviate if necessary.

7. Enter title and appropriate description of project. For Notification of Intent, continue in Section IV if necessary to convey proper description. If project affects particular sites as, for example, construction or real property projects, attach a map showing the project location.

8. Enter appropriate letter to designate grantee type—"City" includes town, township or other municipality. If the grantee is other than that listed, specify type on "Other" line e.g., Council of Government. *Note:* Nonprofit organizations which have not previously received HDS program support must submit proof of nonprofit status.

9. Enter Governmental unit where significant and meaningful impact could be observed. List only largest unit or units is affected, such as State, county, or city. If entire unit is affected, list it rather than subunits.

10. Identify estimated number of persons *directly* benefiting from project, as described in the program narrative.

11. All applicants for new, competing continuation and non-competing continuation grants should enter the letter "A". And applicants for supplemental grant funding should enter the letter "B".

12. Enter amount requested or to be contributed during the initial funding/budget period by each contributor. Where allowable the value of in-kind contributions should be included. If the action is a change in dollar amount of existing grant (a revision or augmentation), indicate only the amount of the change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding use totals and show program breakdowns in remarks. Item definitions: 12a, amount requested from Federal Government; 12b, amount applicant will contribute; 12c, amount from State, if applicant is not a State; 12d, amount from local government, if applicant is not a local government; 12e, amount from any other sources, explain in Section IV. Note: Applicants for research grants should complete 12a and 12f only.

13a. Self explanatory.

13b. Enter the district(s) where most of actual work will be accomplished. If city-wide or State-wide covering several

districts, write "city-wide" or "State-wide".

14. Enter appropriate letter. Definitions are:

A. *New.* A submittal for the first time for a new project or project period (includes competing continuations).

B. *Renewal.* Not applicable to HDS grant programs.

C. *Revision.* A modification to project after the initial funding/budget period and within the approved project period.

D. *Continuation.* Support for a non-competing continuation project after the initial funding/budget period and within the approved project period.

E. *Augmentation.* (Referred to elsewhere in these instructions and in other HDS publications as a "supplemental"). An application for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

15. Enter approximate date project is expected to begin. If initial budget period is other than 12 months, check item 21 and explain in Part IV.

16. Enter estimated number of months to complete project after Federal funds are available.

17. Complete only for revisions (item 14c), or augmentations (Supplements) (Item 14e).

18. Date application/preapplication must be submitted to HDS in order to be eligible for funding consideration.

19. Name and address of the Federal agency to which this request is addressed. Indicate as clearly as possible the name of the office to which the application will be delivered.

20. Enter existing Federal grant identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".

21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

*Section II*

Applicants will always complete either item 22a or 22b *and* items 23a and 23b. An explanation follows for each item.

22a. Complete if application is subject to Executive Order 12372 (State review and comment). Note: All written comments submitted by or through the State Contact must be attached, if available. Applicants are advised of the delay of funding near the end of the fiscal year, if a timely notification to the State Contact is not made.

22b. Check if application is not subject to E.O. 12372.

23a. Name and title of authorized representative of legal applicant.

23b. Self explanatory. *Note:* Authorized representative signature cannot be signed by designee.

**Note.**—Applicant completes only sections I and II. Section III is completed by Federal Agencies.

**Instructions for Completion of Part II**

Negative answers will not require an explanation unless the responsible HDS program office requests more information at a later date. All "Yes" answers must be explained on a separate page in accordance with these instructions.

Item 1—Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2—Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the approximate date that it will be obtained.

Item 3—Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 4—Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 5—Show the population residing or working on the Federal installation who will benefit from this project. (Federally recognized Indian reservations are not "Federal Installations")

Item 6—Show the percentage of the project work that will be conducted on Federally-owned land or leased land. Give the name of the Federal installation and its location.

Item 7—Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it.

Item 8—State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions, if additional data is needed.

Item 9—Show the Catalog of Federal Domestic Assistance number, the program number, the type of assistance, the status, the amount of each project where there is related previous, pending or anticipated assistance from another funding source.

**Instructions for Completion of Part III**

This form is designed so that application can be made for funds to support one or more functions or activities. Generally, HHS funded programs does not require a breakdown by function or activity. Therefore, only Line 1 need be completed. However, Head Start, funded by the Administration for Children, Youth and Families requires that activities commonly identified by program accounts be displayed separately on individual lines (Lines 1–4 under Section A and Columns 1–4 under Section B).

Since HDS programs award funds to support activities for budget periods which are generally 12 months in duration, Section A, B, C, and D must provide budget information for the requested budget period. Section E should reflect the need for Federal assistance in subsequent budget periods.

Applicants for research grants are not required to complete information items related to non-Federal share. Rather, research cost sharing shall be negotiated separately with the funding office.

*Section A—Budget Summary*

Lines 1–4

Col. (a): For applications pertaining to a single grant program and *not* requiring a functional, activity or program account breakout enter on Line 1 under Column (a) the Federal Domestic assistance Catalog program title (See attached listing). For "Head Start", enter the activities (program accounts) name and number for which funds are being requested on separate lines.

Col. (b): Enter appropriate Catalog of Federal Domestic Assistance number. For "Head Start", enter the activities (program accounts) name and number for which funds are being requested on separate lines.

Col. (c)-(g): For *new applications,* leave Column (c) and (d) blank. For each line entry, enter in Columns (e), (f), and (g) the appropriate amounts needed to support the project for the first budget period. Applicants for research grant should make no entries in Column (f).

For *non-competing, or competing continuation applications,* enter in Columns (c) and (d) the estimated amounts for funds which will remain unobligated at the end of the current budget period. Enter in columns (e), (f), and (g) the appropriate amounts needed to support the project for the new budget

period. (Applicants for research grants should make no entries in Columns (d) or (f). Column (g) should equal the total of Column (e) and Column (f).

For *augumentation* (supplements) *and changes to existing grants*, leave Columns (c) and (d) blank and enter in Columns (e) and (f) the amount of increase or decrease of Federal and non-Federal funds, as appropriate. Enter in Column (g) the new total budgeted amount (Federal and non-Federal) which includes the previously authorized total budgeted amounts for the current budget period plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of the amounts in Columns (e) and (f). Applicants for research grants should make no entries in columns (d) or (f).

Line 5

Enter the totals for all columns completed.

*Section B—Budget Categories*

Column 1–5

In the Column heading (1) through (4), enter the same titles of the grant programs and/or program accounts shown on Lines 1 through 4, Column (a), Section A. For each grant program or activity (program account) entered in Columns (1) through (4) enter the total requirements for *Federal funds* by object class categories and enter total in Column 5.

Allowability of costs are governed by applicable cost principles set forth in Subpart Q of 45 CFR Part 74 and the HDS Grants Administration Manual.

*Personnel*—Line 6a: Enter the total costs of salaries and wages of applicant/grantee staff. Do not include costs of consultants or personnel costs of delegate agencies. (See Section F, Line 21, for additional requirements).

*Fringe Benefits*—Line 6b: Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate. Provide break-down of amounts and percentages that comprise fringe benefit costs.

*Travel*—Line 6c: Enter total costs of out-of-town travel for employees of the project. Do not enter costs for consultant's travel or local transportation. Provide justification for requested travel costs. (See Line 6h and Section F, Line 21, for additional instructions).

*Equipment*—Line 6d: Enter the total costs of all equipment to be acquired by the project: "Equipment" means an article or tangible personal property having a useful life of more than two years and an acquisition cost of $500 or more per unit. An applicant may use its own definition of equipment, provided that such a definition would at least include all tangible personal property as defined in the preceeding sentence. (See Section F, Line 21 for additional requirements).

Supplies—Line 6e: Enter the total casts of all tangible personal property (supplies) other than that included on line 6d.

*Contractual*—Line 6f: Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.), and, (2) contracts agreements with secondary recipient organizations including delegate agencies. Also include any contracts with organizations of the provision of technical assistance. Do not include payments to individuals on this line. Attach a list of contractors indicating the name of the organization; the purpose of the contract; statement (scope) of work; period of performance; and the estimated dollar amount of the award. If the Name of Contractor, Scope of Work and estimated total is not available or has not been negotiated, include in Line h, "Other". (Note: Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must submit sections A and B of Part III, Budget Section, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total cost of all such agencies will be part of the amount shown on Line 6(f). Provide back-up documentation identifying Name of contractor, purpose of contract and major cost elements.

*Construction*—Line 6g: Enter the costs of alterations or renovation. Provide narrative justification and break-down or costs. New construction is unallowable.

*Other*—Line 6h: Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs, (noncontractural), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use, training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

*Total Direct Charges*—Line 6i: Show the totals of Lines 6(a) through 6(h).

*Indirect Charges*—Line 6j: Enter the total amount of indirect costs. If no indirect costs are requested enter "none". This line should be used only when the applicant (except local governments) has an indirect cost rate approved by the Department of Health and Human Services. If rate has recently been approved, please enclose a copy of current rate. Local governments shall enter the amount of indirect costs determined in accordance with HHS requirements. In the case of training grants to other than State or local governments, the reimbursement of indirect costs will be limited to the lesser of actual indirect costs or 8 percent of the amount allowed for direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractural items, and alteration and renovations. It should be noted that when an indirect costs rate is requested, these costs included in the indirect cost pool should not be also charged as direct costs to the grant.

*Total*—Line 6k: Enter the total amounts of Lines 6(i) and 6(j). For all new competing and non-competing continuation applications, the total amount shown in Column (5), Line 6(k), should be the same as the amount in Section A, Column (e), Line 5.

For all supplements or changes, the total of the amount shown in Columns (1) through (4) should equal the amount shown in Section A, Line 5(e). The amount shown in Column (5) should include the cumulative total of the previously approved Federal share for the current budget period plus minus, as appropriate, the increase or decrease of Federal funds.

*Program Income*—Line 7: Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or substract this amount from the total project amount. Show, in the program narrative statement, the nature and source of income.

*Section C—Non-Federal Resources*

*Line 8–11*

Enter amounts of non-Federal resources that will be used to support the project. (Applicants for research grants should not complete this Section but will negotiate appropriate cost sharing arrangements with the funding office). Provide a brief explanation, on a separate sheet, showing the type of contribution, and whether it is in cash or in-kind. If in-kind, is allowable and included, show the basis for computation including:

(1) Numbers and types of volunteers and rates at which their services are valued;

(2) Valuation of donated space (use only) including number of square feet and value assigned per square foot; and

(3) Determination of depreciation and use allowance for grantee-owned space; [Include statement whether space was purchased or constructed, totally or in part with federal funds for items (2) and (3)].

(4) Type and value of other in-kind contributions expected.

*Column (a):* Enter the program title or activities (program accounts) as in Column (a) Section A.

*Column (b):* Enter the amount of cash and in-kind contributions to be made by the applicant.

*Column (c):* Enter the State contribution. If the applicant is a State agency, enter the non-Federal funds to be contributed by the State other than the applicant State agency.

*Column (d):* Enter the amount of cash and in-kind contributions to be made from all other sources.

*Column (e):* Enter the totals of Columns (b) (c), and (d).

*Line 12*

Enter total of each of Columns (b) through (e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

*Section D—Forecasted Cash Needs*

*Line 13*

Enter the amount of Federal cash needed for this grant, by quarter, during the budget period.

*Line 14*

Enter the amount of cash from all other sources needed by quarter during the budget period. (Applicants for research grants should not complete this line).

*Line 15*

Enter the totals of amounts on Line 13 and 14.

*Section E—Budget Estimates of Federal Funds Needed for Balance of Projects*

Line 16–19

Enter in Column (a) the same program title or activities (program accounts) as in Column (a) Section A. For new or competing continuation or noncompeting continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding budget periods (usually in years). Do not enter current year budget amount; enter second, third, fourth, and fifth year budget estimate needs. This Section need not be completed for Headstart applicants with indefinite project periods or for revisions or supplements for the current budget period which do not increase the general level of support.

Line 20

Enter the totals of each of the Columns (b) through (e).

*Section F—Other Budget Information*

Line 21

Use this space to fully explain and justify the major items included in the budget categories shown in Section B. Include sufficient detail to facilitate determination of allowability, relevance to the project, and cost benefits. Particular attention must be given to the explanation of any requested direct cost budget item which requires explicit approval by the HDS program office. Budget items which require identification and justification shall include, but not be limited to, the following:

1. Salary amounts and percentage of time worked for those key individuals who are identified in the project narrative.

2. Any foreign travel;

3. A list of all equipment (See Part III, Section B, Line 6d) and estimated cost of each item to be purchased. Need for equipment must be supported in program narrative.

4. Contractual: Major items or groups of smaller items; and

5. Other: group and major categories, e.g., consultants, local transportation, space rental, training allowances, staff training, computer equipment, etc. Provide a complete break-down of all costs that make up this category.

Line 22

Enter the type of indirect rate (provisional, final fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date HDS approved the rate, where applicable. Attach a copy of rate agreement if recently approved.

Line 23

Provide any other explanations required or deemed necessary.

*Executive Order 12372 Coverage*

1. General

Executive Order 12372, "Intergovernmental Review of Federal Programs," provides for the State and local government coordination and review of proposed Federal financial assistance. Certain applicants for HDS grants must comply with the provisions of E.O. 12372 and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." The following table provides a listing of all HDS assistance programs identified by Catalog of Federal Domestic Assistance Number (CFDA), and shows those programs and activities which are covered by E.O. 12372 and those which are exempt from coverage.

Federally recognized Indian Tribes are exempt from the provisions and requirements of E.O. 12372 (see 48 FR 29196 dated June 24, 1983).

States may design their own processes for reviewing and commenting on proposed Federal assistance under certain Federal programs. States adopting a review process under the E.O. will have designated a State official or organization to act as the State's "Single Point of Contact" (SPOC) for sending official State recommendations to HDS. Applicants with projects subject to E.O. 12372 review must adhere to the requirements of their State processes.

2. Procedures for New and Competing Continuation Applications

E.O. 12372 requires applicants for new and competing continuation grants and cooperative agreements to coordinate their plans at the State and local levels through the State SPOC. Names and addresses of the State SPOC are listed in the **Federal Register** announcement soliciting applications or in the application kit. A current listing can also be obtained from the regional or headquarters grants management office. Potential applicants should contact their State SPOC at the earliest feasible time and notify them of their intent to apply for Federal assistance. Many State offices have their own notification forms and instructions, and applicants should obtain this material directly from them.

Applications submitted to HDS must respond to the E.O. 12372 Certification, Item 22 on Standard Form 424. HDS will notify the State SPOC of any application covered by E.O. 12372 that does not indicate that the State contact has had an opportunity to review it. Therefore, failure to notify the State of the proposed application to HDS may result in a delay of funding as HDS will not make an award without assurance of compliance with this process.

State SPOC offices have sixty (60) days after the HDS deadline date for the receipt of applications in which to review and resolve problems with the applicant and submit comments to HDS.

3. Procedures for Non-Competing Continuation Applications

Applicants for non-competing continuations of awards covered by E.O. 12372 must contact the State SPOC regarding their application at the earliest possible time. Applications submitted to HDS must respond to the E.O. 12372 Certification, Item 22 on the Standard Form 424. HDS will notify the State SPOC of the receipt of any covered program application which has no indication that the State process has had an opportunity for review.

The closing date for submission of State comments is thirty (30) days after the deadline date for receipt of applications. Applicants are advised to make clear to the SPOC that they are applying for a non-competing continuation award with a thirty day rather than a sixty (60) day review period.

## Attachment 2

HDS PROGRAMS AND ACTIVITIES COVERED BY EXECUTIVE ORDER 12372

| Catalog of Federal domestic assistance number | Discretionary grants | Mandatory or formula grants |
|---|---|---|
| 13.600 | Head Start—Basic Head Start Program, research, training and technical assistance, demonstration, and pilot projects. | |
| 13.623 | Runaway Youth—All projects. | |
| 13.628 | Child abuse and neglect prevention and treatment—All projects. | State child abuse and neglect prevention and treatment. |
| 13.630 | | Developmental disabilities—Basic support and advocacy. |
| 13.631 | Developmental Disabilities Special Projects. | |
| 13.633 | | Aging—Title III-A and III-B, grants for supportive services and senior centers. |
| 13.635 | | Aging—Title III-C, nutrition services. |
| 13.645 | | Child welfare services—Title IV-B State grants. |
| 13.646 | | Work Incentive Program (WIN). |
| 13.608 | Child welfare research and demonstration section 426 of Social Security Act (SSA). | |
| 13.612 | Native American Programs—Financial assistance. | |
| 13.632 | Developmental disabilities—University affiliated facilities and satellite centers. | |
| 13.647 | Social services research and demonstration—Section 1110 of SSA. | |
| 13.648 | Child welfare services (426) training. | |
| 13.652 | Adoption opportunities—Research and demonstration. | |
| 13.655 | Aging—Title VI grants to Indian tribes. | |
| 13.658 | | Title IV-E—Foster care. |
| 13.659 | | Title IV-E—Adoption assistance. |
| 13.661 | Native American Programs—Research, demonstration, and evaluation. | |
| 13.662 | Native American Programs—Training and technical assistance. | |
| 13.667 | | Social services block grant. |
| 13.668 | Aging—Title IV research, demonstration, & training. | |

[FR Doc. 85-14911 Filed 6-20-85; 8:45 am]

BILLING CODE 4130-01-M

federal register

Friday
June 21, 1985

Part V

# Environmental Protection Agency

## Intent To Cancel Registration of Pesticide Products Containing Captan; Availability of Position Document 2/3

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/34B; PH-FRC 2853-4]

### Intent To Cancel Registration of Pesticide Products Containing Captan; Availability of Position Document 2/3

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Preliminary notice of determination concluding the special review of pesticide products containing captan; proposed notice of intent to cancel registration of products containing captan; notice of transmittal of proposed notice of intent to cancel to Secretary of Agriculture and Scientific Advisory Panel; notice of availability of position document.

**SUMMARY:** This Notice describes EPA's preliminary determination regarding the risks and benefits associated with the use of pesticide products containing captan to control fungi in agricultural and non-agricultural applications. EPA has concluded that studies conducted on mice and rats have shown statistically significant increases in incidences of certain tumors. Furthermore, the use of captan has been found to result in dietary and environmental exposure that may pose unreasonable risks to human health unless certain steps are taken. EPA proposes to cancel or deny Federal registrations of products containing captan for use on food crops. In its final decision, however, EPA will continue any use on food where data are submitted which demonstrate that captan residues on food are sufficiently lower than EPA's estimates or that alternative application methods will sufficiently reduce dietary exposure to captan. EPA is also proposing to require that protective clothing and/or equipment be worn for specific agricultural and non-agricultural uses of captan. EPA is not proposing cancellation of non-food uses; however, revised labeling will be required on the products intended for these uses.

**DATE:** Written comments must be received on or before August 5, 1985.

**ADDRESS:** Submit three copies of written comments identified with the document control number "OPP-30000/34B" by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460.

In person, deliver comments to: Room 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:**

By mail: Bruce Kapner, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 711, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7400.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

Pesticide products containing the active ingredient captan, or N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide, have been registered in the United States since 1951. Stauffer Chemical Company and Chevron Chemical Company produce the technical material used to formulate the pesticide products. The technical material is also imported from Israel and Taiwan. EPA records indicate that there are approximately 600 federally registered pesticide products containing the active ingredient captan and that these registrations are held by 139 registrants.

Captan acts as a protectant against fungal diseases. Approximately 9 to 10 million pounds of captan are used in the United States annually as a fungicide on many food crops and plant seeds and also for several non-agricultural applications. The largest use of captan is on apples, which represents about 30 percent of total annual usage (2.9 million pounds). The other large crop uses are peaches (1.1 million pounds), almonds (0.9 million pounds), soybean treatment (0.9 million pounds), strawberries (0.7 million pounds) and corn seed treatment (0.7 million pounds).

Smaller quantities of captan are also used to control fungi on other fruits, vegetables, plant seeds, field and ornamental crops, home gardens, forest nurseries, turf, and food crop packing boxes. The non-agricultural uses of captan are: On home wall surfaces, in oil-based paints, lacquers, paper, wallpaper paste, plasticizers, polyethylene, vinyl, rubber stabilizers, and textiles, and in combination with insecticides on food crops, in seed treatments, and on household pets. The Food and Drug Administration has also registered a number of products containing captan, such as cosmetics and pharmaceuticals.

EPA issued a Notice of Rebuttable Presumption Against Registration (RPAR) and Continued Registration of Pesticide Products Containing Captan which was published in the **Federal Register** of August 18, 1980 (45 FR 54938). That review revealed that pesticide products containing captan met several of EPA's risk criteria for intensive review of the risks and benefits to determine whether continued registration will cause unreasonable adverse effects on the environment. Specifically, EPA determined that pesticide products containing captan met or exceeded EPA's risk criteria for oncogenicity and mutagenicity under 40 CFR 162.11(a)(3). EPA recently proposed changing these criteria. However, captan would have exceeded these new criteria. EPA also proposed changing the name of the RPAR review to Special Review, which is the term used throughout this notice.

The purpose of a Special Review is to collect and consider information relevant to the risks and benefits of a pesticide in order to determine whether products containing that pesticide meet the applicable statutory standard for registration. Accordingly, in its Notice announcing the initiation of a Special Review, EPA invited comments from the public on its analysis of the risks and benefits.

Based on information received in public comments, as well as on additional analyses performed since the Special Review process began, EPA has made a preliminary determination of its regulatory postion on the registration of products containing captan. The EPA's position is set forth in this Notice, and the basis for EPA's actions is explained more fully in EPA's Position Document 2/3 (PD 2/3). Copies of the PD 2/3 are available upon request from the contact person listed at the beginning of this Notice.

In accordance with FIFRA, EPA is sending a copy of this Notice and its PD 2/3 to the Secretary of Agriculture and the Scientific Advisory Panel for the required 30-day review. EPA is also inviting public comment on these

documents within 45 days. After reviewing any comments received within the applicable time limits, EPA will determine what final regulatory position and actions are appropriate.

EPA would like to point out that it is also concerned about the alternative fungicides to captan. Data available indicate that fungicides, as a class, present toxicological problems. EPA is concerned that the proposed regulatory decision regarding food uses of captan may encourage users to switch to alternative chemicals which may also have toxicological problems. EPA is currently examining or will examine each alternative fungicide in turn either through the Special Review or Registration Standard processes. EPA encourages registrants to generate data on safer and less toxic chemicals and to develop alternative methods to control fungal infestations on crops.

## II. Legal Background

In order to obtain a registration for a pesticide under FIFRA, an applicant for registration must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires, among other things, that the pesticide performs its intended function without causing "unreasonable adverse effects on the environment," defined as "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide" in FIFRA sec. 2(bb). This standard requires a finding that the benefits of the use of the pesticide exceed the risks of use, when the pesticide is used in compliance with the terms and conditions of registration or in accordance with commonly recognized practice.

The burden of proving that a pesticide satisfies the standard for registration rests on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator may cancel the registration of a pesticide or require modification of the terms and conditions of registration whenever he determines that the pesticide appears to cause unreasonable adverse effects on the environment.

In determining whether the risks of a registered pesticide outweigh its benefits, EPA considers possible changes to the terms and conditions of registration which can reduce risks and the impacts of such modifications on the benefits of use. If EPA determines that such changes reduce risks to the level where the benefits outweigh the risks, it may require that such changes be made in the terms and conditions of the registration. Alternatively, EPA may determine that no change in the terms and conditions of a registration will adequately assure that use of the pesticide will not pose unreasonable adverse effects.

In that event, the Administrator may issue a notice of his intent to cancel the registration or to hold a hearing to determine whether it should be cancelled under FIFRA sec. 6(b). In determining whether to issue such a notice, the Administrator must take into account the impact of the action on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy. At least 60 days before formally issuing such a notice, he must inform the Secretary of Agriculture in writing of the substance of the proposed actions and supply the Secretary with an analysis of the expected impact on the agricultural economy. At the same time, the Administrator is required to submit the proposal to the Scientific Advisory Panel (Panel) for comment as to the impact on health and the environment of the action proposed in cancellation notices under FIFRA sec. 25(d).

EPA also follows a practice of informing the public of the EPA's proposals to issue cancellation notices so that registrants and other interested persons can also comment or provide relevant information before any final Notice of Intent to Cancel is issued. Registrants and other interested persons are invited to review the data upon which the proposal is based and to submit data and information to address whether EPA's initial determination of risk was in error. In addition to submitting evidence relating to risk, commenters may submit evidence as to whether any economic, social, and environmental benefits of use of the pesticide outweigh the risks of use.

If, after reviewing the comments received, EPA decides to issue a Notice of Intent to Cancel captan products, any adversely affected person may request a hearing to challenge the action. In the hearing, any party opposing cancellation would have an opportunity to present data, witness testimony, and other evidence to show that the registrations of captan should be permitted to continue. Other interested parties could intervene to present evidence in favor of cancellation. At the end of the hearing EPA will decide on the basis of the evidence presented whether or not to cancel or restrict the registration of captan products. If no hearing is requested, each registration would be cancelled by operation of law 30 days after receipt by the registrant or publication in the Federal Register of the final notice, whichever occurs later.

## III. Summary of Risk and Benefit Determinations and Proposed Regulatory Actions

EPA has considered information relating to the risks of continued use of captan as well as the benefits to the agricultural economy derived from use of the chemical. Detailed discussion of the risk and benefit information considered by EPA is found in the captan PD 2/3. That document fully sets forth the reasons for proposing to issue a Notice of Intent to Cancel registrations of pesticide products containing captan for use on food crops and for proposing certain changes to the terms and conditions of registration of products for certain other agricultural and non-agricultural uses. The following summarizes the information contained in the PD 2/3.

### *A. Summary of Risk Determinations*

The principal concern about the risk posed by captan is that its use on agricultural crops poses a risk of cancer to humans through dietary exposure. EPA's concern is based primarily on the results of animal studies showing statistically significant increases in the incidences of certain tumors. EPA is concerned about the human health risks to persons applying captan to crops, mixing or loading formulations, working in fields or nurseries with crops treated with the pesticide, and mixing captan into end-use products such as mattresses, shower curtains, and paints. Based on the oncogenic potency demonstrated in animal studies and on estimates of human exposure to captan, EPA has assessed lifetime cancer risks from dietary, applicator and exposure to end-use captan products.

EPA has calculated lifetime oncogenic risks for dietary, worker and end-product exposure, based on human exposure estimates and a potency factor derived from three industry studies. Two studies conducted by Chevron in 1981 and 1983 showed a statistically significant increase in adenocarcinomas in the gastro-intestinal tracts of male and female mice. The results of a study conducted by Stauffer Chemical Company showed a statistically significant increase in kidney tumors in male rats. Analysis of the data from these three chronic feeding studies show a dose-related increase in tumors. On the basis of this information, the EPA has classified captan as a "probable human carcinogen," Group B2, under EPA proposed guidelines (49 FR 46294).

Accurate residue data upon which EPA could base a calculation of dietary risk estimates are not available. Therefore, EPA used the highest residue levels that are legally permissible, the tolerance levels, as a basis for its dietary risk estimates. Basing these estimates on the tolerance levels is reasonable because the Food and Drug Administration (FDA) monitors residue levels to ensure that the tolerances are not exceeded and may seize any foods with residues exceeding the tolerances. Thus, in the absence of actual residue data, EPA is confident that residues are no higher than the current tolerances. EPA is requiring residue data from the registrants and will include such data in calculating its final risk assessment before taking final regulatory action. At this time, however, EPA has calculated an upper bound estimate of total dietary risk of $10^{-3}$ to $10^{-4}$ (B2) and is proposing regulatory action on that basis. The qualitative designation "B2" refers to EPA's weight-of-the-evidence classification which in this case shows captan to be a "probable human carcinogen." The quantitative designation "$10^{-3}$" indicates that the risk of developing cancer is one in a thousand greater than the risk if one were not exposed through the diet to captan; however, this number represents the upper bound estimate of excess oncogenic risk at the 95 percent confidence level and the actual risk may be lower. In addition, these risks are based on worst-case assumptions about dietary exposure (i.e., that food residues are at current maximum allowable levels and that 100 percent of the food crops are treated with captan). Data from market basket surveys suggest that the exposure, and hence the risk, may be substantially lower. Thus, the actual human risks are most likely lower than those estimated by EPA, although it lacks definitive data to predict those lower risks.

Use of captan on seeds may result in residues of captan and/or its metabolites on the plants that grow from the seeds; however, EPA has no data for plant residues from seed treatment and no tolerances have been established. While EPA is assuming at this time that the residues would be insignificant due to the limited amount of pesticide that can be transferred from the seed coating to the whole plant, EPA is requesting such residue data from the registrants before making a final determination on the dietary risks to humans.

Similarly, while corn seed fed to animals may result in residues in cattle and hogs, EPA expects no detectable residues to occur if treated corn seeds are detreated in accordance with EPA regulations at 21 CFR 561.65. The regulations require that seed be washed or roasted to reduce captan to a 100 ppm tolerance level and that detreated corn seed by used only as feed for cattle and hogs up to 14 days prior to slaughter.

EPA has also quantified the oncogenic risk to agricultural applicators, mixer/loaders, and fieldworkers, as well as nonagricultural applicators and end users. Without protective measures, the upper bound estimates of risk to agricultural applicators range from $10^{-5}$ to $10^{-7}$ (B2) for dermal and inhalation exposure, while the upper bound estimates for mixer/loaders range from $10^{-5}$ to $10^{-7}$ (B2). Using exposure data from studies on exposure from picking strawberries, EPA's upper bound estimates of lifetime risk for fieldworkers range from $10^{-4}$ to $10^{-6}$ (B2). All of these estimates were also calculated at the 95 percent confidence level.

For non-agricultural uses of captan, EPA's assessment of oncogenic risk for use in plastics, adhesives, paints, and cosmetics ranges from negligible to significant. For persons engaged in the manufacture of plastics, paints, and cosmetics treated with captan, the potential risk from exposure to captan is negligible if gloves, protective clothing, and respirator (dust mask for cosmetic incorporation) are worn. For persons engaged in the manufacture of captan-treated adhesives, the upper bound estimate of potential risk from captan incorporation is $10^{-5}$ (B2) if no protective clothing is worn. For end-users of products containing captan, the upper bound estimates of risk range from $10^{-4}$ (B2) for human exposure to shampoos for animals to $10^{-9}$ (B2) for aerosol sprays if no gloves are worn. Again, these risk numbers were calculated at the 95 percent confidence level.

Other concerns about the risks of captan include mutagenicity, reproductive effects, teratogenicity, and ecological effects.

EPA has concluded that the risk to humans of heritable mutagenic effects is extremely low or does not exist and does not warrant further testing at this time.

EPA's risk assessment for reproductive effects indicates that the dietary exposure of the average human is greater than the level calculated to be an acceptable daily intake; however, EPA's final analysis of this risk will depend on the residue data being required of registrants.

Analysis of existing teratology studies indicates that captan induces effects, such as reduction in fetal weight and fused ribs in hamsters. However, additional data are needed before a definitive judgment can be made. Therefore, EPA is requiring an additional teratology study in hamsters.

Captan does not meet EPA's risk criteria for ecological effects. Although captan is acutely toxic to fish, EPA does not expect captan to cause toxic effects in non-target aquatic species since there are no aquatic uses for captan and no significant leaching or runoff is expected.

*B. Summary of Benefits Determinations*

EPA has conducted an analysis to assess the benefits associated with the continued use of captan. The methodology and results of this analysis are described in more detail in EPA's PD 2/3 captan.

1. Methodology

EPA has evaluated the economic impacts of the cancellation of captan and the resulting user shift to alternative disease control programs. The suitability of alternatives to captan were determined on the basis of effectiveness, cost, and market availability. Only currently registered pesticides that would protect against fungal disease were considered to be available as alternatives.

Captan is a broad spectrum fungicide, unlike many of the alternative fungicides that could be used in its place; therefore, in some cases, more that one alternative pesticide would have to be substituted for captan if it were cancelled.

The analysis of the economic impacts contained in the PD 2/3 resulting from cancellation is based on changes in production costs and crop yields, as well as possible grower shifts to other enterprises. Impacts were estimated for the grower/user level, commodity markets and consumer level.

2. Summary of Results of Analysis

If EPA were to cancel all registrations for captan, the first year lost benefits at the farm level for agricultural uses are estimated to range from $20 million to $44 million. These losses represent both increased costs of disease control and decreased value of production due to lost crops and decrease in product quality. EPA expects a large portion of the fruit and vegetable losses to be passed on to consumers, while growers would bear the burden of loss of captan for treatment of seeds and ornamental plants.

Removal of captan would result in moderate economic impacts for the ornamental plant industry (carnations).

apples, almonds, bushberries, strawberries, peaches, apricots, nectarines and seed treatments. For all other uses, the impact would be minor for growers and consumers. EPA does not expect any measurable impact on nationwide production or food prices.

a. *Apples.* The largest use of captan is for commercial apple production. Captan is used on approximately 34 percent, or 170,000 acres, of the Nation's commercial apple production to control a variety of disease-causing fungi. The primary alternatives are mancozeb and metiram which, along with the other viable alternative fungicides, are not registered for control of all the apple diseases controlled by captan.

The primary negative impact from loss of captan would be decreased value of about 40 million pounds of apples diverted from the fresh to processed market due to increased disease damage. The disease damage would result from the poorer efficacy of available alternative pesticides. This could result in annual losses of $900,000 to $3,300,000. Farm level prices would be expected to shift upward for fresh apples because of reduced supplies and downward for processed apples due to increased supplies. The new farm level prices could result in increased revenues for growers who do not presently rely on captan and reduced revenues to growers currently using captan due to reduced volume and quality. Average changes in grower net revenues per acre are estimated to range from a decline of $2.80 to an increase of $2.10. On a regional basis, the change in farmers' average net revenues would range from a loss of $530 per farm in the Northeast to a gain of $280 per farm in the Central region. Farmers are expected to be able to absorb any losses without major financial impact since the losses represent only about one percent reduction in gross revenues. The impact on consumers also is not expected to be significant.

b. *Other fruits and vegetables.* Captan is used on a significant percentage of U.S. acreage for almonds, bushberries, peaches, apricots, nectarines, strawberries, pineapples, and on a number of other fruit and vegetable crops. The alternatives to captan for each crop are listed in PD 2/3. Cancellation of captan would result in production losses for some crops and increased disease control costs for almost all sites.

Losses to apricot and nectarine growers would represent about 1 to 2 percent of gross returns, and are not expected to threaten the continued viability of the industries. Annual losses to peach growers could range from $2.3–$5 million due to increased disease control costs and smaller yields; however, these losses would likely be passed on to consumers, who would experience a small increase in total household fruit expenditures.

Pineapple acreage currently treated with captan represents about 20 percent of pineapple acreage in Hawaii. If captan were not available, annual losses on these acres could range from no impact (if captafol, an effective alternative, were substituted) to $3.8 million due to yield loss and increased control costs if less effective alternatives were used. Increased disease control costs for strawberry growers could increase by $5.9 million annually, and for almond growers, about $1.4 million. Annual losses for bushberries are estimated to be $3.5 million to $4.0 million. None of these impacts is expected to affect the viability of the industries or to result in significant price increases to consumers.

Captan is registered for use on a number of other fruit and vegetable crops, with annual losses for all remaining crops ranging from $1.2 to $3 million if captan were unavailable. It is unlikely that individual producers of the various crops would experience major losses.

c. *Seed treatments.* Nearly all field corn seed, sweet corn seed, and cotton seed, as well as a major portion of the peanut, sorghum, and soybean seeds and seed potatoes planted in the U.S. are treated with captan. Other seeds treated include barley, oats, rice, rye and various vegetables. If captan were cancelled, a very small or no change in crop yields would be expected for most crops, but treatment costs in using alternatives would increase.

Using alternatives to captan for seed corn would be expected to increase seed suppliers or corn producers' costs by about $1.4 million. For cotton producers, substitution of captan with thiram, the likely alternative, would have a negligible effect on yield and control cost.

d. *Other uses.* Captan is used by home gardeners, in forest nurseries, on turf and ornamentals, as well as in packing boxes, animal shampoos, putty, paints, plastics and other non-agricultural uses. Cancellation of captan would have a significant impact on the domestic carnation-cutting producing industry, which would have difficulty competing with imported cuttings. The annual short term loss would be about $6 million, which would decrease as growers find alternative profitable crops to produce. If the domestic cutting industry remained totally intact, increased disease pressure and replanting costs could reach $12.5 million.

### *C. Consideration Of Modifications To Registration As Alternatives To Cancellation*

EPA has considered restrictions other than cancellation of registrations that would reduce the dietary risks posed by captan, as well as exposure to applicators, mixer/loaders, fieldworkers, and product end-users. Among the risk reduction measures short of cancellation that are available to EPA are changes in the directions for use on the pesticide's labeling and classification of the pesticide for "restricted use" pursuant to FIFRA section 3(d). EPA has concluded that certain restrictions would be adequate to reduce exposure and risks to an acceptable level for applicators, mixer/loaders and fieldworkers, as well as for most non-agricultural end-users. However, EPA has no data to determine whether the restrictions considered for reducing dietary risks would sufficiently reduce the risks to justify allowing continued registration of captan products for use on food crops.

#### 1. Reduction of Dietary Risks

If registrations of captan products for use on food and feed crops were continued without restriction, the total dietary cancer risk would be significant (i.e., $10^{-3}$ to $10^{-4}$ (B2)) and would outweigh the benefits from this use. EPA considered amending the terms and conditions of registration to require extending the preharvest interval and modifying application practices, or prohibiting post-harvest applications. However, dietary exposure and residue data necessary to calculate any reduction in dietary risks are unavailable, so that EPA cannot consider these as viable options until such data are available. EPA encourages interested persons to submit data on alternative mechanisms for reducing dietary exposure to captan and any data that would be used to refine the risk assessment. Alternative mechanisms could include non-chemical means of control, safer application methods and practices, less toxic chemical controls and use of integrated pest management.

EPA also considered cancellation of only food crop uses with the highest risk; however, this would not sufficiently reduce total dietary risk.

Because the worst-case dietary risk estimates were based on current tolerance levels, EPA considered reassessing and lowering the tolerances to determine if they should be increased, decreased or kept the same. However,

the data base supporting captan tolerances is not complete at this time. EPA is requiring residue data for captan and its tetrahydrophthalimide (THPI) metabolite pursuant to its authority under section 3(c)(2)(B) of FIFRA, and will reassess the tolerances and the dietary exposure estimates when the data are submitted.

Cancelling all uses of captan on food crops would eliminate the significant cancer risk to persons consuming captan-treated crops but would also result in a $12 million to $31 million impact. EPA considers the potential impact to be moderate, because the costs are low relative to the total value of each affected crop and are expected to be reasonably absorbed by growers and consumers.

Thus, EPA has concluded that the dietary risks outweigh the benefits of captan use on food crops based on currently available data, but that additional residue and other data are being required and will be considered before a final decision is made.

2. Risks of Alternatives

An issue relating to the continued registration of captan for food uses is the risks associated with the likely alternatives. Although EPA lacks much of the data that would normally require to conduct a comprehensive risk assessment of those pesticides, EPA does have information on the oncogenic, mutagenicity, reproductive effects, and teratogenic/fetotoxic effects for some of the alternatives. Many of the alternative fungicides have shown mutagenic, teratogenic, oncogenic, and reproductive effects in laboratory animals.

EPA is concerned that cancellation of captan may encourage users to switch to other fungicides that may be more toxic than captan. While an incomplete data base prevents EPA from proposing regulatory action at this time on many fungicides, EPA has already reviewed several fungicides and taken appropriate regulatory action to reduce risks. These actions are listed in the PD 2/3. EPA intends to gather data for the remaining fungicides and to examine the risks and benefits posed by each and to take regulatory action as necessary.

3. Reduction in Risks to Applicators and Other Workers

EPA considered requiring protective clothing for persons applying, mixing or loading captan formulations, and working in fields treated with captan. Reentry intervals for fieldworkers entering the treated field to weed and harvest were also considered. Protective clothing, comprised of impermeable gloves and dust masks, would reduce total dermal and inhalation exposure by 80 percent, with minimal impact on economic benefits. Requiring water-resistant gloves for fieldworkers would reduce the risks by 90 percent.

Lacking data on deterioration of captan or its metabolites over time, EPA cannot propose a captan-specific reentry interval for fieldworkers at this time. Therefore, the general regulations at 40 CFR Part 172 prohibiting reentry into a treated field until sprays have dried or dusts have settled will be applicable.

Requiring protective clothing and equipment for persons incorporating captan into plastics, adhesives, and paints would also reduce substantially the oncogenic risks associated with this activity. Wearing protective gloves, clothing, and dust masks would reduce the risks by 80 percent. Wearing respirators would reduce inhalation risk by 90 percent.

EPA has concluded that the risks of captan exposure to applicators, mixer/loaders and fieldworkers outweigh the benefits of its use, unless the above changes to the terms and conditions of registration for non-crop uses are adopted.

4. Reduction in Risks to Product Users

The potential risks to persons using products containing captan, such as plastics, adhesives, and water-based paints, are not sufficient to warrant any regulatory response. The risks to users of oil-based paints and animal shampoos containing captan are high enough to warrant a requirement that impermeable gloves be used for home or professional use. This requirement would reduce risks from dermal exposure to the hands by 90 percent. While these risks may be reduced by modifying the concentration of active ingredient in the captan mixture, EPA has no data on which to propose a reduction in concentration of the active ingredient and will not do so at this time.

EPA is transmitting all toxicity data and information on use of captan-containing cosmetics and shampoos to the FDA for its evaluation.

*D. Proposed Regulatory Actions*

Based on the determinations summarized above and discussed in greater detail in the PD 2/3, EPA has determined that pesticide products containing captan for use on food crops do not meet the statutory standard for registration under FIFRA and that, based on available data, there are no modifications to the terms and conditions of registration which would bring these products into compliance with the statute. However, in the final decision, EPA will retain any use where data are submitted that demonstrate that actual residues are sufficiently lower than current tolerances or that modifications to application practices will sufficiently reduce dietary risk. EPA has also determined that the terms and conditions for registration of pesticide products containing captan for certain other uses must be amended in order to bring these products into compliance with the statute. Accordingly, EPA proposes the following regulatory actions:

1. Cancellation of Captan Products Registered for Use on Food Crops

EPA proposes to cancel the registration of each pesticide product containing captan and labeled for use on any food crop, whether the product is registered under section 3 or 24(c) of FIFRA. However, if registrants or other parties submit data showing that food residues are sufficiently lower than EPA estimated or that alternative application methods will sufficiently lower dietary residues of captan, then EPA will consider continuing the registrations of captan for use on food. EPA also proposes to deny applications for Federal registration of captan products for use on food crops.

EPA is requiring registrants to submit residue data to support captan and THPI tolerances and to determine actual residue levels before making a final decision on cancellation of registrations of products for this use. EPA also is requiring submission of residue data to establish tolerances for seed treatment, although it is not proposing to cancel registration for use for seed treatment. Similarly, the practice of using detreated corn seed for feeding to animals may be continued as long as the seed is washed to reduce captan to a 100 ppm tolerance level and detreated corn seed is used only as feed for cattle and hogs up to 14 days prior to slaughter, as required under 21 CFR 561.65.

2. Amendment to Terms and Conditions of Registration

The following required label changes are proposed:

For non-food agricultural uses of captan, labels must require workers to wear dust masks and impermeable gloves when applying, mixing or loading captan formulations. Fieldworkers or harvesters must wear water-resistant gloves (e.g., leather or synthetic materials).

For non-agricultural uses, labels must require persons incorporating captan into end products to wear impermeable gloves, protective clothing, and

respirators (dust masks for cosmetic incorporation) and must require that impermeable gloves be worn when applying oil-based paints or when using animal shampoos for home or professional use.

3. Existing Stocks

Under the authority of FIFRA section 6(a)(1) and (b), EPA proposes to establish certain limitations on the sale, distribution and use of existing stocks of captan products subject to any final cancellation Notice. EPA proposes to define the term "existing stocks" to mean any quantity of captan product in the United States on the date of EPA's final Notice of Intent to Cancel that has been formulated, packaged and labeled for use on food crops and is being held for shipment or release or has been shipped or released into commerce.

EPA proposes to allow the sale and distribution of existing stocks of captan products for up to 1 year after publication of EPA's final Notice of Intent to Cancel in the **Federal Register**. EPA also proposes to allow use of those existing stocks for up to 2 years after publication of the final Notice. Should this proposed requirement be adopted, EPA would require registrants to relabel existing stocks in their possession to indicate the time limitations on distribution, sale, and use. In addition, EPA would also require registrants to contact commercial distributors of captan products to inform them of the time limitations on distribution, sale, and use, and to provide supplemental labeling reflecting the time limitations for existing stocks in the possession of the commercial distributors. EPA would allow such sale and use of existing stocks in order to allow sufficient time for substitution of alternative disease control methods.

Following expiration of the time limitations on distribution or sale of existing stocks, revised labeling would be required on the product for use in or on products other than food crops. Upon expiration of the time limitation use of existing stocks, disposal would be in accordance with the requirements of the Resource Conservation and Recovery Act.

4. "Intrastate" Pesticide Products

As described in Unit IV.C of this Notice, EPA will require producers of "intrastate" products containing captan to submit applications for Federal registration of their pesticide products. Unless comment on this Notice convinces EPA otherwise, EPA proposes to deny all such applications for registration of captan for food uses.

## IV. Procedural Matters

This unit of the Notice describes the procedures for referral of this Notice to the Secretary of Agriculture and the Scientific Advisory Panel for review as required by FIFRA secs. 6(b) and 25(d). In addition, this unit describes the procedures EPA will follow to implement its regulatory decisions for intrastate pesticide products.

Finally, under sections 6(b)(1) and 3(c)(6) of FIFRA, applicants, registrants, and other adversely affected parties would be able to request a hearing on any cancellation or denial actions that EPA finally initiates. Unless a hearing is properly requested with regard to a particular registration or application, the registration would be canceled or the application denied. This unit of the Notice also explains how such persons will be able to request a hearing in the event that EPA issues a final cancellation and denial Notice and the consequences of requesting a hearing and failing to request a hearing in accordance with those procedures.

### *A. Referral To The Secretary Of Agriculture And The Scientific Advisory Panel*

As required by FIFRA secs. 6(b) and 25(d), EPA has transmitted copies of this Notice, together with the supporting PD 2/3, to the Secretary of Agriculture and the Scientific Advisory Panel. (See Unit II.)

If either the Secretary or the Panel comments in writing on EPA's proposed action within 30 days of receipt of the proposal, EPA will issue the comments and EPA's responses with the final Notice in the **Federal Register**.

Moreover, unless the time constraints are waived or modified, EPA may not issue the final Notice sooner than 60 days after sending this preliminary notice to the Secretary and the Panel. If neither the Secretary nor the Panel comments within the 30 days, however, EPA could issue its final notice at the end of the 30-day comment period.

### *B. Procedures For Requesting A Cancellation Or Denial Hearing*

Registrants, applicants, and other interested parties who would be adversely affected by any decision to cancel or deny applications for the registration of captan products would be entitled to request a hearing in which to contest EPA's final decision to cancel registrations and deny applications. Under FIFRA, they must submit their requests for a hearing within 30 days either of receipt of the final Notice of Intent to Cancel or Notice of Denial or of its publication in the **Federal Register**, whichever is later. In addition, a hearing request would have to contain certain information concerning the basis of the request, as EPA will explain in detail in any final Notice of Intent to Cancel or Notice of Denial. If a timely, properly formulated hearing request is submitted, the product registrations which are the subject of the request will remain in effect during the cancellation hearing. Similary, applications for registration with respect to which valid and timely hearing requests have been filed remain pending unless and until they are denied or granted by order of the Administrator at the conclusion of the hearing.

If a proper and timely hearing request is not submitted for a product, registration of the product would be cancelled, or in the case of intrastate products, the application would be finally denied by operation of law 30 days after the final Notice was issued. A final cancellation or denial would have the effect of prohibiting further sale and distribution, except as specified in the existing stocks provision of the Notice.

It should be noted that registrants and applicants are not required to request a hearing at this time in order to be allowed to continue to sell and distribute their products.

### *C. "Intrastate" Products*

Concurrent with the publication of this Notice, EPA will send a letter, together with a copy of this Notice, to the producers of all pesticides with intrastate registrations requesting them to submit to EPA applications for Federal registration. The letter will alert intrastate registrants that the EPA has issued its Proposed Notice of Intent to Cancel for captan and that they and the public are invited to comment on EPA's proposed regulatory position on various uses of captan products including the proposed denial of all applications for Federal registration of captan for use on food crops. The letter will inform intrastate registrants of the time within which they must submit applications for Federal registration. This letter also will describe the procedures that EPA will follow to assure that sale and distribution of intrastate products will comply with the terms of the final decision on captan products and will explain their rights and obligations under FIFRA, the registration regulations, and the procedures described in this Notice.

Dated: June 17, 1985.

**John A. Moore,**

*Assistant Administrator for Pesticides and Toxic Substances.*

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federal register

Friday
June 21, 1985

Part VI

# Environmental Protection Agency

40 CFR Part 147

Delay of Underground Injection Control Program Operating and Reporting Requirements for the State of Alaska; Technical Amendment to "Authority" Citation for Part 147

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 147**

**[FRL-2853-2]**

## Delay of Underground Injection Control Program Operating and Reporting Requirements for the State of Alaska; Technical Amendment to "Authority" Citation for Part 147

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of public comment period and of public hearing and proposed amendment to Alaska UIC program.

**SUMMARY:** The purpose of this notice is to announce that: (1) The Environmental Protection Agency is proposing to extend the deadline for certain operating and reporting requirements for well owners and operators of rule-authorized Class II wells in the State of Alaska under the Underground Injection Control (UIC) program; (2) the Agency is proposing a technical amendment to the "Authority" citation for Part 147; (3) public comments are requested; and (4) a public hearing will be held. This action should allow the State of Alaska to receive primary enforcement authority and avoid duplicative and unnecessary paper work and on the part of the well operators.

**DATE:** The public hearing will be held no sooner than July 22, 1985. Requests to present oral testimony should be filed within 25 days of the date of this notice. If sufficient public interest in holding the hearing is not expressed by that time, EPA reserves the right to cancel the hearing.

If the hearing is cancelled, those persons having expressed interest in attending the hearing will be notified of the cancellation either by phone or letter. Others should contact EPA in Seattle at (206) 442-1846 or (FTS) 399-1846 to confirm the date and time. Written comments will be accepted until five days after the date of the proposed hearing. The Agency proposes to make the extension effective immediately upon promulgation of the final rule.

**ADDRESS:** For the time and location of the hearing contact Harold Scott, M/S 409, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, PH: (206) 442-1846 or (FTS) 399-1846. Comments and/or requests to testify at the hearing should be mailed to the above address.

**FOR FURTHER INFORMATION CONTACT:** Harold Scott, M/S 409, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, PH: (206) 442-1846 or (FTS) 399-1846.

**SUPPLEMENTARY INFORMATION:** Owners and operators of Class II wells authorized by rule are required to meet specific Underground Injection Control (UIC) program operating criteria and to submit inventory, operating and other data to EPA by June 25, 1985. For Alaska only, EPA is proposing to extend certain operating and reporting deadlines for rule-authorized Class II wells contained in 40 CFR 144.26(d), 144.28(c)(2)(i), 144.28(d)(2), 147.103(b), and 147.104(a)(2)(ii) to December 25, 1985.

EPA proposes to extend the deadline for each of the following requirements until December 25, 1985:

(1) The requirement of § 144.26(d) regarding the submittal of inventory data and information on construction features and operating conditions;

(2) The requirement of § 144.28(c)(2)(i) regarding the submittal of a plugging and abandonment plan;

(3) The requirement of § 144.28(d)(2) regarding the submittal of evidence of financial resources necessary to plug each well;

(4) The requirement of § 147.103(b) establishing that the existing salt water disposal wells must meet a maximum pressure at the well head determined by a pressure formula;

(5) The requirement of § 147.104(a)(2)(ii) regarding the submittal by owners and operators of data that would enable EPA to set a maximum injection pressure for the field or the formation in which the well is located.

All of the above requirements are procedural in nature except for 147.103(b). The proposed extension of this deadline to December 25, 1985, would not jeopardize the protection of underground sources of drinking water, because the performance standards of 40 CFR 144.12 and 144.28(f)(3)(ii) remain in effect.

The Alaska Oil and Gas Conservation Commission is working, with EPA assistance, to obtain primary enforcement responsibility for the Class II UIC program under section 1425 of the Safe Drinking Water Act and the guidelines published in 46 FR 27333 *et seq.* Significant progress has been made. The State enacted legislation in 1984 that directed State involvement in the UIC program. The Commission also is working on the promulgation of revised State regulations and completing administrative documents to enable the State to assume primary enforcement responsibility for the UIC Program in the fall of 1985. Nothing in this notice should be construed, however, as a prejudgement by EPA of the adequacy of the State's final UIC Program submission. If the State does not have an approved program by the extended date, the new deadline would fall into place.

These proposed amendments will, in effect, defer certain EPA Operational and reporting requirements in the State of Alaska at this time. The deferral of these requirements will result in no endangerment to underground sources of drinking water, for the reasons cited above, and will significantly ease the reporting burden on industry.

The Agency proposes to make the extension of the above cited deadlines effective immediately upon promulgation of the final rule, pursuant to section 553(d) of the Administrative Procedure Act ("APA") 5 U.S.C. 553(d). Under that section of the APA, the Agency is authorized to make a final rule effective immediately after promulgation if, among other things it is "a substantive rule which grants or recognizes an exemption or relieves a restriction", or if the Agency finds "good cause" for dispensing with the 30 day period prior to the rule's effectiveness. *Id.* Section 553(d) (1) and (3). The Agency believes that the rule proposed here "relieves a restriction"and, therefore, qualifies for immediate effectiveness. (*See, Union Oil Co. of California* v. *U.S. Department of Energy*, 688 F. 2d 797, 812-14 (Temp. Emer. Ct. App. 1982) *cert. denied*, 459 U.S. 1202 (1983); *Hou Ching Chow* v. *Attorney General*, 362 F. Supp. 1288, 1292 (D.D.C. 1973)).

This proposal applies only to rule-authorized Class II wells. The EPA-administered program for Class I, III, IV and V wells or Class II wells already subject to a UIC permit, will not be affected by this proposal.

This action also proposes to amend the "Authority" citation for Part 147, which cites only section 1421 of the SDWA, but should more properly cite section 1422 of the Act as well.

Requests for a public hearing should include the following information:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in the UIC program and of information that the requesting person intends to submit at such hearing; and

(3) The signature of the individual making the request, or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

The terms below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 147, which sets forth the requirements for a Federally administered Underground Injection Control Program. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 147

Administrative practice and procedure, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply, Incorporation by reference.

Dated: June 13, 1985

**Lee Thomas,**

*Administrator.*

## PART 147—STATE UNDERGROUND INJECTION CONTROL PROGRAMS

Part 147 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Part 147 of Title 40 is revised to read as follows:

**Authority:** Sections 1421 and 1422, Pub. L. 93-523, 88 Stat. 1674 as amended (300 U.S.C. 300h, 300h-1).

### Subpart C—Alaska

2. A new paragraph (c) is added to § 147.101 as follows:

**§ 147.101 [Amended]**

* * * * *

*(c) Extension of effective date for Class II wells.* Notwithstanding the effective dates in 147.101(b) and the requirements in 144.21(c) and 144.22(b), the effective date of the requirements in 40 CFR 144.26(d), 144.28(c)(2)(i), 144.28(d)(2), 147.103(b), and 147.104(a)(2)(ii) for rule-authorized Class II wells in the State of Alaska is December 25, 1985.

[FR Doc. 85-14986 Filed 6-20-85; 8:45 am]

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federal register

Friday
June 21, 1985

Part VII

# Department of Commerce

Patent and Trademark Office

37 CFR Part 1
Revision of Patent Fees; Proposed Rule

**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**37 CFR Part 1**

**[Docket No. 50459-5059]**

## Revision of Patent Fees

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Patent and Trademark Office proposes to amend the rules of practice in patent cases, Part 1 of title 37, Code of Federal Regulations to adjust fee amounts. This action is necessary at this time because operating costs have increased over the past three years and the Commissioner is authorized by section 41(f) of title 35, United States Code, to adjust fees established in section 41(a) and section 41(b) of title 35, United States Code, on October 1, 1985, and every third year thereafter, to reflect any fluctuations occurring during the previous three years in the Consumer Price Index. Fees for other processing, services or materials related to patents as provided by section 41(d) and section 376 of title 35, United States Code, are being adjusted to recover the estimated cost to the Office of such processing, services or materials.

**DATES:** Comments must be submitted on or before July 18, 1985; a public hearing will be held on July 18, 1985, at 9:00 a.m. Requests to present oral testimony should be received on or before July 15, 1985.

**ADDRESSES:** Address written comments and requests to present oral testimony to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, Attention: Frances Michalkewicz, Room CP3-11D27. The hearing will be held in Room 328, on the 3rd floor of Building 2, Crystal Mall, located at 1921 Jefferson Davis Highway, Arlington, Virginia. Written comments and a transcript of the public hearing will be available for public inspection in Room 11D27 of Building 3, Crystal Plaza at 2021 Jefferson Davis Highway, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Frances Michalkewicz by telephone at (703) 557-1610 or by mail marked to her attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

**SUPPLEMENTARY INFORMATION:** This proposed rule change is designed primarily to adjust patent fees because costs have increased and the Commissioner is authorized to: (1) Adjust statutory patent fees set forth in section 41(a) and section 41(b) of title 35, United States Code, to reflect fluctuations occurring during the previous three years in the Consumer Price Index, as authorized by section 41(f) of title 35, United States Code, (2) adjust fees for processing, services, or materials related to patents which have been established by the Commissioner in accordance with section 41(d) of title 35, United States Code, to recover the estimated average cost to the Office of such processing, services or materials, and (3) adjust fees for filing and processing an application under the Patent Cooperation Treaty which have been established by the Commissioner to recover the cost of such processing in accordance with Section 376 of title 35, United States Code.

Adjustments to fees for filing and processing a trademark application and for other processing, services or materials related to trademarks are not being proposed at this time, pending review of trademark automation cost requirements.

### Background Information

Patent and Trademark Office fees are authorized by sections 41 and 376 of title 35, United State Code. Section 41(a) of title 35, United States Code, establishes a number of statutory fees. Among the more significant of these are fees for filing a patent application and issuing a patent. Certain other fees, such as appeal fees, the fee for filing a disclaimer, fees for filing petitions seeking to revive an abandoned application and for extensions of time also are set in section 41(a) of title 35, United States Code. Section 41(b) of title 35, United States Code, sets forth the statutory fees for maintaining a patent in force if the application was filed on or after August 27, 1982.

The provisions of Pub. L. 96-517 also establish maintenance fees for applications other than design and plant patent applications filed on or after December 12, 1980 and before August 27, 1982. These maintenance fees are to recover 25 percent of the estimated cost to the Office of processing patent applications.

Section 1 of Pub. L. 97-247 authorized the reduction by 50 percent in the fees paid under Section 41(a) and Section 41(b) of title 35, United States Code, by independent inventors, small business concerns, and nonprofit organizations, who meet the definitions established. This authorization will expire on September 30, 1985. Legislation has been introduced to authorize this reduction for an additional three years. If such authority is not continued, the small entity reduction will be rescinded and appropriate amendments to the regulations will be made.

Section 41(f) of title 35, United States Code, provides that fees established in Section 41(a) and Section 41(b) of title 35, United States Code, "may be adjusted by the Commissioner on October 1, 1985, and every third year thereafter, to reflect any fluctuations occurring during the previous three years in the Consumer Price Index, as determined by the Secretary of Labor." Section 41(f) also provides that changes of less than one percent may be ignored.

Policy for applying the Consumer Price Index: The Department of Labor's Consumer Price Index is made public approximately twenty-one days after the end of the month being calculated. The time lag between the initiation and the completion of the rulemaking process dictates that the Patent and Trademark Office project the level of inflation for the months remaining until September 30, 1985. In the case of this Notice of Proposed Rulemaking, the projection encompasses the months of March 1985 through September 1985. Before the final fee schedule is published, the estimate will be recalculated using the additional data that will become available in the interim.

The projected total for the three-year period is 11.7 percent. The Patent and Trademark Office has used the Administration's projection of 11.7 percent in adjusting the fees established in Section 41(a) and Section 41(b) of title 35, United States Code.

After application of the 11.7 percent projected fluctuation in the Consumer Price Index to fees set forth in section 41(a) and section 41(b), amounts were rounded by applying standard arithmetical rules so that the amounts rounded would be de minimus and convenient to the user. Fees of $100 or more were rounded to the nearest $10. Fees between $10 and $99 were rounded to the nearest even number so that the comparable small entity fee would be a whole number.

Section 41(d) of title 35, United States Code, provides that the "Commissioner will establish fees for all other processing, services, or materials related to patents" which are not covered in section 41(a) and 41(b) of title 35, Unifed States Code, "to recover the estimated average cost of the Office of such processing, services or materials."

Section 376 of title 35, United States Code, authorizes the Commissioner to set fees for patent applications filed under Patent Cooperation Treaty. The fees under the Patent Cooperation

Treaty are keyed to full cost recovery of the processing costs under the Treaty.

The general guidelines used by the Patent and Trademark Office in determining the non-statutory fees are set forth in OMB Circular A–25. Costs were determined from the best available records and included direct and indirect costs to the Office of carrying out the activity.

It is intended that the amount of any fee due and payable on or after October 1, 1985 is the amount set in this rulemaking. For purposes of determining the amount of the fee to be paid, the date of mailing indicated on a proper Certificate of Mailing, where authorized under § 1.8 of title 37, Code of Federal Regulations, will be considered to be the date of receipt in the Office. A "Certificate of Mailing under § 1.8" is *not* "proper" for items which are specifically excluded from the provisions of § 1.8. Section 1.8 of title 37, Code of Federal Regulations, should be consulted for those items for which a Certificate of Mailing is *not* "proper". Such items include, *inter alia*, the filing of national and international applications for patents and the filing of trademark applications. The provisions of § 1.10, relating to filing of papers and fees by "Express Mail" with certificate, however, do apply to *any paper of fee* (including patent and trademark applications) to be filed in the Office. If an application or fee is filed by "Express Mail" with a certificate of mailing dated October 1, 1985, the amount of the fee to be paid is the fee established herein if a change is being made in the fee.

In order to ensure clarity in the implementation of the fee proposals, a discussion of specific sections is set forth below:

**Discussion of Specific Rules**

*Section 1.16 National application filing fees.*

Section 1.16, if revised as proposed, would adjust patent application filing fees established in section 41(a) of title 35, United States Code and set forth in paragraphs (a)-(d) and (f)-(j) of this section to reflect fluctuations in the Consumer Price Index.

Section 1.16, paragraph (e), if revised as proposed, would adjust the patent application surcharge fee authorized by § 111 of title 35, United States Code.

*Section 1.17 Patent application processing fees.*

Section 1.17, if revised as proposed, would adjust patent application processing fees established in section 41(a) of title 35, United States Code, and set forth in paragraphs (a)-(g), (l) and (m) of this section to reflect fluctuations in the Consumer Price Index.

Section 1.17, paragraphs (h)-(k), if revised as proposed, would adjust the patent application processing fees authorized by section 41(d) of title 35, United States Code, to recover the estimated average cost of the Office of such processing.

*Section 1.18 Patent issue fees.*

Section 1.18, if revised as proposed, would adjust patent issue fees established in section 41(a) of title 35, United States Code and set forth in paragraphs (a)–(c) of this section to reflect fluctuations in the Consumer Price Index.

*Section 1.19 Document supply fees.*

Section 1.19, if revised as proposed, would adjust the fees authorized by section 41(d) of title 35, United States Code for services and materials as set forth in paragraphs (a)–(c) of this section to recover the estimated average cost to the Office of the specified services and materials.

Section 1.19, paragraph (a) is proposed to be amended further to clarify the services and documents provided. It would provide for copies of specific documents at a flat fee. Copies of general Office records would be provided at a per page fee.

Section 1.19, paragraph (b) is proposed to be amended further to delete subparagraph (3). A flat fee for comparing and certifying copies of documents made from Office records is proposed in new paragraph (i) of this section.

Section 1.19, paragraph (c) is proposed to be amended further to provide for ten subclasses with the annual service charge.

Section 1.19, if revised as proposed, would provide in new paragraph (h) a $10 per document flat fee for an uncertified copy of a non-United States patent document. This fee would apply to copies of foreign patent applications such as those which are published at 18 months or when allowable for opposition.

Section 1.19, if amended as proposed, would provide in new paragraph (i) a flat fee for comparison and certification of each copy of a document made from Office records but not prepared by the Office.

Section 1.19, if amended as proposed, would provide in new paragraph (j) a fee for duplicate filing receipts and corrected filing receipts due to applicant error.

*Section 1.20 Post-issuance fees.*

Section 1.20, paragraphs (b) and (c), if revised as proposed, would adjust patent post-issuance fees authorized by section 41(d) of title 35, United States Code, to recover the estimated average cost to the Office of such processing.

Section 1.20, paragraphs (d) and (h)–(j), if revised as proposed, would adjust patent post-issuance fees established in section 41(a) and section 41(b) of title 35, United States Code, to reflect fluctuations in the Consumer Price Index.

Section 1.20, paragraphs (e)–(g), if revised as proposed, would adjust post-issuance fees authorized by Section 2 of Pub. L. 96–517, as modified by Section 404 of Pub. L. 98–622. These fees must be set at a level to eventually recover 25 percent of the estimated cost to the Office of processing patent applications. In order to achieve this level of recovery, these maintenance fees are proposed to be adjusted to reflect fluctuations in the Consumer Price Index.

Section 1.20, paragraph (k), if revised as proposed, would adjust the patent application surcharge fee authorized by Section 2 of Pub. L. 96–517.

Section 1.20, paragraph (l), if revised as proposed, would adjust the post-issuance fee authorized by section 41(b) of title 35, United States Code.

*Section 1.21 Miscellaneous fees and charges.*

Section 1.21, if revised as proposed, would adjust the miscellaneous fees and charges authorized by section 41(d) of title 35, United States Code and set forth in paragraphs (a), (b), (d)–(f), (h) and (i) of this section to recover the estimated average cost to the Office of such processing.

Section 1.21, paragraph (g), if revised as proposed, would change the term "copy machine tokens" to "copy share card."

Section 1.21, paragraph (k), if revised as proposed, would change the word "section" to "part" to clarify that any charge not provided for in these rules would be made at actual cost.

Section 1.21, if revised as proposed, would provide in new paragraph (m) a $20 fee for processing checks returned "unpaid" by a bank.

*Section 1.24 Coupons.*

Section 1.24, if amended as proposed, would adjust the fee for the purchase of coupons for patents to make it comparable to the fee required for the purchase of U.S. patents.

Section 1.24, if amended as proposed, would also delete references to forty

cent coupons which are no longer sold by the Patent and Trademark Office.

*Section 1.25 Deposit accounts.*

Section 1.25, if amended as proposed, would establish a restricted subscription deposit account to be used exclusively for subscription orders of patent copies as issued. A minimum deposit of $300 is required to establish and maintain, without payment of a monthly service fee, a restricted subscription deposit account.

*Section 1.26 Refunds.*

Section 1.25, if amended as proposed, would change paragraph (c) to provide for a refund of $1,300 if the Commissioner decides not to institute reexamination proceedings. The $1,300 refund would apply to those instances where the proposed reexamination fee of $1,800 under § 1.20(c) was paid. The current $1,200 refund will be made in those cases where the current $1,500 reexamination fee was paid.

*Section 1.297 Publication of statutory invention registration.*

Section 1.297, paragraph (b), if amended as proposed, would modify the statement to be printed on each statutory invention registration. The language of the statement is proposed to be modified so as to be more easily understood.

*Section 1.445 International application filing and processing fees.*

Section 1.445, paragraphs (a)(1), (a)(2)(ii), (a)(3), and (a)(4), if amended as proposed, would adjust the fees authorized by section 376 of title 35, United States Code, for international application processing to recover the estimated average cost to the Office of such processing. Rather than increasing the cost of the international search fee set forth in paragraph § 1.445(a)(2)(i), which remains unchanged, an adjustment has been made in the amount credited by the Office in paragraphs § 1.445(a)(2)(ii) an (a)(4).

Paragraph 1.445(a)(5), if amended as proposed, would adjust the surcharge authorized by section 371(d) of title 35, United States Code.

Paragraph 1.445(a)(6), if amended as proposed, would adjust the processing fee for an English translation filed after 20 months from the priority date, authorized by section 41(d) of title 35, United States Code, to recover the estimated average cost of the Office of such processing.

*Section 1.446 Refund of international application filing and processing fees.*

Section 1.446, if amended as proposed, would delete paragraph (b). The substance of the deleted material is included in § 1.445, paragraph (a)(4).

**Other Considerations**

The proposed rule change is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96-354), Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. There are no information collection requirements relating to patent fee rules.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the proposed rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96-354). The principal impact of the major patent fees has already been taken into account in Pub. L. 97-247, which provided small entities with a 50 percent reduction in the major patent fees. Although that legislation will expire on September 30, 1985, legislation has been introduced to reauthorize the 50 percent reduction in patent fees for an additional three years. The proposed rule change will adjust fees to reflect the change in the Consumer Price Index and cost of processing services as provided by statute (35 U.S.C. 41(d) and 41(f)).

The Patent and Trademark Office has determined that this proposed rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than $100 million. There will be no major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

**List of Subjects in 37 CFR Part 1**

Administrative practice and procedure, Authority delegations (government agencies), Conflict of interests, Courts, Inventions and patents, Lawyers.

Notice is hereby given that pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6 and 41, and Pub. L. 97-247 and 98-622, the Patent and Trademark Office is proposing to amend title 37 of the Code of Federal Regulations as set forth below. All proposed additions are printed between arrows and all deletions are shown between brackets.

1. The authority citation for 37 CFR Part 1 would be revised to read:

**Authority:** 35 U.S.C. 6 and 41, and Pub. L. 97-247 and 98-622.

1a. Section 1.16 is proposed to be revised to read as follows:

**§ 1.16 National application filing fees.**

| | |
|---|---|
| (a) Basic fee for filing each application for an original patent, except design or plant cases: | |
| By a small entity (§ 1.9(f)) [$150.00] | ►$170.00◄ |
| By other than a small entity [$300.00] | ►$340.00◄ |
| (b) In addition to the basic filing fee in an original application, for filing or later presentation of each independent claim in excess of 3: | |
| By a small entity (§ 1.9(f)) [$15.00] | ►$17.00◄ |
| By other than a small entity [$30.00] | ►$34.00◄ |
| (c) In addition to the basic filing fee in an original application, for filing or later presentation of each claim (whether independent or dependent) in excess of 20. (Note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes): | |
| By a small entity (§ 1.9(f)) [$5.00] | ►$6.00◄ |
| By other than a small entity [$10.00] | ►$12.00◄ |
| (d) In addition to the basic filing fee in an original application, if the application contains, or is amended to contain, a multiple dependent claim(s), per application: | |
| By a small entity (§ 1.9(f)) [$50.00] | ►$55.00◄ |
| By other than a small entity [$100.00] | ►$110.00◄ |
| (If the additional fees required by paragraphs (b), (c) and (d) are not paid on filing or on later presentation of the claims for which the additional fees are due, they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Office in any notice of fee deficiency.) | |

(e) Surcharge for filing the basic filing fee or oath or declaration on a date later than the filing date of the application:
By a small entity (§ 1.9(f)) [$50.00] ..... ►$100.00◄
By other than a small entity [$100.00] ..... ►$200.00◄
(f) For filing each design application:
By a small entity (§ 1.9(f)) [$62.50] ..... ►$70.00◄
By other than a small entity [$125.00] ..... ►$140.00◄
(g) Basic fee for filing each plant application:
By a small entity (§ 1.9(f)) [$100.00] ..... ►$110.00◄
By other than a small entity [$200.00] ..... ►$220.00◄
(h) Basic fee for filing each reissue application:
By a small entity (§ 1.9(f)) [$150.00] ..... ►$170.00◄
By other than a small entity [$300.00] ..... ►$340.00◄
(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent claim which is in excess of the number of independent claims in the original patent:
By a small entity (§ 1.9(f)) [$15.00] ..... ►$17.00◄
By other than a small entity [$30.00] ..... ►$34.00◄
(j) In addition to the basic filing fee in a reissue application, for filing or later presentation of each claim (whether independent or dependent) in excess of 20 and also in excess of the number of claims in the original patent. [Note that § 1.75(c) indicates how multiple dependent claims are considered for fee purposes]:
By a small entity (§ 1.9(f)) [$5.00] ..... ►$6.00◄
By other than a small entity [$10.00] ..... ►$12.00◄
(Note, see § 1.445 for international application filing and processing fees).

2. Section 1.17 is proposed to be amended by revising paragraphs (a)—(m) to read as follows:

**§ 1.17 Patent application processing fees.**

(a) Extension fee for response within first month pursuant to § 1.136(a):
By a small entity (§ 1.9(f)) [$25.00] ..... ►$28.00◄
By other than a small entity [$50.00] ..... ►$56.00◄
(b) Extension fee for response within second month pursuant to § 1.136(a):
By a small entity (§ 1.9(f)) [$75.00] ..... ►$85.00◄
By other than a small entity [$150.00] ..... ►$170.00◄
(c) Extension fee for response within third month pursuant to § 1.136(a):
By a small entity (§ 1.9(f)) [$175.00] ..... ►$195.00◄
By other than a small entity [$350.00] ..... ►$390.00◄
(d) Extension fee for response within fourth month pursuant to § 1.136(a):
By a small entity (§ 1.19(f)) [$275.00] ..... ►$305.00◄
By other than a small entity [$550.00] ..... ►$610.00◄
(e) For filing a notice of appeal from the examiner to the Board of Patent Appeals and Interferences:
By a small entity (§ 1.9(f)) [$57.50] ..... ►$65.00◄
By other than a small entity [$115.00] ..... ►$130.00◄
(f) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:
By a small entity (§ 1.9(f)) [$57.50] ..... ►$65.00◄
By other than a small entity [$115.00] ..... ►$130.00◄
(g) For filing a request for an oral hearing before the Board of Patent Appeals and Interference in appeal under 35 U.S.C. 134:
By a small entity (§ 1.9(f)) [$50.00] ..... ►$55.00◄
By other than a small entity [$100.00] ..... ►$110.00◄
(h) For filing a petition to the Commissioner under a section of this part listed below which refers to this paragraph [$120.00] ..... ►$150.00◄
§ 1.47—for filing by other than all the inventors or a person not the inventor.
§ 1.48—for correction of inventorship.
§ 1.182—for decision on questions not specifically provided for.
§ 1.183—to suspend the rules.
§ 1.295—for review or refusal to publish a statutory invention registration.
§ 1.377—for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of patent.
§ 1.378(e)—for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in expired patent.
§ 1.644(e)—for petition in an interference.
§ 1.644(f)—for request for reconsideration of a decision on petition in an interference.
§ 1.666(c)—for late filing of interference settlement agreement.
§§ 5.12, 5.13, & 5.14—for expedited handling of foreign filing license.
§ 5.15—for changing the scope of a license.
§ 5.25—for retroactive license.
(i) for filing a petition to the Commissioner under a section of this part listed below which refers to this paragraph [$60.00] ..... ►$80.00◄
§ 1.12—for access to an assignment record.
§ 1.14—for access to an application.
§ 1.55—for entry of late priority papers.
§ 1.102—to make application special.
§ 1.103—to suspend action in application.
§ 1.177—for divisional reissues to issue separately.
§ 1.312—for amendment after payment of issue fee.
§ 1.313—to withdraw an application from issue.
§ 1.314—to defer issuance of a patent.
§ 1.334—for patent to issue to assignee, assignment recorded late.
§ 1.666(b)—for access to interference settlement agreement.
(j) For filing a petition to institute a public use proceeding under § 1.292 [$750.00] ..... ►$950.00◄
(k) For processing an application filed with a specification in a non-English language [§1.52(d)] [$20.00] ..... ►$100.00◄
(l) For filing a petition (1) for the revival of an abandoned application under 35 U.S.C. 133, or (2) for delayed payment of the issue fee under 35 U.S.C. 151:
By a small entity (§ 1.9(f)) [$25.00] ..... ►$28.00◄
By other than a small entity [$50.00] ..... ►$56.00◄

(m) For filing a petition (1) for revival of an unintentionally abandoned application or (2) for the unintentionally delayed payment of the fee for issuing a patent:
By a small entity (§ 1.19(f)) [$250.00] ..... ►$280.00◄
By other than a small entity [$500.00] ..... ►$560.00◄

3. Section 1.18 is proposed to be revised to read as follows:

**§ 1.18 Patent issue fees.**

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:
By a small entity (§ 1.9(f)) [$250.00] ..... ►$280.00◄
By other than a small entity [$500.00] ..... ►$560.00◄
(b) Issue fee for issuing a design patent:
By a small entity (§ 1.9(f)) [$87.50] ..... ►$100.00◄
By other than a small entity [$175.00] ..... ►$200.00◄
(c) Issue fee for issuing a plant patent:
By a small entity (§ 1.9(f)) [$125.00] ..... ►$140.00◄
By other than a small entity [$250.00] ..... ►$280.00◄

4. Section 1.19 is proposed to be amended by revising paragraphs (a)(1–5), (b) and (c), and by adding new paragraphs (a)(7), and (h)–(j) to read as follows:

**§ 1.19 Document supply fees.**

The Patent and Trademark Office will supply copies of the following documents upon payment of the fees indicated:

(a) Uncertified copies of Office documents:
(1) Printed copy of a patent, including a design patent, statutory invention registration, or defensive publication document, except color plant patent ►or color statutory invention registration◄ [$1.00] ..... ►$1.50◄
(2) Printed copy of a plant patent ►or statutory invention registration◄ in color [$8.00] .....
(3) Copy of patent application as filed [, each 50 pages or fraction thereof] [$18.00] ..... ►$25.00◄
(4) Copy of patent file wrapper and contents, [each 100] ►up to 200◄ pages [or fraction thereof] [$30.00] .. ►$75.00◄
►201 pages and over◄ .... ►$350.00◄
(5) Copy of Office records, except as ►otherwise◄ provided in [paragraphs (a)(1) through (4) of] this section, per page [$0.30] ..... ►$1.00◄
►(7) Copy of patent assignment record ..... $5.00◄
(b) Certified copies of Office documents:
(1) For certifying Office records, per certificate [$3.50] ..... ►$5.00◄
(2) For a search of assignment records, abstract of title and certification, per patent [$12.00] ..... ►$15.00◄
[(3) For comparing copies, made from Patent and Trademark Office records but not prepared by the Patent and Trademark Office, with the original, prior to certification of the copies, per page [$0.10]] .....
(c) Subscription Services:
(1) Subscription orders for printed copies of patents as issued, annual service charge for entry of order and [one subclass] ►ten subclasses◄ [$4.00] .... ►$8.00◄
(2) For annual subscription to each additional subclass in addition to the [one] ►ten◄ covered by the fee under paragraph (c)(1) of this section, per subclass [$0.40] ..... ►$.70◄
►(h) Uncertified copy of a non-United States patent document, per document ..... ►$10.00◄
►(i) Compare and certify copies made from Patent and Trademark Office records but not prepared by the Patent and Trademark Office, per copy of document ..... $15.00◄
►(j) Additional filing Receipts:
Duplicate ..... $20.00
Corrected due to applicant error ..... $20.00◄

5. Section 1.20 is proposed to be amended by revising paragraphs (b)–(l) to read as follows:

**§ 1.20 Post-issuance fees.**

(b) Petition for correction of inventorship in patent (§ 1.324) [$120.00] ..... ►$150.00◄
(c) For filing a request for reexamination (§1.510(a)) [$1,500.00] ..... ►$1,800.00◄
(d) For filing each statutory disclaimer (§ 1.321):
By a small entity (§ 1.9(f)) [$25.00] ..... ►$28.00◄
By other than a small entity [$50.00] ..... ►$56.00◄
(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 4 years; the fee is due by three years and six months after the original grant [$200.00] ..... ►$225.00◄
(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 8 years; the fee is due by seven years and six months after the original grant [$400.00] ..... ►$445.00◄
(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980 and before August 27, 1982, in force beyond 12 years; the fee is due by eleven years and six months after the original grant [$600.00] ..... ►$670.00◄
(h) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after August 27, 1982, in force beyond 4 years; the fee is due by three years and six months after the original grant:
By a small entity (§1.9(f)) [$200.00] ..... ►$225.00◄
By other than a small entity [$400.00] ..... ►$450.00◄
(i) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after August 27, 1982, in force beyond 8 years; the fee is due by seven years and six months after the original grant:
By a small entity (§1.9(f)) [$400.00] ..... ►$445.00◄

By other than a small entity [$800.00] ..... ►$880.00◄

[(j)] For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after August 27, 1982, in force beyond 12 years; the fee is due by eleven years and six months after the original grant:

By a small entity (§1.9(f)) [$600.00] ..... ►$670.00◄

By other than a small entity [$1,200.00] ..... ►$1,340.00◄

[(k)] Surcharge for paying a maintenance fee during the 6-month grace period following the expiration of three years and six months, seven years and six months, and eleven years and six months after the date of the original grant of a patent based on an application filed on or after December 12, 1980 and before August 27, 1982 [$100.00] ..... ►$200.00◄

[(l)] Surcharge for paying a maintenance fee during the 6-month grace period following the expiration of three years and six months, seven years and six months, and eleven years and six months after the date of the original grant of a patent based on an application filed on or after August 27, 1982:

By a small entity (§1.9(f)) [$50.00] ..... ►$100.00◄

By other than a small entity [$100.00] ..... ►$200.00◄

6. Section 1.21 is proposed to be amended by revising paragraph (a), (b), (d)–(g), (h)(1), (i) and (k), and adding a new paragraphs (m) to read as follows:

**§ 1.21 Miscellaneous fees and charges.**

The Patent and Trademark Office has established the following fees for the services indicated:

(a) Registration of attorneys and agents:

(1) For admission to examination for registration to practice, fee payable upon application [$75.00] ..... ►$250.00◄

(2) On registration to practice [$50.00] ..... ►$100.00◄

(3) For reinstatement to practice [$25.00] .....

(4) For certificate of good standing as an attorney or agent ..... ►$25.00◄

►Suitable for framing◄ [$10.00] ..... ►$100.00◄

(5) For review of a decision of the Director of Enrollment and Discipline under § 10.2(c) [$60.00] ..... ►$100.00◄

(6) For requesting regrading of an examination under § 10.7(c) [$60.00] ..... ►$100.00◄

(b) Deposit accounts:

(1) For establishing or reinstating a deposit account $10.00 .....

(2) Service charge for each month when the balance at the end of the month is below $1,000 [$2.00] ..... ►$20.00◄

►(3) Service charge for each month when the balance at the end of the month is below $300 for restricted subscription deposit accounts used exclusively for subscription order of patent copies as issued ..... $20.00◄

(d) Delivery box: Local delivery box rental, per annum [$24.00] ..... ►$60.00◄

(e) International-type search reports: For preparing an international-type search report of an international-type search made at the time of the first action on the merits in a national patent application [$25.00] ..... ►$35.00◄

(f) Search of Office records: For searching Patent and Trademark Office records for purposes not otherwise specified, per one-half hour or fraction thereof [$10.00] ..... ►$15.00◄

(g) Copy [machine tokens] ►share card◄: [Token for copying machine, each] ►Cost per copy◄ [$0.20] .....

(h) Recording of documents:

(1) For recording each assignment, agreement or other paper relating to the property in a patent or application [$20.00] ..... ►$25.00◄

(i) Publication in *Official Gazette*: For publication in the *Official Gazette* of a notice of the availability of an application or a patent for licensing or sale, each application of patent [$6.00] ..... ►$8.00◄

(k) For items and services, that the Commissioner finds may be supplied, for which fees are not specified by statute or by this [section] ►part◄, such charges as may be determined by the Commissioner with respect to each such item or service [actual cost] .....

►(m) For processing each check returned "unpaid" by a bank ..... $20.00◄

7. Section 1.24 is proposed to be revised to read as follows:

**§ 1.24 Coupons.**

Coupons in denominations of [forty cents and] one dollar ►for the purchase of trademark registrations and one dollar and fifty cents for the purchase of patents, designs, defensive publications, and statutory invention registrations◄ are sold by the Patent and Trademark Office for the convenience of [regular purchasers of U.S. patents and trademark registrations] ►the general public◄; these coupons may not be used for any other purpose. [The 40-cent coupons are sold individually and in books of 50 with stubs for record for $20.] The one dollar coupons are sold individually and in books of 50 with stubs for record for $50 ►and the one dollar and fifty cent coupons are sold individually and in books of 50 with stubs for record for $75◄. These coupons are good until used; they may be transferred but cannot be redeemed.

8. Section 1.25, paragraph (a), is proposed to be revised to read as follows:

**§ 1.25 Deposit accounts.**

(a) For the convenience of attorneys, and the general public in paying any fees due, in ordering services offered by the Office, copies of records, etc., deposit accounts may be established in the Patent and Trademark Office upon payment of the fee for establishing a deposit account (§ 1.21(b)(1)). A minimum deposit of $1,000 [or more, depending on the activity of the individual account,] is required ►for paying any fees due or in ordering any services offered by the Office. However, a minimum deposit of $300 may be paid to establish a restricted subscription deposit account used exclusively for subscription order of patent copies as issued.◄ At the [close] ►end◄ of each month['s business], a ►deposit account◄ statement will be rendered. A remittance must be made promptly upon receipt of the statement to cover the value of items or services charged to the

account and thus restore the account to its established normal deposit [value]. An amount sufficient to cover all fees, services, copies, etc., requested must always be on deposit. ►Charges to accounts with insufficient funds will not be accepted.◄ A service charge (§ 1.21(b)(2)) will be assessed for each month that the balance at the end of the month is below $1,000. ►For restricted subscription deposit accounts, a service charge (§ 1.21(b)(3)) will be assessed for each month that the balance at the end of the month is below $300.◄

* * * * *

9. Section 1.26 is proposed to be amended by revising paragraph (c) to read as follows:

**§ 1.26 Refunds.**

* * * * *

(c) If the Commissioner decides not to institute a reexamination proceeding, a refund of [$1,200.00] ►$1,300◄ will be made to the requester of the proceeding. Reexamination requesters should indicate whether any refund should be made by check or by credit to a deposit account.

10. Section 1.297, paragraph (b), is proposed to be revised to read as follows:

**§ 1.297 Publication of statutory invention registration.**

* * * * *

(b) Each statutory invention registration published will include a statement relating to the attributes of a statutory invention registration. The statement will read as follows:

A statutory invention registration [published pursuant to 35 U.S.C. 157] is not a patent [but it has all of the attributes specified for patents in title 35, United States Code, except those specified in 35 U.S.C. 183 and sections 271 through 289]. [A statutory invention registration does not have any of the attributes specified for patents in any other provision of law other than title 35, United States Code. The invention with respect to which a statutory invention registration is published is not a patented invention for purposes of the marking provisions of 35 U.S.C. 292.] ►It has the defensive attributes of a patent but does not have the enforceable attributes of a patent. No article or advertisement or the like may use the term patent, or any term suggestive of a patent, when referring to a statutory invention registration. For more specific information on the rights associated with a statutory invention registration see 35 U.S.C. 157.◄

11. Section 1.445 is proposed to be amended by revising paragraph (a) to read as follows:

**§ 1.445 International application filing and processing fees.**

| | |
|---|---|
| (a) The following fees and charges are established by the Patent and Trademark Office under the authority of 35 U.S.C. 376: | |
| (1) A transmittal fee (see 35 U.S.C. 361(d) and PCT Rule 14), [$125.00] | ►$180.00◄ |
| (2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16) where: | |
| (i) No corresponding prior United States national application with fee has been filed $500.00 | |
| (ii) Corresponding prior United States national application with fee has been filed [$250.00] | ►$330.00◄ |
| (3) A supplemental search fee when required (see PCT Art. 17(3)(a) and PCT Rule 40.2) ►, per additional invention◄ [1] [$125.00] | ►$150.00◄ |
| (4) The national fee, that is, the amount set forth as the filing fee under § 1.16 (a) through (d) credited ►, if requested at the time of filing,◄ by an amount of [$250] ►$170.00◄ where an international search fee [of $500.00] ►as required by paragraph (a)2(i) of this section◄ has been paid on the corresponding international application to the United States Patent and Trademark Office as an International Searching Authority. [Where the amount of the credit is in excess of that required for the national fee, a request for a refund of the excess under § 1.446(b) may be filed at the time of paying the national fee.] Only one such credit is permitted based on a single [$500.00] international search fee | |
| (5) Surcharge for filing the national fee or oath or declaration later than 20 months from the priority date [$100.00] | ►$200.00◄ |
| (6) For filing an English translation of an international application later than 20 months after the priority date (§ 1.61(b)) [$20.00] | ►$100.00◄ |

* * * * *

[1] Per additional invention.

12. Section 1.446 is proposed to be amended by removing paragraph (b):

**§ 1.446 Refund of international application filing and processing fees.**

* * * * *

(b) [Refund of a portion of the search fee toward payment of the national fee may be made one time to the extent set forth in § 1.445(a)(4) if requested at the time of paying the national fee provided that a $500 search fee has been paid.] ►[Removed]◄

* * * * *

Dated: June 14, 1985.

**Donald J. Quigg,**

*Acting Commissioner of Patents and Trademarks.*

[FR Doc. 85-15156 Filed 6-20-85; 8:45 am]

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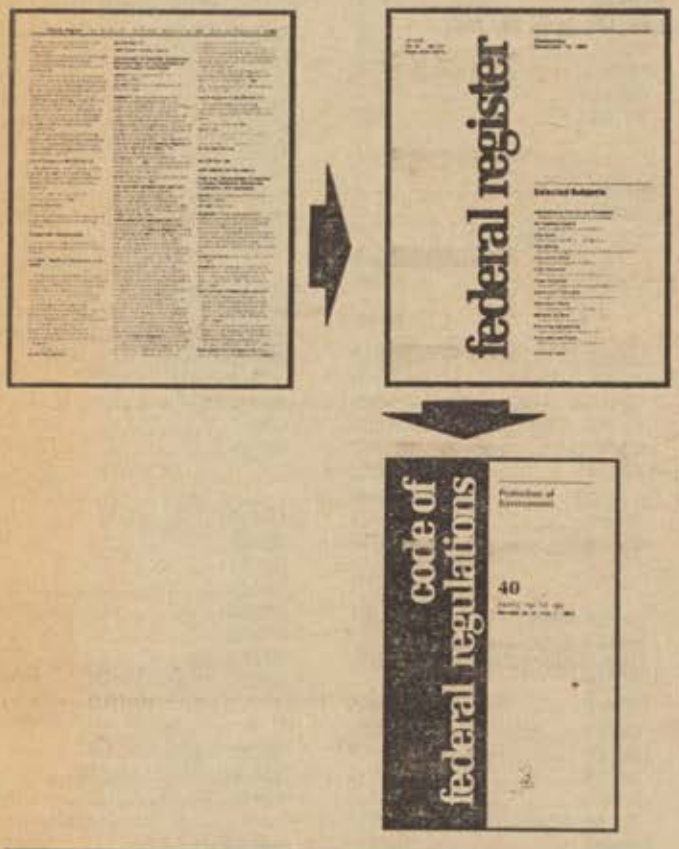


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