7-29-85
Vol. 50 No. 145
Pages 30693-30800

# federal register

Monday
July 29, 1985



## Selected Subjects



CONTINUED INSIDE

**FEDERAL REGISTER** Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $300.00 per year, or $150.00 for 6 months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

**How To Cite This Publication:** Use the volume number and the page number. Example: 50 FR 12345.

# Selected Subjects

# Contents

Federal Register
Vol. 50, No. 145
Monday, July 29, 1985

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

## CFR PARTS AFFECTED IN THIS ISSUE

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

**7 CFR**

**Proposed Rules:**

1540 ..... 30716

**14 CFR**

39 ..... 30693
71 ..... 30694

**Proposed Rules:**

71 ..... 30798
75 ..... 30798

**16 CFR**

**Proposed Rules:**

13 ..... 30717

**18 CFR**

154 ..... 30695
270 ..... 30695
271 ..... 30695
273 ..... 30695

**21 CFR**

5 ..... 30696
74 ..... 30697
808 ..... 30698

**29 CFR**

1620 ..... 30699

**30 CFR**

**Proposed Rules:**

920 ..... 30720
934 ..... 30721
944 ..... 30723
948 ..... 30724

**33 CFR**

100 (3 documents) ..... 30700–30702
165 ..... 30702

**40 CFR**

81 (2 documents) ..... 30704

**41 CFR**

101–41 (2 documents) ..... 30705, 30710

**44 CFR**

5 ..... 30711
6 ..... 30711

**45 CFR**

1601 ..... 30711
1606 ..... 30713
1622 ..... 30714
1625 ..... 30714

# Rules and Regulations

Federal Register
Vol. 50, No. 145
Monday, July 29, 1985



## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

[Docket No. 85-CE-14-AD; Amdt. 39-5107]

### Airworthiness Directives; Pilatus Aircraft Ltd., and Fairchild-Hiller Model PC-6 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD), applicable to Pilatus Aircraft Ltd., Model PC-6 Porter and Turbo-Porter (up to and including Serial Number 844) and Fairchild-Hiller Model PC-6 (Serial Numbers 2001 up to and including 2092) airplanes which requires inspection for cracks in the areas adjacent to the vertical stabilizer rudder hinge attachment points, horizontal stabilizer elevator bearing bracket attachment points and the horizontal stabilizer front spar rectangular cutout. Pilatus Aircraft Ltd. has received reports of cracks being found in those areas. Inspection of these areas on the vertical and horizontal stabilizers will insure the contained control system integrity and thus prevent the possible loss of airplane control.

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

*Compliance:* As prescribed in the body of the AD.

**ADDRESSES:** Pilatus Aircraft Ltd. Service Bulletins (S/B) No. 142 dated December, 1984, S/B No. 143 dated December, 1984, and S/B No. 144 dated December, 1984, applicable to this AD may be obtained from Pilatus Aircraft Ltd., CH6370-Stans, Switzerland. Fairchild-Republic (formerly Fairchild-Hiller) Service Letters PC6-55-2, dated April 9, 1985, PC6-55-3, dated April 9, 1985, and PC6-55-4, dated April 9, 1985, applicable to this AD may be obtained from Fairchild-Republic Corporation, Showalter Road, Hagerstown, Maryland 21740. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Mr. H. Chimerine, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30; or Mr. H.C. Belderok, Foreign FAR 23 Section, Federal Aviation Administration, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection for: (a) Cracked Left Hand (LH) and Right Hand (RH) cap angles adjacent to the rudder hinge attachment points on the vertical stabilizer; (b) cracked upper and lower cap angles adjacent to the elevator bearing bracket attachment points of the horizonal stabilizer; and (c) cracks propagating from the corners, in particular the upper corners, of the rectangular cutout in the front spar of the horizontal stabilizer adjacent to the elevator control cables pulley assembly on certain Model PC-6 airplanes was published in the **Federal Register** on May 16, 1985 (50 FR 20430). The proposal resulted because both Pilatus Aircraft Ltd. and Fairchild-Republic (formerly Fairchild-Hiller) who manufactured PC-6 model airplanes under license from Pilatus, has received reports of cracks in the above described areas. Inspection of these areas on the vertical and horizontal stabilizers will insure the continued control system integrity and thus prevent the possible loss of airplane control.

The Swiss Federal Office of Civil Aviation (FOA), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Switzerland, classified these Service Bulletins and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes.

On airplanes operated under Swiss registration, this action has the same effect as an AD on airplanes certificated for operation in the United States. The FAA relies upon the certification of the FOA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA examined the available information related to the issuance of S/B Nos. 142, 143 and 144 all dated December, 1984 (Fairchild-Republic Service Letters PC6-55-2, PC6-55-3 and PC6-55-4 are the U.S. equivalent) and the mandatory classification of these Service Bulletins by the FOA and concluded that the condition addressed by these Service Bulletins is an unsafe one that may exist on other airplanes of this type certificated for operation in the United States. Accordingly, the FAA proposed an amendment to Part 39 of the FAR to include an AD on this subject. Interested persons have been afforded an opportunity to comment on the proposal.

No comments of objections were received on the proposal or the FAA determination of the related cost to the public. Accordingly, the proposal is adopted without change.

The FAA has determined that this regulation involves 22 (11 Swiss and 11 U.S.) airplanes at an approximate fleet cost of $4.235 ($192.50 per airplane based upon 5.5 manhours for the inspection @ $35/manhour for each airplane). This cost is so small that compliance with the directive will not have a significant financial impact on any small entities owning affected airplanes. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES"**.

### List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

**Adoption of the Amendment**

**PART 39—[AMENDED]**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

**Pilatus Aircraft, Ltd., and Fairchild-Hiller:** Applies to Model(s) PC-6 (S/N 1 to and including 844, and S/N 2001 to and including 2092) airplanes certificated in any category.

Note.—Service Bulletin (S/B Numbers (No.) 142, 143, and 144 all dated December, 1984, are applicable to Pilatus Aircraft Ltd., built airplanes which are identified by Serial Numbers (S/N) below 1000, and Service Letters (S/L) PC6-55-2, PC6-55-3 and PC6-55-4 all dated April 9, 1985, are applicable to Fairchild-Hiller built airplanes which are identified by S/N's above 2000.

**COMPLIANCE:** Required as indicated after the effective date of this AD, unless already accomplished.

To prevent a possible loss of airplane control, accomplish the following:

(a) Within the next 25 hours time-in-service (TIS) after the effective effectie date of this AD:

(1) On airplanes S/N 1 to and including 826 and 2001 to and including 2092 (except 524, 676, 707, 710 and 816), perform the required inspection and corrective action if needed in accordance with paragraph (b), (c) and (d) of this AD, and

(2) On airplanes S/N 827 to and including 844 perform the required inspection and corrective action if needed in accordance with paragraph (d) of this AD.

(b) Using a dye penetrant test method, inspect the Left Hand and Right Hand cap angles adjacent to the rudder hinge attachment points on the vertical stabilizer for cracks, in accordance with S/B No. 142 Section 2, "ACCOMPLISHMENT INSTRUCTIONS", PARAGRAPH (para.) A "INSPECTION" OR S/L PC6-55-2.

If cracks are found, prior to further flight replace the defective cap angle and modify the vertical stabilizer in accordance with S/B No. 142, Section 2, "ACCOMPLISHMENT INSTRUCTIONS" para. B "MODIFICATION", or S/L PC6-55-2.

(c) Using a dye penetrant test method inspect the upper and lower cap angles adjacent to the elevator bearing bracket attachment points on the horizontal stabilizer in accordance with S/B No. 143, Section 2 "ACCOMPLISHMENT INSTRUCTIONS", para. A "INSPECTION", or S/L PC6-55-3.

(1) If cracks are found, prior to further flight, repair in accordance with the repair scheme of S/B No. 143 or S/L PC6-55-3, and in addition:

(2) If the bolt hole is less than 0.120 inches (in.) (3mm) from the edge of the cap angle, modify the horizontal stabilizer prior to further flight in accordance with S/B No. 143, Section 2 "ACCOMPLISHMENT INSTRUCTIONS", para. B "MODIFICATION" or S/L PC6-55-3.

(d) Visually inspect the area around the rectangular cutout located in the front spar of the horizontal stabilizer, adjacent to the elevator control cables pulley assembly, in accordance with S/B No. 144, Section 2 "ACCOMPLISHMENT OF INSTRUCTIONS", para. B "CRACK INSPECTION", or S/B PC6-55-4. If cracks are found and:

(1) If no crack is longer than 0.20 inches (5mm) install within the next 50 hours TIS standard repair plate (P/N 113.45.06.027) in accordance with S/B No. 144, Section 2 "ACCOMPLISHMENT INSTRUCTIONS", para. D "INSTALLATION OF STANDARD REPAIR PLATE" or S/L PC6-55-4.

(2) If any crack is longer than 0.20 inches (5mm) but less than 0.80 inches (20mm), prior to further flight install standard repair plate (P/N 113.45.06.027) in accordance with para. (d)(1) of this AD.

(3) If any crack is longer than 0.80 inches (20mm), prior to further flight repair the horizontal stabilizer in accordance with S/B No. 144, Section 2 "ACCOMPLISHMENT INSTRUCTIONS", para. C "SPECIAL PROCEDURES" or S/L PC6-55-4.

(e) Each 100 hours TIS after the initial inspection:

(1) On airplanes S/N 1 to and including 826 and 2001 to and including 2092 (except 524, 676, 707, 710 and 816) repeat the inspection required by para. (b) of this AD, until the modification described in S/B No. 142, para. 2.B "MODIFICATION" or S/L PC6-55-2 is complied with, at which time this repetitive inspection is no longer required.

(2) On airplanes S/N 1 to and including 844 and S/N 2001 to and including 2082, repeat the inspection required by para. (d) of this AD.

(f) The intervals between the repetitive 100 hours TIS inspections required by para. (e) of this AD may be adjusted up to 10 per cent of the specified interval to allow accomplishment of these inspections concurrent with other scheduled maintenance of the airplane.

(g) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(h) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Pilatus Aircraft, Ltd., CH6370-Stans, Switzerland, or Fairchild-Republic Corp., Showalter Road, Hagerstown, Maryland 21740, or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on August 31, 1985.

Issued in Kansas City, Missouri, on July 17, 1985.

William H. Pollard,

*Acting Director, Central Region.*

[FR Doc. 85-17933 Filed 7-26-85; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 71**

**[Airspace Docket No. 85-AWP-7]**

## Amendment to the Santa Barbara, California, Transition Area Description

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** An amendment to the existing description of the Santa Barbara Municipal Airport (lat. 34°25'35" N., long. 119°50'20" W.) Transition Area is necessary to provide a correction in the legal description. This action will provide only editorial amendments to reference points used in the description to provide a contiguous border with Restricted Area R2517.

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

**FOR FURTHER INFORMATION CONTACT:** Curtis Alms, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Hawthorne, California 90261; telephone number (213) 536-6649.

**History**

On April 3, 1985, the Federal Aviation Administration published an amendment to §71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) which revised the description of the Santa Barbara, California, Transition Area. (50 FR 13186). An error in that description has since been identified, in that coordinates along the contiguous border with Restricted Area R2517 were not the same as those used in the description of R2517. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 2, 1985.

**The Rule**

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) will correct the coordinates of the legal description to provide a border consistent with the eastern edge of Restricted Area R2517.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is

not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in CFR Part 71**

Control zones, Transition areas.

**Adoption of the Amendment**

**PART 71—[AMENDED]**

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

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

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

**§ 71.181 [Amended]**

2. Section 71.181 is amended as follows:

**Santa Barbara, California**

Transition Area—[Revised]

"That airspace extending upward from 700 feet above the surface within 2 miles each side of the Santa Barbara ILS localizer west course, extending from a point lat. 34°25'31" N., long. 119°57'29" W. to 2 miles west of that point, between the arcs of a 5-mile radius circle and 8.5-mile radius circle centered on the Santa Barbara Municipal Airport (lat. 34°25'35" N., long. 119°50'20" W.), extending clockwise from a line 2 miles north of the 089° bearing from the Santa Barbara LMM to a line 2.5 miles south of the 115° bearing from the LMM; and within 2 miles east and 7 miles west of the Santa Barbara VORTAC 196° radial, extending from a 5-mile radius circle centered on the Santa Barbara Municipal Airport to 15.5 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 35°35'00" N., long. 120°05'00" W.; to lat. 35°05'00" N., long. 120°05'00" W.; to lat. 35°05'00" N., long. 119°30'00" W.; to lat. 34°20'00" N., long. 119°30'00" W.; to lat. 34°20'00" N., long. 120°00'00" W.; to lat. 34°08'00" N., long. 120°00'00" W.; to lat. 34°08'00" N., long. 120°26'00" W.; to lat. 34°06'15" N., long. 120°30'00" W.; to lat. 34°24'00" N., long. 120°30'00" W.; to lat. 34°25'00" N., long. 120°27'00" W.; to lat. 34°35'00" N., long. 120°32'00" W.; to lat. 34°38'35" N., long. 120°31'20" W.; to lat. 34°42'00" N., long. 120°30'00" W.; to lat. 34°46'00" N., long. 120°27'00" W.; to 34°50'00" N., long. 120°32'00" W.; to lat. 34°54'00" N., long. 120°33'00" W.; to lat. 35°00'00" N., long. 120°42'00" W.; to lat. 35°10'00" N., long. 120°55'00" W.; to lat. 35°21'00" N., long. 121°03'00" W.; to lat 35°33'00" W., to lat 121°03'00" W.; to lat. 35°33'00" N., long. 120°40'30" W.; to lat. 35°22'25" N., long. 120°31'50" W.; to lat. 35°31'40" N., long. 120°15'00" W.; to lat. 35°35'35" N., long. 120°18'10" W.; thence to the point of beginning."

Issued in Los Angeles, California on July 12, 1985.

**H.C. McClure,**

*Director, Western-Pacific Region.*

[FR Doc. 85-17934 Filed 7-26-85; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Parts 154, 270, and 273

**[Docket No. RM83-53-001]**

## Obligations of Sellers and Purchasers of First-Sale Natural Gas for Refunds Owed for Collections in Excess of Maximum Lawful Prices Under the Natural Gas Policy Act of 1978

Issued July 24, 1985.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order Granting Rehearing for Purposes of Further Consideration.

**SUMMARY:** On May 30, 1985, the Federal Energy Regulatory Commission issued a final rule which, among other things, permits the use of billing adjustments to recover interim collection refunds under 18 CFR 273.302 (1984). In this order, the Commission grants rehearing of its decision solely for the purpose of further consideration.

**EFFECTIVE DATE:** July 24, 1985.

**FOR FURTHER INFORMATION CONTACT:** Richard Howe, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 (202) 357-8308.

**SUPPLEMENTARY INFORMATION:**

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa and Charles G. Stalon.

In the matter of Obligations of Sellers and Purchasers of First-Sale Natural Gas for Refunds Owed for Collections in Excess of Maximum Lawful Prices Under the Natural Gas Policy Act of 1978, Docket No. RM83-53-001.

Issued July 24, 1985.

On May 30, 1985, the Commission issued its Order No. 423, 50 FR 23669 (June 5, 1985), amending its regulations to permit purchasers to use billing adjustments to recover interim collection refunds under 18 CFR 273.302 (1984). On June 27, 1985, Tennessee Gas Pipeline Company 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. 423 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. 85-17907 Filed 7-26-85; 8:45 am]

BILLING CODE 6717-01-M

## 18 CFR Part 271

**[Docket No. RM79-76-221 (Louisiana—5 Addition) Order No. 424]**

## High-Cost Gas Produced From Tight Formations; Louisiana

Issued July 24, 1985.

**AGENCY:** Federal Energy Regulatory Commission, Energy.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703 (1984)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This order adopts the recommendation of the State of Louisiana Office of Conservation that an additional area of the Smackover "C" Zone in the East Dykesville Field in Webster Parish, Louisiana, be designated as a tight formation.

**EFFECTIVE DATE:** This rule is effective August 23, 1985.

**FOR FURTHER INFORMATION CONTACT:** W. Thomas Rosemond, Jr., Office of the

General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357-9118.

**SUPPLEMENTARY INFORMATION:**

Before Commissioners: Raymond J. O'Connor, Chairman; A. G. Sousa and Charles G. Stalon.

**Final Rule**

The Commission hereby amends § 271.703(d) of its regulations to include an additional area of the Smackover "C" Zone in the East Dykesville Field in Webster Parish, Louisiana, as a designated tight formation eligible for incentive pricing under 18 CFR 271.703. The amendment is based on a recommendation of the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission on November 9, 1983. Notice of the proposal was published in the **Federal Register** on January 5, 1984 (49 FR 644). No comments were filed in response to the notice and no public hearing was requested.

Evidence submitted by Louisiana supports the assertion that the additional area of the Smackover "C" Zone in the East Dykesville Field in Webster Parish, Louisiana, meets the guidelines contained in § 271.703(c)(2) of the Commission's regulations. Accordingly, the Commission adopts Louisiana's recommendation.

This amendment shall become effective August 23, 1985.

**List of Subjects in 18 CFR Part 271**

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.

**Kenneth F. Plumb,**

*Secretary.*

## PART 271—[AMENDED]

Section 271.703 is amended as follows:

1. The authority citation for Part 271 continues to read as follows:

**Authority:** Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedures Act, 5 U.S.C. 553.

2. Section 271.703 is amended by revising paragraph (d)(68) to read as follows:

**§ 271.703 Tight formations.**

* * * * *

(d) *Designated tight formations.*

* * * * *

(68) *Smackover C Zone in Louisiana.* RM79–76–221 (Louisiana 5 and 5 Addition).

(i) *Delineation of formation.* The Smackover C Zone is found within the East Dykesville Field in Clairborne and Webster Parishes, Louisiana, in the area of Township 22 North, Range 8 West, Sections 3–10, 15–18; Township 22 North, Range 9 West, Sections 1–18; Township 23 North, Range 8 West, Sections 30–34; and Township 23 North, Range 9 West, Sections 25–36.

(ii) *Depth.* The Smackover C Zone occurs between the measured depths of 11,290 feet and 11,340 feet on the induction electrical log of the Wheless Industries—Pelto Oil—Guy Lewis *et al.* No. 1 well and between 11,534 feet and 11,568 on the electric log of the Cities Service Oil and Gas Corporation—Hearn No. 1 well.

[FR Doc. 85–17908 Filed 7–26–85; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 5

### Delegations of Authority and Organization; New Drug Applications and Biological Product Licenses

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to new drug applications (NDA's) and petitions according to the NDA regulations. In addition, FDA is amending the regulations to redelegate authority to issue notices of opportunity for a hearing on proposals to deny issuance of or to revoke licenses for biological products and to issue certain notices of revocation of licenses.

**EFFECTIVE DATE:** July 29, 1985.

**FOR FURTHER INFORMATION CONTACT:** Melissa M. Moncavage, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of February 22, 1985 (50 FR 7452), FDA issued revised regulations for NDA submissions. Under the new regulations, new drug applications and abbreviated new drug applications for drugs listed in § 314.440(b) shall be submitted directly to the Office of Biologics Research and Review, Center for Drugs and Biologics (CDB). FDA is revising § 5.31 *Petitions under Part 10* (21 CFR 5.31) and § 5.80 *Approval of new drug applications and their supplements* (21 CFR 5.80) to clarify who has authority to act on related matters concerning drugs listed in § 314.440(b).

Because the new drug regulations were recently revised, FDA is also correcting the citations to the NDA regulations in § 5.82 *Issuance of notices relating to proposals to refuse approval or to withdraw approval of new drug applications and their supplements* (21 CFR 5.82).

Additionally, FDA is adding new § 5.67 *Issuance of notices of opportunity for a hearing on proposals for denial of approval of applications for licenses or revocation of licenses, and certain notices of revocation of licenses* to redelegate to the Director and Deputy Director, CDB, authority to issue notices of opportunity for a hearing under Part 12 on proposals to deny issuance of, or revoke, licenses for biological products issued by FDA under section 351 of the Public Health Service Act (42 U.S.C. 262). Authority has also been redelegated to the Director and Deputy Director, CDB, to issue notices of revocation of licenses when manufacturers have requested such revocation.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

**List of Subjects in 21 CFR Part 5**

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 5 is amended as follows:

## PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR Part 5 continues to read as follows:

**Authority:** Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)); 21 CFR 5.10.

2. In § 5.31 by revising paragraph (f)(2) and adding new paragraph (f)(3), to read as follows:

**§ 5.31 Petitions under Part 10.**

* * * * *

(f) * * *

(2) The Director and Deputy Director, Office of Drug Standards, CDB, except

for those drug products listed in § 314.440(b), are authorized to issue responses to citizen petitions submitted under § 10.30 of this chapter seeking a determination of the suitability of an abbreviated new drug application for a drug product.

(3) The Director and Deputy Director, Office of Biologics Research and Review, CDB, for those drug products listed in § 314.440(b), are authorized to issue responses to citizens petitions submitted under § 10.30 of this chapter seeking a determination of the suitability of an abbreviated new drug application for a drug product.

3. By adding new § 5.67, to read as follows:

**§ 5.67 Issuance of notices of opportunity for a hearing on proposals for denial of approval of applications for licenses or revocation of licenses and certain notices of revocation of licenses.**

The Director and Deputy Director, Center for Drugs and Biologics, are authorized to issue:

(a) Notices of opportunity for a hearing on proposals to deny approval or filing of applications for establishment or product licenses under § 601.4(b) of this chapter.

(b) Notices of opportunity for a hearing on proposals to revoke establishment or product licenses under § 601.5(b) of this chapter.

(c) Notices of revocation, at the manufacturer's request, of establishment or product licenses under §§ 601.5(a) and 601.8 of this chapter.

4. In § 5.80 by revising the introductory text of paragraph (b) and by revising paragraphs (c) (1) and (2), to read as follows:

**§ 5.80 Approval of new drug applications and their supplements.**

* * * * *

(b) The following officials, for drugs under their jurisdiction, are authorized to perform all functions of the Commissioner of Food and Drugs with regard to approval of supplemental applications to approved new drug applications for drugs for human use that have been submitted under § 314.70 of this chapter and new drug applications for drug products that contain the identical active drug ingredient (e.g., the same salt of the same therapeutic moiety), or identical combination of active drug ingredients in the same dosage form and strength, of an approved drug product already marketed in the United States by another firm, and that has, in its labeling, at least some of the therapeutic uses already approved for the marketed product(s):

* * * * *

(c) The following officials are authorized to perform all of the functions of the Commissioner of Food and Drugs with regard to approval of abbreviated new drug applications and supplements thereto for drugs for human use and new drug applications for drugs with a 5C classification whose clinical safety and efficacy may be supported by appropriate literature citations in view of submission of data from original proprietary studies:

(1) For drugs submitted under §§ 314.50, 314.55, and 314.70 of this chapter, except for those drug products listed in § 314.440(b):

(i) The Director and Deputy Director, Office of Drug Standards, CDB.

(ii) The Director and Deputy Director, Division of Generic Drugs, Office of Drug Standards, CDB.

(2)(i) For drug products listed in § 314.440(b) and submitted under §§ 314.50, 314.55, and 314.70 of this chapter:

(ii) The Director and Deputy Director, Office of Biologics Research and Review, CDB.

* * * * *

5. By revising § 5.82, to read as follows:

**§ 5.82 Issuance of notices relating to proposals to refuse approval or to withdraw approval of new drug applications and their supplements.**

The Director and Deputy Director, Center for Drugs and Biologics, are authorized to issue notices of an opportunity for a hearing on proposals to refuse approval or to withdraw approval of new drug applications and abbreviated new drug applications and supplements thereto on drugs for human use that have been submitted under section 505 of the Federal Food, Drug, and Cosmetic Act and Subpart B of Part 314 of this chapter, and to issue notices refusing approval or withdrawing approval when opportunity for hearing has been waived.

Dated: July 22, 1985.

**Mervin H. Shumate,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 85-17888 Filed 7-26-85; 8:45 am]

BILLING CODE 4160-01-M

---

## 21 CFR Part 74

**[Docket No. 84N-0083]**

## Color Additives; D&C Blue No. 6

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the color additive regulations by removing the provision that bars the migration of D&C Blue No. 6 from sutures to the surrounding tissues under conditions of use. FDA is taking this action because the restriction is not necessary to assure the safety or suitability of the use of D&C Blue No. 6 in sutures.

**DATES:** Effective August 29, 1985, except as to any provisions that may be stayed by the filing of proper objections; objections by August 28, 1985.

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

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

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of July 25, 1984 (49 FR 29970), FDA proposed that 21 CFR Part 74 be amended in § 74.3106 *D&C Blue No. 6* by removing paragraph (c)(3). That paragraph contains the provision that bars the migration of D&C Blue No. 6 from a suture to the surrounding tissues under conditions of use. FDA is taking this action because the restriction is not necessary to assure the safety or suitability of the use of D&C Blue No. 6 in sutures. Also, the restriction is ambiguous when referring to absorbable sutures.

In the proposed rule, FDA gave interested persons until September 24, 1984, to file comments. The agency did not receive any comments on the proposed rule. Therefore, FDA is publishing the final rule without change.

The agency has previously considered the environmental effects of this rule as announced in the proposed rule (July 25, 1984; 49 FR 29970). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

In accordance with the Regulatory Flexibility Act, the agency previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small

entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

Any person who will be adversely affected by this regulation may at any time on or before August 28, 1985, file with the Dockets Management Branch (address above) written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and should be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Notice of the filing of objections or lack thereof will be given by publication in the **Federal Register.**

**List of Subjects in 21 CFR Part 74**

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 74 is amended as follows:

## PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 74 continues to read as follows:

**Authority:** Secs. 701, 706, 52 Stat. 1055–1056 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371, 376); 21 CFR 5.10.

**§ 74.3106 [Amended]**

2. In § 74.3106 *D&C Blue No. 6* by removing paragraph (c)(3).

Dated: July 22, 1985.

**Mervin H. Shumate,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 85-17889 Filed 7-26-85; 8:45 am]

BILLING CODE 4160-01-M

**21 CFR Part 808**

**[Docket No. 83P-0125]**

## Medical Devices; Application for Exemption From Federal Preemption of State and Local Hearing Aid Requirements

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is granting exemption from Federal preemption for certain of Hawaii's hearing aid device requirements and denying exemption for other of its requirements. This action responds to an application from the government of Hawaii.

**EFFECTIVE DATE:** August 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Les Weinstein, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of October 1, 1984 (49 FR 38646), FDA published a proposed rule responding to an application from Hawaii for exemption from Federal preemption of certain of Hawaii's hearing aid device requirements. Interested persons were given until November 30, 1984, to submit written comments on the proposal. In the same issue of that **Federal Register** (49 FR 38645), FDA issued a notice providing an opportunity for interested persons to request an oral hearing.

Although FDA received two written comments on the proposal, the agency did not receive any requests for an oral hearing.

As noted in the preamble to the October 1, 1984 proposal, the agency published a final rule in the **Federal Register** of October 10, 1980 (45 FR 67326), responding to applications from 18 other States and the District of Columbia for exemption from preemption of their hearing aid requirements. Some of the issues raised in that proceeding are similar to the issues raised in the comments received on this rule. The agency therefore refers interested persons to the preamble to the Octobr 10, 1980 final rule for a more detailed discussion of these issues, and incorporates that discussion by reference herein.

1. Both comments received on the October 1, 1984 proposal stated that the current Federal hearing aid device requirements are satisfactory and that exemptions from the current requirements should not be granted to Hawaii or to any other State. Both comments also stated that a uniform nationwide regulatory policy would be more effective and would better serve the needs of the hearing impaired than would various State policies.

FDA disagrees with these commments. The agency does not believe that the effectiveness of the Federal requirements will be compromised by granting exemptions from preemption of State and local hearing aid requirements. Furthermore, the agency does not believe that the needs of the hearing impaired will be compromised by granting States selected exemptions from preemption of State and local hearing aid requirements.

2. One comment specifically supported FDA's proposal to deny exemption from preemption of the provision in §14.1, subsection (a) of chapter 451A of the Hawaii Revised Statutes, requiring medical evaluation without providing for a waiver of that requirement by the user.

Although FDA believes that, before purchasing a hearing aid, all prospective hearing aid users should obtain a medical evaluation to ensure that the organic causes of hearing loss are diagnosed and treated properly, the agency believes that any informed adult who objects to medical evaluation for personal reasons should be permitted to waive the medical evaluation requirement. Therefore, FDA denies exemption from preemption of the Hawaii provision failing to permit waiver of the medical evaluation.

3. One comment objected to FDA's proposal to grant exemption from preemption of that portion of § 14.1, subsection (a) of chapter 451A of the Hawaii Revised Statutes which prohibits the sale of a hearing aid to a child under the age of 10 who does not have written authorization from an otorhinolaryngologist. The comment argued that requiring authorization from an otorhinolaryngologist would: (a) Create a burdensome and expensive impediment to the receipt of proper and timely hearing health care by certain minors residing in Hawaii, and (2) irrationally divide minors within the State into two distinct groups and subject them to different requirements in connection with the sale of a hearing aid.

FDA disagrees with the comment. As noted in the preamble to the October 10, 1980 final rule, FDA believes that hearing loss in children can be treated medically or surgically more often than in adults and that otorhinolaryngologists are more knowledgeable about such treatment than are other physicians. FDA continues to believe that the

possible benefit to children from such a requirement outweighs the possible burden and expense of locating an otorhinolaryngologist. FDA notes that the comment did not provide any data to substantiate its arguments not did it include any basis for FDA to change its belief that mandatory audiological evaluation of a minor will serve an important public health purpose (45 FR 67330).

4. One comment specifically supported FDA's proposal to deny exemption from preemption for the Hawaii provision requiring that medical authorization be signed within 90 days prior to the sale of a hearing aid.

Section 801.421 of FDA's regulation provides that the medical evaluation shall have taken place within the preceding 6 months. FDA concludes that the 3-month time limit specified in § 14.1, subsection (b) of chapter 451A of the Hawaii Revised Statutes should not be exempted from preemption for the reasons stated in the preamble to the proposed rule. See 49 FR 38647, October 1, 1984.

5. One comment objected to FDA's proposal to grant exemption from preemption for § 14.1, subsection (c) of chapter 451A of the Hawaii Revised Statutes, which requires hearing aid dispensers to keep the physician's written authorization on file for 5 years. The comment argued that this extended recordkeeping is unjustified.

FDA disagrees with the comment and is exempting subsection (c) from preemption. Hawaii's requirement is more stringent than the provisions in § 801.421(d) of FDA's regulations governing conditions for sale of hearing aid devices (21 CFR 801.421(d)). Section 801.421(d) requires dispensers to maintain copies of medical clearance statements for only 3 years. FDA concludes that the more stringent requirement will assist Hawaii in enforcing its statute.

### Executive Order 12291

FDA has carefully reviewed the final rule under Executive Order 12291 and concludes that it does not meet any of the criteria of a major regulation. Therefore, a regulatory impact analysis is not required. The rule merely applies Part 808 of the regulations to an application from the government of Hawaii. The rule does not impose any new Federal requirements on any person. Similarly, no new requirements are established at the State level because the rule allows part of an existing Hawaiian regulation to remain in effect while preempting other parts of that regulation.

### Regulatory Flexibility Act

FDA certifies that the final rule will not have a significant economic impact on a substantial number of small entities because it does not impose any new requirements on any person. Therefore, a regulatory flexibility anaylsis, as provided in the Regulatory Flexibility Act, is not required.

### List of Subjects in 21 CFR Part 808

Exemption of specific State requirements, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 808 is amended as follows:

## PART 808—EXEMPTIONS FROM FEDERAL PREEMPTION OF STATE AND LOCAL MEDICAL DEVICE REQUIREMENTS

1. The authority citation for Part 808 is revised to read as follows:

**Authority:** Secs. 521, 701, 52 Stat. 1055–1056 as amended, 90 Stat. 574 (21 U.S.C. 360k, 371); 21 CFR 5.10.

2. In Subpart C by adding new § 808.61, to read as follows:

### § 808.61 Hawaii.

(a) The following Hawaii medical device requirements are enforceable notwithstanding section 521 of the act, because the Food and Drug Administration has exempted them from preemption under section 521(b) of the act: Hawaii Revised Statutes, chapter 451A, § 14.1(a) with respect to medical examination of a child 10 years of age or under, and subsection (c).

(b) The following Hawaii medical device requirements are preempted by section 521(a) of the act, and the Food and Drug Administration has denied them exemption from preemption: Hawaii Revised Statues, chapter 451A, § 14.1(a) to the extent that it requires a written authorization by a physician and does not allow adults to waive this requirement for personal, as well as religious reasons, and subsection (b).

Dated: June 26, 1985.

**Joseph P. Hile,**

*Associate Commissioner for Regulatory Affairs.*

[FR Doc. 85-17891 Filed 7-26-85; 8:45 am]

**BILLING CODE 4160-01-M**

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1620

### Investigations and Compliance Assistance

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Final Rule; amendment.

**SUMMARY:** The Equal Employment Opportunity Commission hereby amends 29 CFR 1620.19(c) to insert the words, "in confidence," following the phrase, ". . . persons giving information . . ." The purpose of the amendment is to make confidentiality policy under the Equal Pay Act (EPA) (29 U.S.C. 206(d)) consistent with the policy utilized by the Commission under Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.), and the Age Discrimination in Employment Act (29 U.S.C. 621, et seq). The amendment changes the Commission's confidentiality policy under the EPA from one where witnesses and complainants are *automatically* granted confidentiality to one where complainants and witnesses may *elect* to keep their identity and identifying details confidential.

**EFFECTIVE DATE:** July 29, 1985.

**FOR FURTHER INFORMATION CONTACT:** Frederick W. Ford, Staff Attorney, Office of Legal Counsel, Legal Services, EEOC, 2401 E Street, NW., Washington, D.C. 20507; telephone: (202) 634–6690.

**SUPPLEMENTARY INFORMATION:** At its meeting of June 4, 1985, the Commission voted to adopt a single consistent policy regarding the scope of confidentiality that the Commission will grant to charging parties, complainants, and witnesses during its investigation of charges and complaints filed under the three statutes that the Commission enforces, i.e., Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., The Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 et seq., and the Equal Pay Act (EPA), 29 U.S.C. 206(d). The new policy is to notify charging parties, complainants and third party witnesses under all three statutes that they will be granted confidentiality upon request and, where confidentiality is requested, to provide a statement explaining the precise scope of that confidentiality.

Until adoption of the new policy, the Commission had utilized a policy of "selective," or "elective," confidentiality for charging parties and witnesses under Title VII and the ADEA. *See* 29 CFR 1601.7(a) and 29 CFR 1626.4 and

1626.15(b). That is, the Commission would not disclose the identity or identifying details of persons providing information *in confidence* as to violations of the respective acts unless necessary in a court proceeding. Under Title VII and ADEA, the Commission provides confidentiality where it is requested or where it is necessary to secure information from a person. However, the Commission does not promise confidentiality automatically to all witnesses.

When the Commission published its Final Recordkeeping and Administrative Regulations under the Equal Pay Act, 29, CFR Part 1620 46 FR 4888 (January 19, 1981), following the transfer of EPA enforcement authority from the Department of Labor in 1979 [Reorganization Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978) and E.O. 12144, 44 FR 37193 (June 26, 1979)], it adopted the confidentiality policy followed by the Department of Labor in equal pay cases. [See also, 44 FR 38671 (July 2, 1979)]. That policy *automatically* granted confidentiality to any person giving information on an EPA violation regardless of whether the person requested confidentiality or not. See 29 CFR 800.164.

The inconsistency between the EPA policy and the Title VII and ADEA policy has created difficulties for the Commission in investigating charges under the three statutes, especially in mixed cases containing charges under both the EPA and either Title VII or ADEA, resulting in confusion for both Commission investigators and witnesses regarding the application of confidential treatment. The amendment provides consistency between the three statutes by amending the EPA regulations to make clear that a charging party or witness' identity will be protected when that person gives information "in confidence," i.e., when the person requests confidentiality.

The Commission has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12291.

**List of Subjects in 29 CFR Part 1620**

Equal employment opportunity, Investigations, Penalities, Reporting and recordkeeping requirements, Sex discrimination, Wages.

Accordingly, § 1620.19(c) of Part 1620 of Title 29, Code of Federal Regulations is amended as set forth below.

Signed at Washington, D.C., this 12th day of July, 1985.

For the Commission.

**Clarence Thomas,**

*Chairman, Equal Employment Opportunity Commission.*

## PART 1620—THE EQUAL PAY ACT

1. The authority citation for Part 1620 continues to read as follows:

**Authority:** Sec. 1–19, 52 Stat. 1060, as amended; Sec. 10, 61 Stat. 84; Pub. L. 88–38, 77 Stat. 56 [29 U.S.C. 201 et seq.]; sec. 1, Reorg. Plan. No. 1 of 1978, 43 FR 19807; Pub. L. 98–532; Executive Order No. 12144, 44 FR 37193.

2. 29 CFR Part 1620 is amended by revising § 1620.19(c) to read as follows:

**§1620.19 Investigations and compliance assistance.**

* * * * *

(c) The identity or identifying details of persons giving information in confidence as to violations of the Act shall not be disclosed unless necessary in a court proceeding.

[FR Doc. 85–17591 Filed 7–26–85; 8:45 am]

BILLING CODE 6570–06–M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 100

**[CGD3 85–28]**

### Special Local Regulations; Gateway Powerboat Regatta, Long Island Sound

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** Special Local Regulations are being adopted for the Gateway Powerboat Regatta. This powerboat race is sponsored by the Gateway Powerboat Association. The event will be held on August 3, 1985, on Long Island Sound, off Greenwich, Connecticut. This regulation is needed to provide for the safety of participants and spectators on navigable waters during this event.

**EFFECTIVE DATES:** This regulation becomes effective on August 3, 1985 from 11:00 a.m. to 2:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mary J. Robinson, (212) 668–7974.

**SUPPLEMENTARY INFORMATION:** A Notice of Proposed Rule Making has not been published for this regulation and it is being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The application to hold this event was not received until May 3, 1985. There was some concern that the State of Connecticut would not allow this event to be held. It was learned that the State law limiting noise levels is not applicable on Long Island Sound. There was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

**Drafting Information**

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

**Discussion of Regulations**

The Gateway Powerboat Regatta is sponsored by the Gateway Powerboat Association of Greenwich, Connecticut. This powerboat race will be held on Long Island Sound in an area south of Greenwich, Connecticut. This event has been held for the past nine years and is consequently well known to boaters and residents in the area. This is the first year in which a special local regulation has been issued for this event. Approximately 40 powerboats ranging from 20 to 50 feet in length will race 6 laps around a 11 mile rectangular course at speeds between 75-110 miles per hour (mph). This National Power Boat Association (NPBA) sanctioned race will start at 12:00 noon. Race headquarters is located at the Showboat Inn in Greenwich Harbor. The race participants will transit to the race course area under Coast Guard escort at approximately 20 m.p.h. The race course area will be marked by sponsor provided patrol craft displaying orange day glow flags. Spectator vessels will be kept outside of the regulated area and a buffer zone will be maintained by the sponsor's 20+ patrol vessels. Coast Guard and local authority patrol vessels will also be on scene to help control this event. The Coast Guard will issue a safety voice broadcast to notify boaters of this event. The Coast Guard recommends that all vessels transiting the Sound use extreme caution and pass to the south of the regulated area. In order to provide for the safety of life and property on navigable waters, the Coast Guard will regulate the movement of vessels in this area during this event.

**List of Subjects in 33 CFR Part 100**

Marine safety, Navigation (water).

**Regulations**

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

1. The authority citation for Part 100 continues to read as follows:

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

**PART 100—[AMENDED]**

2. Part 100 is amended by adding a temporary § 100.35–317 to read as follows:

**§ 100.35–317 Gateway Powerboat Regatta, Long Island Sound.**

(a) *Regulated Area:* Long Island Sound, off Greenwich, Connecticut in the rectangular area described by the following points:

Latitude: 40 degrees, 56 minutes, 33 seconds North
Longitude: 73 degrees, 37 minutes, 48 seconds West
Latitude: 40 degrees, 58 minutes, 08 seconds North
Longitude: 73 degrees, 32 minutes, 50 seconds West
Latitude: 40 degrees, 59 minutes, 45 seconds North
Longitude: 73 degrees, 33 minutes, 28 seconds West
Latitude: 40 degrees, 57 minutes, 35 seconds North
Longitude: 73 degrees, 38 minutes, 00 seconds West

(b) *Effective Period:* This regulation will be effective from 11:00 a.m. to 2:30 p.m. on August 3, 1985.

(c) *Special Local Regulations:*

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

(2) The regulated area is closed to all spectators during the effective period.

(3) Race participants shall not exceed 20 mph when transiting between race headquarters and the regulated area.

(4) All spectator vessels shall remain at least 50 yards from the participants when they are transiting to or from the regulated area and the race headquarters.

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

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

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

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

(iii) $250 for any other person.

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

Dated: July 18, 1985.

**P. A. Yost,**

*Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.*

[FR Doc. 85–17899 Filed 7–26–85; 8:45 am]

BILLING CODE 4910-14-M

---

**33 CFR Part 100**

**[CGD3 85–31]**

## REGATTA: National Sweepstakes Regatta, Redbank, NJ

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** Special Local Regulations are being adopted for the National Sweepstakes Reggata. The purpose of this regulation is to provide for the safety of participants and spectators on navigable waters during the event.

**EFFECTIVE DATE:** This regulation becomes effective on August 17, 1985.

**FOR FURTHER INFORMATION CONTACT:** Mary J. Robinson, (212) 668–7974.

**SUPPLEMENTARY INFORMATION:** On June 13, 1985, the Coast Guard published a notice of proposed rule making in the **Federal Register**. for this regulation (50 FR 24783). Interested persons were requested to submit comments, and no comments were received. The regulation is being made effective in less than 30 days from the date of publication. There was no sufficient time remaining in advance of the event to provide for a delayed effective date.

### Drafting Information

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

### Discussion of Regulations

The annual National Sweepstakes Regatta is a powerboat race event to be held on the Navesink River. The event is sponsored by the National Sweepstakes Regatta Association of Red Bank, N.J. This two day event is traditionally held each year on the third weekend (Saturday and Sunday) in August. Because of the annual nature of this event, the Coast Guard has decided to promulgate a permanent amendment to Part 100 of Title 33, Code of Federal Regulations. Each year the Coast Guard will provide the public full and adequate notice of this annual powerboat race by publication in the Third District Local Notice to Mariners. It is sanctioned by the American Powerboat Association and is well known to the boaters and residents of this area. The race track oval will be approximately 1.25 miles in length. Races will be held on both days on a section of the Navesink River just east of the N.J. Route 35 Bridge. Race heats will run both days from approximately 10:00 a.m. to 6:00 p.m. with up to 100 inboard/hydroplane powerboats participating each day. The sponsor will place several temporary buoys on the river to mark both the race course and spectator areas. There will be 2 race committee boats anchored within the oval course, one on each end with turn judges and press onboard. The U.S. Coast Guard will assist the sponsor and local authorities in providing a safety patrol during this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement and establish spectator areas prior to and during the races. Vessels desiring to transit the area will be given an opportunity to do so several times during each day in between race heats as directed by the Coast Guard Patrol Commander.

### Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the races. This should have a favorable impact of commercial facilities providing services to the spectators. This area is used primarily by recreational boaters; any impact on commercial traffic in the area will be negligible. The Coast Guard shall ensure that the regulated area is opened periodically to allow transiting vessels to pass through without undue delay.

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

### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water)

## PART 100—[AMENDED]

**Final Regulation**

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

1. The authority citation for Part 100 continues to read as follows:

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

2. Part 100 is amended by addding § 100.307 to read as follows:

**§ 100.307 National Sweepstakes Regatta, Redbank, N.J.**

(a) *Regulated Area:* That portion of the Navesink River in Redbank, N.J. between the N.J. Route 35 Bridge and a line running across the Navesink River connecting Guyon and Lewis Points.

(b) *Effective Period:* This regulation will be effective from 8:00 a.m. to 6:00 p.m. on both August 17 and 18, 1985, and thereafter annually on the third weekend (Saturday and Sunday) in August unless otherwise specified in the Third District Local Notice to Mariners and in a **Federal Register** notice.

(c) *Special Local Regulations:*

(1) The regulated area shall be intermittently closed to all vessel traffic during the effective period, except as may be allowed by the Coast Guard Patrol Commander.

(2) No person or vessel shall enter or remain in the regulated area while it is closed unless participating in or authorized by the event sponsor or Coast Guard patrol personnel.

(3) Vessels awaiting passage through the regulated area shall be held in unmarked anchorages in the area to the east of the N.J. Route 35 Bridge and in the vicinity of Lewis Point.

(4) No transiting vessels shall be allowed out onto or across the regulated area without Coast Guard escort.

(5) All persons or vessles not registered with the sponsor as participants or not part of the regatta patrol are considered spectators. Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility in a way that will not interfere with the progress of the event. The following are established as spectator areas:

(i) Spectator vessels shall be held behind (north of ) a line of buoys provided by the sponsor running approximately west to east starting .25 mile east of the N.J. Route 35 Bridge.

(ii) A second spectator area shall be marked by a curved line of sponsor provided buoys centered on a line drawn approximately due south from Jones Point, running through Can Buoy #21. All spectator craft shall stay to the east of this string of buoys.

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

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

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

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

(iii) $250 for any other person.

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

Dated: July 18, 1985.

**P.A. Yost,**

*Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.*

[FR Doc. 85-17898 Filed 7-26-85; 8:45 am]

BILLING CODE 4910-14-M

---

## 33 CFR Parts 100 and 165

**[CGD 85-055]**

## Safety and Security Zones

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of Temporary Rules Issued.

**SUMMARY:** This document gives notice of temporary safety zones, security zones, and special local regulations. Periodically the Coast Guard must issue safety zones, security zones, and special local regulations for limited periods of time in limited areas. Safety Zones are established around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. Security zones are temporarily established in response to a risk to national security present in a particular area. Special local regulations are issued to assure the safety of participants and spectators of regattas and other marine events.

**DATES:** The following list includes safety zones, security zones, and special local regulations that were established between April 1, 1985 and June 30, 1985 and have since been terminated. Also included are several zones established earlier but inadvertently omitted from the last published list.

**ADDRESS:** The complete text of any temporary regulations may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bruce Novak, Deputy Executive Secretary, Marine Safety Council at (202) 426-1477.

**SUPPLEMENTARY INFORMATION:** The local Captain of the Port must be immediately responsive to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these regulations. Since Marine events and emergencies usually take place without advance notice or warning, timely publication of notice in the **Federal Register** is often precluded. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity. Because mariners are notified by Coast Guard officials on scene prior to enforcement action, **Federal Register** notice is not required to place the special local regulations, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary special local regulations, security zones, and safety zones. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

Non-major safety zones, special local regulations, and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period April 1, 1985 through June 30, 1985 unless otherwise indicated:

| Docket No. | Location | Type | Date |
|---|---|---|---|
| 1-85-IR | Marina Bay, MA | Safety Zone | June 29, 1985. |
| COTP Rhode Island—85-03 | Rhode Island Sound | do | May 17, 1985. |
| COTP Rhode Island—85-02 | Rhode Island Sound | do | Apr. 17, 1985. |
| COTP Rhode Island—85-T04 | Rhode Island Sound | do | June 17, 1985. |
| COTP St. Louis, MO—85-01 | Illinois River, Mile 0 and 231 | do | Mar. 29, 1985. |
| 2-85-13 | Tennessee River, Mile 463.5 to 464.4 | Special Local Regulation | June 23, 1985. |
| COTP Nashville, TN—85-01 | Tennessee River, Mile 255 to 256.5 | Safety Zone | June 29, 1985. |
| 2-85-10 | Illinois River, Mile 71.5 to 72.5 | Special Local Regulation | June 9, 1985. |
| COTP Louisville, KY—85-04 | Green River, Mile 20 to 30 | Safety Zone | May 2, 1985. |
| COTP Louisville, KY—85-03 | Green River, Mile 31 to 35.5 | do | May 2, 1985. |
| COTP Memphis, TN—85-02 | Arkansas River, Mile 69 to 71 | do | May 19, 1985. |
| COTP Memphis, TN—85-04 | Mississippi River, Mile 734.7 to 737.7 | do | June 2, 1985. |
| COTP Memphis, TN—85-03 | Arkansas River, Mile 137 to 139 | do | Apr. 23, 1985. |
| 2-85-19 | Ohio River, Mile 88.3 to 90.5 | Special Local Regulation | July 14, 1985. |
| 2-85-11 | Illinois Waterway, Mile 162.3 to 162.7 | do | June 15, 1985. |
| 3-85-44 | Long Island, NY | Safety Zone | June 18, 1985. |
| 3-85-45 | Liberty Island, NY | do | June 26, 1985. |
| 3-85-43 | Liberty Island, NY | do | June 22, 1985. |
| 3-85-30 | East River, NY | do | June 15, 1985. |
| 3-85-39 | Newtown Creek, NY | do | June 11, 1985. |
| 3-85-39 | Lower East River, NY | do | June 17, 1985. |
| 3-85-30 | East River, NY | do | June 15, 1985. |
| 3-85-32 | Burlington, VT | do | May 26, 1985. |
| 3-85-25 | Manasquan Inlet, NJ | do | May 10, 1985. |
| 3-85-22 | Riverhead, Long Island, NY | do | May 2, 1985. |
| 3-85-13 | Lower East River, NY | do | May 6, 1985. |
| 3-85-11 | Riverhead, Long Island, NY | do | Apr. 5, 1985. |
| COTP Baltimore, MD—85-07 | Baltimore, MD | Security Zone | June 14, 1985. |
| COTP Baltimore, MD—85-05 | Annapolis, MD | Safety Zone | May 19, 1985. |
| COTP Wilmington, NC—85-04 | Southport, NC to Wilmington, NC | do | May 12, 1985. |
| COTP Hampton Roads, VA—85-07 | Cape Henry, VA | do | May 2, 1985. |
| COTP Hampton Roads, VA—85-05 | Hampton Roads, VA | do | Apr. 27, 1985. |
| COTP Hampton Roads, VA—85-08 | Cape Henry, VA | do | May 2, 1985. |
| COTP Hampton Roads, VA—85-09 | do | do | May 3, 1985. |
| COTP Hampton Roads, VA—85-10 | do | do | May 3, 1985. |
| COTP Baltimore, MD—85-04 | Salisbury, MD | do | May 4, 1985. |
| COTP Hampton Roads, VA—85-02 | Norfolk, VA | do | Apr. 20, 1985. |
| COTP Hampton Roads, VA—85-03 | do | do | Apr. 21, 1985. |
| COTP Hampton Roads, VA—85-04 | Hampton Roads, VA | do | Apr. 21, 1985. |
| COTP Louisville, KY—85-02 | Ohio River, Mile 560.3 | do | Apr. 5, 1985. |
| COTP Louisville, KY—85-05 | Ohio River, Mile 603 to 604.3 | do | June 30, 1985. |
| COTP Louisville, KY—85-06 | Ohio River, Mile 602 to 604.3 | do | June 29, 1985. |
| COTP Louisville, KY—85-07 | Ohio River, Mile 792 to 793 | do | June 30, 1985. |
| COTP Huntington, WV—85-01 | Great Kanawha River, Mile 57.9 to 58.9 | do | June 10, 1985. |
| COTP Hampton Roads, VA—85-01 | Norfolk, VA | do | Apr. 4, 1985. |
| COTP Wilmington, NC—85-03 | New Born, NC | do | June 22, 1985. |
| COTP Baltimore, MD—85-03 | Baltimore, MD | do | Apr. 20, 1985. |
| 7-85-27 | Boca Raton, FL | Special Local Regulation | June 23, 1985. |
| COTP Jacksonville, FL—85-19 | Jacksonville, FL | Safety Zone | May 11, 1985. |
| COTP San Juan, PR—85-17 | San Juan, PR | do | May 10, 1985. |
| COTP Jacksonville, FL—85-21 | Jacksonville, FL | do | May 10, 1985. |
| COTP Jacksonville, FL—85-18 | do | do | May 7, 1985. |
| COTP Jacksonville, FL—85-20 | do | do | May 10, 1985. |
| 7-85-16 | Key West, FL | do | Apr. 20, 1985. |
| COTP New Orleans, LA—85-13 | Barataria Waterway | do | Apr. 2, 1985. |
| COTP New Orleans, LA—85-09 | Tiger Pass Light 16 | do | Feb. 6, 1985. |
| COTP New Orleans, LA—85-12 | Gulf Intracoastal Waterway | do | May 13, 1985. |
| COTP New Orleans, LA—85-10 | Gulf Intracoastal Waterway, Mile 89.5 | do | Apr. 6, 1985. |
| COTP New Orleans, LA—85-11 | Mississippi River, Mile 0.0 | do | Apr. 17, 1985. |
| COTP Mobile, AL—85-07 | Biloxi, MS | do | May 18, 1985. |
| COTP Port Arthur, TX—85-04 | Mermentau River | do | May 16, 1985. |
| COTP Port Arthur, TX—85-03 | Beaumont, TX | Security Zone | May 1, 1985. |
| COTP New Orleans, LA—85-08 | Gulf Intracoastal Waterway, Mile 35 | Safety Zone | Mar. 6, 1985. |
| COTP New Orleans, LA—85-07 | Mile 9 Algiers Alternate Route (ICW) | do | Feb. 26, 1985. |
| COTP New Orleans, LA—85-06 | Harvey Locks, Mile 35 (ICW) | do | Feb. 19, 1985. |
| COTP Mobile, AL—85-02 | Panama City Safety Fairway | do | Mar. 12, 1985. |
| COTP Mobile, AL—85-03 | Ft. Walton Beach, FL | do | Mar. 18, 1985. |
| COTP Mobile, AL—85-04 | do | do | Mar. 26, 1985. |
| COTP Port Arthur, TX—85-02 | Beaumont, TX | Security Zone | Mar. 10, 1985. |
| 9-85-04 | Maumee River | Special Local Regulation | May 25, 1985. |
| COTP San Diego, CA—85-09 | San Diego Bay, CA | Security Zone | June 13, 1985. |
| COTP LA/LB—85-07 | Los Angeles Harbor | Safety Zone | May 27, 1985. |
| 11-85-09 | Parker, AZ | Special Local Regulation | June 22, 1985. |
| COTP San Diego, CA—85-08 | San Diego Bay & Coronado Roads, CA | Security Zone | June 14, 1985. |
| COTP LA/LB—85-06 | Los Angeles/Long Beach Harbor | do | Apr. 10, 1985. |
| 11-85-04 | Laughlin, NV | Special Local Regulation | May 4, 1985. |
| 11-85-01 | Newport, CA | do | Apr. 27, 1985. |
| COTP San Diego, CA—85-07 | San Diego Bay, CA | Security Zone | Apr. 15, 1985. |
| COTP San Francisco, CA—85-01 | San Francisco Bay | Safety Zone | May 28, 1985. |
| COTP Portland, OR—85-01 | Colombia River | do | May 29, 1985. |
| 13-85-11 | Seattle, WA | Special Local Regulation | May 18, 1985. |

Dated: July 24, 1985.

**C.M. Holland,**

*Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.*

[FR Doc. 85-17897 Filed 7-26-85; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[Region II Docket No. 54 A-2-FRL-2870-4]

### Designation of Areas for Air Quality Planning Purposes; Revision to Section 107 Attainment Status Designations for New York State

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This notice announces the Environmental Protection Agency's approval of a request from New York State to revise the air quality designation of the Town of Waterford in the Hudson Valley Air Quality Control Region from "does not meet national standards" to "better than national standards" with regard to the carbon monoxide national ambient air quality standards. Such designations are required by section 107(d) of the Clean Air Act and may be revised at the request of a state. This action will mean that air quality in all of New York State, except the New York City Metropolitan Area, and a small protion of Syracuse, will be designated as being "better than" the carbon monoxide standards.

**EFFECTIVE DATE:** This action becomes effective July 29, 1985.

**ADDRESSES:** Copies of the proposal submitted by New York State are available for public inspection during normal business hours at the following addresses:

Environmental Protection Agency, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York, 12233

**FOR FURTHER INFORMATION CONTACT:** William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

**SUPPLEMENTARY INFORMATION:** Section 107(d) of the Clean Air Act directed each state to submit to the Administrator of the Environmental Protection Agency (EPA) a list of national ambient air quality standard attainment status designations for all areas within the state. EPA received such designations from the states and promulgated them on March 3, 1978 (43 FR 8962). As authorized by the Clean Air Act, these designations have been revised from time to time at a state's request.

On August 13, 1984, the New York State Department of Environmental Conservation submitted a request to revise the air quality designation of the Town of Waterford in the Hudson Valley Air Quality Control Region from "does not meet national standards" to "better than national standards" with regard to attainment of the carbon monoxide national ambient air quality standards.

In the February 25, 1985 issue of the **Federal Register** (50 FR 7620) EPA advised the public that, based on its review of the technical material submitted by the State, it was proposing to approve the requested redesignation. The reader is referred to this February 25, 1985 notice for a detailed description of the State's submittal and EPA's criteria for review. No comments were received by EPA during its comment period, which ended on March 27, 1985.

EPA is today approving the redesignation request submitted by New York State. The request has been found to meet the requirements of sections 107 and 301 of the Clean Air Act and applicable EPA guidelines.

Today's action is being made effective immediately because a redesignation to attainment imposes no new or additional regulatory requirements and delay would serve no useful purpose.

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

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

### List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: July 22, 1985.

**Lee M. Thomas,**

*Administrator, Environmental Protection Agency.*

### PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Title 40, Chapter I, Subchapter C, Part 81, Code of Federal Regulations is amended as follows:

### Subpart C—Section 107 Attainment Status Designations

1. The authority citation for Part 81 is revised to read as set forth below and the authority citations following all the sections in Part 81 are removed:

Authority: 42 U.S.C. 7401-7642.

2. Section 81.333 is amended by revising the carbon monoxide attainment status designation table as folows:

In the table labeled "New York—CO" revise the entire entry for the Hudson Valley AQCR as follows:

NEW YORK—CO

| Designated area | Does not meet primary standards | Cannot be classified or better than national standards |
|---|---|---|
| * * * * * | | |
| Hudson Valley AQCR | | X |
| * * * * * | | |

[FR Doc. 85-17876 Filed 7-26-85; 8:45 am]

BILLING CODE 6560-50-M

### 40 CFR Part 81

[A-3-FRL-2870-6]

### Designation of Areas for Air Quality Planning Purposes; Commonwealth of Pennsylvania; Section 107 Redesignation

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA is today announcing the approval of a request from the Commonwealth of Pennsylvania to redesignate Allegheny County from "Cannot Be Classified" to a "Better than National Standards" status with respect to the National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide ($NO_2$). This change is based upon eight consecutive quarters of air quality monitoring data showing attainment.

**EFFECTIVE DATE:** This rule will become effective August 28, 1985.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Programs Branch, 841 Chestnut Building, Philadelphia, PA 19107, Attn: Denis M. Lohman

Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, 18th Floor Fulton Building, Harrisburg, PA 17120, Attn: Gary L. Triplett

Allegheny County Health Department, Bureau of Air Pollution Control, 301 Thirty-ninth Street, Pittsburgh, PA 15201, Attn: Roger C. Westman

**FOR FURTHER INFORMATION CONTACT:** Denis Lohman (3AM11) at the EPA, Region III address above or telephone (215) 597–8375.

**SUPPLEMENTARY INFORMATION:** Under section 107(d) of the Clean Air Act, the Administrator of EPA has promulgated the NAAQS attainment status for all areas within each state (see, 43 FR 8962 (March 3, 1978)). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

**Background**

Allegheny County is presently designated as "Cannot Be Classified" for $NO_2$. This designation was promulgated because there were no $NO_2$ monitors in the County upon which an attainment designation could be based. The Allegheny County Bureau of Air Pollution Control (BAPC) installed and operated two monitors at locations approved by EPA. One location (Downtown) selected was the central business district of Pittsburgh. The second location (Lawrenceville) was an area of mixed residential, commercial and industrial character outside of and downwind of the central business district.

By the end of the third quarter of 1984 eight consecutive quarters of data, meeting the EPA completeness criteria, had been collected at Lawrenceville. At the Downtown site the latest five quarters of data met the completeness criteria. The remaining data were slightly less complete than required. The data at both sites were consistent with all quarterly averages were well below the NAAQS for $NO_2$.

On December 24, 1984, the Pennsylvania Department of Environmental Resources submitted a request to redesignate Allegheny County to "Better Than National Standards" with respect to $NO_2$. Also submitted for consideration was the fact that emissions of nitrogen oxides, from mobile sources, were expected to decrease with implementation of the Federal Motor Vehicle Control Program. In addition, there were no known plans for expansion or construction of major $NO_2$ emission sources.

EPA, on March 28, 1985, published a Proposed Rulemaking Notice at 50 FR 12341 approving the redesignation request and soliciting public comment. No comment for or against the proposed redesignation have been received.

**Conclusion**

EPA has determined that the requirements for redesignation under section 107 have been satisfied. Therefore, EPA is today approving Pennsylvania's request to redesignate Allegheny County to "Better Than National Standards" status for $NO_2$ (40 CFR 81.339). All other section 107 redesignations for the Commonwealth of Pennsylvania remain intact.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

**List of Subjects in 40 CFR Part 81**

Air pollution control, National parks, Wilderness areas, Intergovernmental relations.

**Authority:** See 107, Clean Air Act (42 U.S.C. 7407).

Dated: July 22, 1985.

**Lee M. Thomas,**

*Administrator.*

[FR Doc. 85–17877 Filed 7–26–85; 8:45 am]

BILLING CODE 6560-50-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 101–41

**[FPMR Amdt. G-73]**

### Transportation Documentation and Audit: Revision of Government Bill of Lading Forms

**AGENCY:** Office of the Comptroller, GSA.

**ACTION:** Final rule.

**SUMMARY:** This rulemaking adopts changes to the U.S. Government Bill of Lading (GBL). Three changes are made to Standard Form (SF) 1103, two changes to SF 1109, and one change is made to SF 1203.

Regarding the revised content and format of SF 1103 and SF 1109, there have been many changes in transportation practices and data collection procedures since thes forms were last revised (March 1977). The new GBL eliminates obsolete information blocks, adds new information blocks, and revises format to provide Federal agencies with a form which will be more useful both as a transportation document and as a computer source document.

Regarding the changed sequence of Memorandum Copies in the GBL set and SF 1109 set, fiscal and administrative officers have informed the General Services Administration (GSA) that memorandum copies (SF 1103–A and SF 1109–A) are illegible and unsuitable for photo copying and microfilming. One copy of SF 1103–A and SF 1109–A have been moved to the third position, to permit clearer copies that will yield more legible photo copies and microfilm images.

Regarding the Revised Terms and Conditions section of SF 1103 and SF 1203, the Terms and Conditions section of SF 1103 and SF 1203 are amended by adding a statement that interest on overcharges will accrue from the voucher payment date.

**EFFECTIVE DATE:** July 29, 1985.

**FOR FURTHER INFORMATION CONTACT:** John W. Sandfort, Chief, Regulations, Procedures and Review Branch, Office of Transportation Audits, (202) 786–3014 or (FTS) 786–3014.

**SUPPLEMENTARY INFORMATION:**

**Background**

A Notice of Proposed Rulemaking (NPRM) to change the content and format of SF 1103, SF 1109, and SF 1131 was published in the **Federal Register** (FR) of August 24, 1981 (46 FR 42686). Subsequent to that date, GSA proposed cancelling SF 1131 because of low usage by Federal agencies. A NPRM was published on October 13, 1983 (48 FR 46554), and absent negative comments, a final rule was published on April 10, 1984 (49 FR 14105), cancelling SF 1131 effective the same date. A NPRM to change the order of forms in the GBL set by moving the last SF 1103–A, Memorandum Copy, to the third position in the set was pubished on April 22, 1983 (48 FR 17360). SF 1109 is a continuation form (§ 101–41.302–2(d)), used for listing information when there is no room left on the SF 1103. It was inadvertently omitted from the NPRM and is included in this regulation change.

A NPRM to amend the Terms and Conditions section of SF 1103 by adding

a statement that interest on overcharges will accrue from the voucher payment date was published on April 10, 1984 (49 FR 14147). The NPRM did not mention SF 1203 which is often substituted for the SF 1103 in the movement of privately owned personal property. It, too, has been included in this regulation change.

Amendment G–68 to 41 CFR 101–41 cancelled SF 1172, Certificate in Lieu of Lost U.S. Government Transportation Request in Section 101–41.202. This amendment deletes an SF 1172 listing which had been inadvertently retained.

The General Services Administration has determined that this rule is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Discussion of Major Comments. The following summarizes major comments, suggestions, and our determinations and actions taken.

Four responses were received from Federal agencies, and one response was received from a carriers' association concerning the NPRM changing the format of SF 1103. One agency response asked that the GBL be revised to permit consignees to certify carrier performance of special services. Both the current and proposed SF 1103's already instruct the carrier to annotate if special services are ordered and not performed. In addition, carrier self certification of delivery, a practice which has been in effect for many years, removes the consignee from the certification process. This, in our opinion, makes the suggester's proposal impractical, and it has not been adopted. Another agency response asked that several terms used on the front of the GBL be defined on the back of that form. Because of limited space on the GBL, we will publish these definitions in an updated instruction manual after this final rule becomes effective. A third agency response asked that we change the caption of block 26B from "PER" to "PCS" because carriers sometimes use this block to indicate the number of pieces in a shipment instead of entering the carrier agent's initials (block 26B's intended purpose). Since the agent's initials are useful in establishing legal custody of the shipment, this suggestion has not been adopted. The fourth response from Federal agencies suggested enlarging various data blocks to accommodate more information. We have adopted this suggestion. The carriers' association proposed numerous changes to the size and location of data blocks. We have adopted all of the carriers' association's proposed changes except for those concerning blocks 22, 23, and 24. The association asked that these three blocks be kept in the same location as on the current GBL so as not to confuse carrier employees familiar with the standard layout of current GBL's and commercial bills. GSA has resdesigned the GBL so that transportation management data can be processed by Government agencies in a more orderly and efficient manner. The layout of information on the proposed GBL corresponds to the order in which that information is to be entered into DOD's automated data management system. For that reason, DOD (the largest user of GBL's) opposes moving blocks 22, 23, and 24 back to their original location. DOD believes carrier employees will adapt to the new GBL format without causing any significant delays or misroutings of Government shipments. We believe there will be sufficient time between adoption of this rule and the printing and distribution of the revised SF 1103 for carriers to train their employees on how to handle the revised GBL, and that relocating the three blocks in question to their former positions is not in the best interest of the Government.

No responses were received to that portion of our NPRM changing the format of SF 1109, and we are adopting that change as proposed.

We received no responses to our NPRM changing the sequence of Memorandum Copies in SF 1103. We are adopting that change as proposed and are making a similar change to SF 1109.

We received five timely comments to our NPRM adding interest assessment provisions to the Terms and Conditions section of SF 1103/1203: three carriers' associations (associations), one household goods carrier (carrier), and one Federal agency..

One association objected to GSA assessing interest on overcharges, arguing that the Debt Collection Act of 1982 (the Act), Pub. L. 97–365, *et seq.*, provides for a waiver of interest payment if the claim is paid by the debtor within (30) days after the date from which interest accrues (Paragraph 5 of Section 11 of the Act). All three associations questioned the propriety of assessing interest from the voucher payment date. They contended that GSA has misapplied the Act by assessing interest from the voucher payment date instead of the date of the notice of overcharge (claim) is mailed to the carrier (Paragraph 5 of Section 11 of the Act (96 Stat. 1755–56), (31 U.S.C. 3717(b)(2)). GSA's position is that under the contract terms of the revised GBL form, as provided in accordance with Paragraph 3 of Section 11 of the Act, the contract terms of the revised GBL form and not Paragraph 5 of Section 11 of the Act will apply as to interest on overcharges on transportation services whenever the revised GBL form is used. However, the provisions of Paragraph 5 of Section 11 will apply when the old GBL form is used. Since the GBL, as revised in this rulemaking, explicitly fixes assessment of interest charges, it is specifically excepted from the interest and penalty provisions of the Act. See 31 U.S.C. 3717(g)(1).

One association further alleged that our proposal exceeds GSA's identified statutory authority under the terms of Administrative Procedure Act (5 U.S.C. 553), does not comply with the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), and does not establish which interest rate published by the Secretary of the Treasury will apply. GSA believes this rulemaking is clearly within its identified statutory authority and that arguments to the contrary, based on the Administrative Procedure Act (5 U.S.C. 553), have no merit because of the exemption for government contract matters in that Act (5 U.S.C. 553(a)(2)). Similarly this rulemaking is exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 603 (a)) since its applicability is subject to the contract exception provisions of 5 U.S.C. 553(a)(2).

A question may exist as to when interest accrues under the Terms and Conditions statement specified in our NPRM. To make the interst dates specific, we have revised the statement by adding:

> Interest shall accrue from the voucher payment date on overcharges made hereunder and shall be paid at the same rate *in effect on that date as* published by the Secretary of the Treasury pursuant to the Debt Collection Act of 1982.

Two associations argued that a combination of interest from voucher payment date plus GSA's backlog of unaudited documents would work an economic hardship on the transportation industry. Normal commercial business practices permit disbursing offices to examine and amend bills before

payment, reducing the probability of post payment claims. However, section 322 of the Transportation Act of 1940, as amended, 31 U.S.C. 3726, requires Government finance offices to pay bills for the transportation of persons or property upon presentation and prior to audit or settlement. This unique provision enables carriers to receive immediate payment for transportation services. Therefore, the delay in auditing, cited by the associations as an argument against assessing interest from voucher payment date, presently works in the carrier's favor by permitting them the use of amounts collected through overcharges without financial penalty, from the voucher payment date, until such time as the Government presents a claim.

The household goods carrier recommended that refunds (negative currency adjustments) not be subject to interest assessment until 90 days after the effective date of applicable tariff charges. This, it was argued, would allow carriers time to receive currency adjusted tariffs issued by the Government and post audit billing documents. The carrier also asked that reweigh and negative currency adjustments recognized by the carrier in supplemental billings or payments not be subject to interest charges. The carrier's concern that it be assessed interest on the adjusted amount rather than the original amount billed is beyond the scope of this rulemaking. GSA matches supplemental bills with original paid bills during its audit and bases its overcharge claims on the adjusted amounts. Any questions the carrier may have on specific overcharges will be handled directly with the carrier, separate from this rulemaking. Finally, the carrier expressed the opinion that any funds withheld based upon erroneous set-off action taken by the Government against a carrier should be returned to the carrier with interest. Consideration of that suggestion is beyond the scope of this rulemaking. There is no provision of law which permits payment of interest under such circumstances.

The Federal agency, in endorsing the proposed rulemaking, noted that the rule would protect the Government from situations where, as a result of overcharges, carriers have free use of the Government's money for considerable periods of time.

*Exception to regulations.* 41 CFR 101–11.806 states that any exception or deviation granted to a Standard Form is voided when that Standard Form is revised. Therefore, agencies that have been granted an exception to deviate from the regulations pertaining to SF 1103 (Revised 3–77), SF 1109 (Revised 3–77), and SF 1203 (7–79) must refile for an exception with GSA (BWC), if they wish to continue their exception with these new revisions of SF 1103, SF 1109, and SF 1203.

**List of Subjects in 41 CFR Part 101–41**

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Moving of household goods, Railroads, Transportation.

Title 41, Part 101–41 of the Code of Federal Regulations is amended as follows:

## PART 101–41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority citation for Part 101–41 continues to read as follows:

**Authority:** 31 U.S.C. 3726, and 40 U.S.C. 486(c).

2. The table of contents for Part 101–41 is amended by revising the entries for §§ 101–41.302–2 and 101–41.302–5 as follows:

Sec.



### Subpart 101–41.2—Passenger Transportation Services Furnished for the Account of the United States.

3. Section 101–41.202 is amended by revising the introductory and paragraph and removing paragraph (h) as follows:

**§ 101–41.202 Standard Forms related to passenger transportation.**

The Standard Forms listed in paragraphs (a) through (g) of this section are prescribed for use in connection with the procurement of passenger transportation services for the account of the United States.

* * * * *

### Subpart 101–41.3—Freight Transportation Services Furnished for the Account of the United States

4. Section 101–41.302–2 is revised as follows:

**§ 101–41.302–2 Description and distribution of Government bills of lading.**

(a) The U.S. Government bill of lading (GBL) consists of six basic forms and is available in sets of seven or nine parts, depending on the number of memorandum copies needed. The sets are carbon-interleaved for simultaneous preparation. The GBL set is arranged in the following order.

(1) SF 1103 (original), which refers to Subpart 101–41.3 for the terms and conditions of the contract of transportation and contains both the description of the articles comprising the shipment and the certificate of delivery is given to the carrier upon tender of shipment for use as supporting documentation with the voucher covering the transportation charges involved.

(2) SF 1104 (shipping order) is retained by the carrier's agent at the shipping point.

(3) SF 1103–A (memorandum copy) for use by the shipper for fiscal or administrative purposes.

(4) SF 1105 (freight waybill (original)) accompanies the shipment or is otherwise sent to destination in compliance with origin carrier's instructions. It also serves as the substitute billing document when the original GBL is lost.

(5) SF 1106 (freight waybill (carrier's copy)) is for disposition by the carrier.

(6) SF 1103–A (memorandum copy), of which there are two or four copies, is for use by the shipper for fiscal and administrative purposes.

(7) SF 1103–B (memorandum copy-consignee) is sent to the consignee immediately after surrender of the original to the initial carrier.

(b) [Reserved]

(c) The U.S. Government bill of lading, privately owned personal property, is a nine-part form available in either snapout or computer pinfeed formats. This set (SF 1203 through SF 1206) is arranged in the same order as the GBL set, except that the first of the SF 1203–A's (memorandum copies) is in the fifth position rather than the third position of the set. Distribution of the individual parts of SF 1203 is the same as that for SF 1103, except for the memorandum copy-consignee (property owner) which is furnished to the consignee (property owner) by the origin carrier or its agent at the time of pickup of the shipment.

(d) The GBL continuation sheets (SF 1109 through 1112) are also available in seven- or nine-part sets and are arranged in order corresponding to the GBL sets. The continuation sheets are for use with the regular GBL and the personal property GBL.

(e) Separate sheets of the memorandum copy (SF 1203–A) are available to Government agencies for addition to the nine-part SF 1203 set.

5. Section 101–41.302–4 is amended by revising paragraph (c)(1) as follows:

**§ 101-41.302-4 General instructions for the preparation of GBL's and common problem areas.**

* * * * *

(c) *Common problem areas.* (1) The "For Use of Billing Carrier Only" section is reserved for recording certain data by the accounting officer of the billing carrier and must not be covered by marks or writing by others handling the GBL. This boxed section on the memorandum copies of the GBL form is available to the issuing officer for showing estimated transportation charges and such accounting classifications as may be required.

* * * * *

6. Section 101-41.302-5 is revised as follows:

**§ 101-41.302-5 Pickup and delivery services.**

(a) Pertinent sections on the GBL indicating that the carrier furnished pickup service at origin shall be completed and initialed by the shipper or shipper's agent. In certain instances the tariff covering this service provides charges that are in addition to the line-haul rate or charges.

(b) When a shipper or consignee so requests and if the carrier furnishes delivery service at destination in connection with a less-than-carload or an any-quantity rail shipment or on shipments by other modes of transportation, the carrier shall check the appropriate box in the "Certificate of Carrier Billing" section on the GBL.

7. Section 101-41.302-6 is amended by revising paragraph (a) as follows:

**§ 101-41.302-6 Special services.**

(a) Additional information or facts necessary to support higher charges resulting from accessorial or special services ordered and furnished incident to the line-haul transportation shall be inscribed on the face of the GBL in the section designated "Marks and Annotations" or on the reverse side of the GBL beneath the caption "Special Services Ordered." The inscription shall contain the name of the carrier upon whom the request was made and the kind and scope of services ordered and shall be signed by or for the person ordering the services. If such an inscription is impractical, a statement containing the information and bearing the number of the covering GBL and signed by or for the person who ordered the services will be acceptable.

* * * * *

8. Section 101-41.303-2 is amended by revising paragraph (a)(1) and (a)(2) as follows:

**§ 101-41.303-2 Conversion of commercial bills of lading.**

(a) * * *

(1) When the origin carrier requires the original commercial document, the shipper shall surrender it to the initial carrier's agent for his certification as follows:

INITIAL CARRIER'S AGENT, BY SIGNATURE BELOW, CERTIFIES THAT HE RECEIVED THE ORIGINAL OF THIS DOCUMENT

The certification shall be written on the original and all copies of the commercial bill of lading or commercial express receipt, and a memorandum copy thereof shall be returned to the shipper for forwarding to the authorizing agency. The authorizing agency receiving the properly certified memorandum copy of the commercial bill of lading or commercial express receipt shall issue or cause to be issued a GBL, forward the GBL promptly to the origin carrier for transmittal to the billing carrier, and retain the memorandum copy of the commercial document. The billing carrier, having received both the original commercial document and the GBL from the origin carrier, shall execute the "Certificate of Carrier Billing" on the GBL, cross-reference both original documents, securely attach them together, and use the documents to support its billing.

(2) When the origin carrier does not require the original commercial document, the shipper shall obtain the signature of the origin carrier's agent on the original and all copies and immediately forward the original to the agency that authorized the shipment. The authorizing agency shall issue or cause to be issued a GBL for the shipment involved. The original commercial document and the issued GBL, properly cross-referenced and securely attached together, shall then be forwarded to the origin carrier for transmittal to the billing carrier for execution of the "Certificate of Carrier Billing" and preparation of the SF 1113.

* * * * *

9. Section 101-41.305-3 is revised to read as follows:

**§ 101-41.305-3 GBL's covering free or surrendered transit.**

A GBL covering free or surrendered transit is issued for use with an outbound shipment from the transit installation where the line-haul charge to the transit installation equals or exceeds the through transportation charge plus the transit charge. After completing the "Certificate of Carrier Billing" section of the GBL covering free transit, the billing carrier shall attach the GBL to an SF 1113 bearing the carrier's bill number and submit both forms to the paying office of the agency concerned with a check for any amount due the United States.

10. Section 101-41.306 is amended by revising paragraphs (a) and (c) as follows:

**§ 101-41.306 Disposition of GBL forms upon delivery of property to carrier for shipment.**

(a) The shipper (issuing officer or contractor) shall surrender the original GBL, shipping order, freight waybill (original), freight waybill (carrier's copy), and comparable copies from continuation sheets, if any, to the initial carrier's agent at the time the shipment is tendered. The carrier's agent shall acknowledge receipt of the shipment and of the original GBL and copies by inserting in the designated spaces on the lower left side of the original GBL and on all copies of the GBL the pickup date and his signature. The initials of the agent's representative shall be entered under the "Per" heading if appropriate.

* * * * *

(c) On local or single-line movements, the carrier shall retain the original GBL for use as support for billing of charges after properly executing the "Certificate of Carrier Billing." On interline or intermodal movements, except those falling under the procedures in § 101-41.312, the origin and the interline carriers shall transmit the original GBL to the last line-haul carrier authorized to bill the charges for execution of the "Certificate of Carrier Billing" on the basis of the delivery documents and for billing of the charges. Carriers must not delay movement or delivery of Government shipments because they have not received the original GBL from the origin or interline carriers.

11. Sections 101-41.307-1 and 101-41.307-2 are revised as follows:

**§ 101-41.307-1 Substitute document.**

When the original GBL (SF 1103) or original personal property GBL (SF 1203) is lost or destroyed, the billing carrier must use the freight waybill (original) (SF 1105 or SF 1205), properly certified by the carrier, as a substitute document for billing charges. Execution of the "Certification of Carrier Billing" on the substitute document is not required for charges billed under the exception procedures in § 101-41.312.

**§ 101-41.307-2 Certification of substitute document.**

The billing carrier shall enter on the reverse side of the substitute document a properly executed certificate of delivery showing all information required in the "Certificate of Carrier

Billing" section on the face of SF 1103 or SF 1203.

12. Section 101–41.313–1 is amended by revising paragraph (a) as follows:

**§ 101–41.313–1 GBL forms.**

(a) Agencies may obtain supplies of the individual snapout GBL sets by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office providing support to the requesting activity. Agencies having facilities for computer preparation of GBL's may order them in continous fanfold format with pinfeed strips attached to the sides, but such forms must conform to all other specifications on the GBL, including overall size, wording, arrangement, color, construction, and grade of paper. Minor adjustments in spacing to accommodate differences in alignment of computer line printing are permissible, but all copies in the GBL sets must register from part to part. Agency orders for continuous fanfold GBL's shall be executed and processed in accordance with § 101–26.302 of this chapter. The National Capital Region, regional office of Federal Supply and Services, Supply Division (WFSI) Washington, D.C. 20407 of GSA maintains records of the serial numbers of all GBL and personal property GBL sets furnished and the names and mailing addresses of the receiving agencies.

* * * * *

13. Section 101–41.401 is amended by revising paragraph (d)(1) as follows:

**§ 101–41.401 Payment upon presentation of bills.**

* * * * *

(d) * * *

(1) For freight transportation (other than that excepted under § 101–41.312 of this part), the "Certificate of Carrier Billing" on the GBL has been properly executed by the carrier; and

* * * * *

14. Sections 101–41.4901–1103 through 101–41.4901–1112 are revised as follows:

**§ 101–41.4901–1103 Standard Form 1103, U.S. Government Bill of Lading (Original).**

(a) Page 1 of Standard Form 1103.

(b) Page 2 of Standard Form 1103.

Note.—The form illustrated in this § 101–41.4901–1103 is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1103–A Standard Form 1103–A, U.S. Government Bill of Lading (Memorandum Copy).**

Note.—The form illustrated in this § 101–41.4901–1103–A is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1103–B Standard Form 1103–B, U.S. Government Bill of Lading (Memorandum Copy—Consignee).**

(a) Page 1 of Standard Form 1103–B.

(b) Page 2 of Standard Form 1103–B.

Note.—The form illustrated in this § 101–41.4901–1103–B is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1104 Standard Form 1104, U.S. Government Bill of Lading (Shipping Order).**

Note.—The form illustrated in this § 101–41.4901–1104 is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1105 Standard Form 1105, U.S. Government Freight Waybill (Original).**

Note.—The form illustrated in this § 101–41.4901–1105 is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1106 Standard Form 1106, U.S. Government Freight Waybill (Carrier's Copy).**

Note.—The form illustrated in this § 101–41.4901–1106, is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1109 Standard Form 1109, U.S. Government Bill of Lading Continuation Sheet (Original).**

Note.—The form illustrated in this § 101–41.4901–1109 is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1109–A Standard Form 1109–A, U.S. Government Bill of Lading Continuation Sheet (Memorandum Copy).**

Note.—The form illustrated in this § 101–41.4901–1109–A is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1109–B Standard Form 1109–B, U.S. Government Bill of Lading Continuation Sheet (Memorandum Copy-Consignee).**

Note.—The form illustrated in this § 101–41.4901–1109–B is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1110 Standard Form 1110, U.S. Government Bill of Lading Continuation Sheet (Shipping Order).**

Note.—The form illustrated in this § 101–41.4901–1110 is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1111 Standard Form 1111, U.S. Government Freight Waybill Continuation Sheet (Original).**

Note.—The form illustrated in this § 101–41.4901–1111 is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1112 Standard Form 1112, U.S. Government Freight Waybill Continuation Sheet (Carrier's Copy).**

Note.—The form illustrated in this § 101–41.4901–1112 is filed with the original document and does not appear in this volume.

15. Sections 101–41.4901–1203 through 101–41.4901–1206 are revised as follows:

**§ 101–41.4901–1203 Standard Form 1203, U.S. Government Bill of Lading—Privately Owned Personal Property (Original).**

(a) Page 1 of Standard Form 1203.

(b) Page 2 of Standard Form 1203.

Note.—The form illustrated in this § 101–41.4901–1203 is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1203–A Standard Form 1203–A, U.S. Government Bill of Lading—Privately Owned Personal Property (Memorandum Copy).**

Note.—The form illustrated in this § 101–41.4901–1203–A is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1203–B Standard Form 1203–B, U.S. Government Bill of Lading—Privately Owned Personal Property (Memorandum Copy-Consignee).**

(a) Page 1 of Standard Form 1203–B.

(b) Page 2 of Standard Form 1203–B.

Note.—The form illustrated in this § 101–41.4901–1203–B is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1204 Standard Form 1204, U.S. Government Bill of Lading—Privately Owned Personal Property (Shipping Order).**

Note.—The form illustrated in this § 101–41.4901–1204 is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1205 Standard Form 1205, U.S. Government Freight Waybill—Privately Owned Personal Property (Original).**

Note.—The form illustrated in this § 101–41.4901–1205 is filed with the original document and does not appear in this volume.

**§ 101–41.4901–1206 Standard Form 1206, U.S. Government Freight Waybill—Privately Owned Personal Property (Carrier's Copy).**

Note.—The form illustrated in this § 101–41.4901–1206 is filed with the original document and does not appear in this volume.

May 8, 1985.

**Dwight Ink,**

*Acting Administrator of General Services.*

[FR Doc. 85–17590 Filed 7–26–85; 8:45 am]

BILLING CODE 6820–AM–M

**41 CFR Part 101-41**

**[FPMR Amdt. G-74]**

## Transportation Documentation and Audit: Revision of Standard Form 1169, U.S. Government Transportation Request

**AGENCY:** Office of the Comptroller, GSA.

**ACTION:** Final rule.

**SUMMARY:** This rulemaking amends the Federal Property Management Regulations (FPMR) Part 101-41 by changing the "CONDITIONS" section on the back of the Standard Form (SF) 1169, U.S. Government Transportation Request (GTR) (Original): (1) To incorporate a reference to the Code of Federal Regulations (CFR) as part of the contract of carriage, (2) to delete the non-discrimination clause reference to "Executive Order 11375" as the amending authority and substitute "as amended," and (3) to add a provision to advise the carrier industry that interest will be assessed on overcharges issued by the Office of Transportation Audits in connection with GTR procured travel. Incorporation of the CFR reference is to make clear that the CFR governs the use of the GTR. Specific reference to Executive Order 11375 is considered unnecessary because the basic document has been amended many times and the term "as amended" is considered sufficient for legal purposes. This revision incorporates interest assessment provisions on the GTR.

**EFFECTIVE DATE:** July 29, 1985.

**FOR FURTHER INFORMATION CONTACT:** John W. Sandfort, Chief, Regulations, Procedures, and Review Branch, Office of Transportation Audits (202) 786-3014 or (FTS) 786-3014.

**SUPPLEMENTARY INFORMATION:** The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in: an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society. This amendment expressly incorporates a reference (which was previously implied) to Title 41 of the Code of Federal Regulations (CFR) on the GTR. The regulation will now become a part of the contract of carriage which results when the GTR is utilized.

### Background

A Notice of Proposed Rulemaking (NPRM) to revise the "Conditions" section of SF 1169 (GTR) was published in the **Federal Register** (FR) of April 10, 1984 (49 FR 14147).

### Discussion of Major Comments

The following summarizes major comments, suggestions, and our determination and action taken.

No comments were received concerning the incorporation of a reference to the CFR and the deletion of the reference to "Executive Order 11375."

We received three timely comments to that portion of our NPRM adding interest assessment provisions to the Terms and Conditions section of SF 1169, two from carriers' associations (associations) and one from a Federal agency.

One association objected to GSA assessing interest on overcharges, arguing that the Debt Collection Act of 1982 (the Act), 31 U.S.C. 3716, et seq., provides for a waiver of interest payment, if the claim is paid by the debtor within thirty (30) days after the date from which interest accrues (31 U.S.C. 3717(d)). Both associations questioned the propriety of assessing interest from the voucher payment date. They contended that GSA has misapplied the Act by assessing interest from the voucher payment date instead of the date the notice of overcharge (claim) is mailed to the carrier (31 U.S.C. 3717(b)(2)). GSA's position is that under the contract terms of the revised GTR form, as provided in accordance with 31 U.S.C. 3717(g)(1), the contract terms of the revised GTR form and not 31 U.S.C. 3717(d) will apply as to interest on overcharges on transportation services whenever the revised GTR form is used. However, the provisions of 31 U.S.C. 3717(d) will apply when the old GTR form is used. Since the GTR, as revised in this rulemaking, explicitly fixes assessment of interest charges, it is specifically excepted from the interest and penalty provisions of the Act. See 31 U.S.C. 3717(g)(1). One association further alleged that our proposal violates the Administrative Procedure Act (5 U.S.C. 553), and does not comply with the Regulatory Flexibility Act (5 U.S.C. 601, et seq.). GSA believes this rulemaking does not contravene the Administrative Procedure Act (5 U.S.C. 553), because of the exemption for Government contract matters in that Act (5 U.S.C. 553(a)(2)). Similarly this rulemaking is exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 603(a)) since its applicability is subject to the contract exception provisions of 5 U.S.C. 553(a)(2).

The Federal agency, in endorsing the proposed rulemaking, noted that the rule would protect the Government when it is overcharged, because carriers now have free use of the Government's money for considerable periods of time.

We believe a question may exist as to the rate of interest intended to apply to specific overcharges under the Terms and Conditions statement specified in our NPRM. To make the interest rates intended specific, we have revised the interest statement by adding the italicized words. The interest statement will now read:

"Interest shall accrue from the voucher payment date on overcharges made hereunder and shall be paid at the same rate *in effect on that date as* published by the Secretary of the Treasury pursuant to the Debt Collection Act of 1982."

*Exception to regulations.* 41 CFR 101-11.806-1(a) states that any exception or deviation granted to a Standard form is voided when that Standard form is revised. Therefore, agencies that have been granted an exception to deviate from the regulations pertaining to SF 1169 (Revised 3-77) must refile for an exception with GSA (BWC), if they wish to continue their exception with this new revision of SF 1169.

### List of Subjects in 41 CFR Part 101-41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passenger services, Railroads, Transportation.

Title 41, Part 101-41 of the Code of Federal Regulations is amended as follows:

## PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority citation for part 101-41 continues to read as follows:

Authority: 31 U.S.C. 3726, and 40 U.S.C. 486(c).

### Subpart 101-41.49—Illustrations of Forms

2. Section 101-41.4901-1169 is revised and a new § 101-41.4901-1169-A is added to read as follows:

**§ 101-41.4901-1169 Standard Form 1169, U.S. Government Transportation Request (Original).**

(a) Page 1 of Standard Form 1169.

(b) Page 2 of Standard Form 1169.

**§ 101-41.4901-1169-A Standard Form 1169-A, U.S. Government Transportation Request (Memorandum Copy).**

(a) Page 1 of Standard Form 1169-A.

(b) Page 2 of Standard Form 1169-A.

**Note.**—The forms illustrated in §§ 101-41.4901-1169 and 101-41.4901-1169-A are filed with the original document and do not appear in this volume.

Dated: June 28, 1985.

**Dwight Ink,**

*Acting Administrator of General Services.*

[FR Doc. 85-17588 Filed 7-26-85; 8:45 am]

BILLING CODE 6820-AM-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Parts 5 and 6

### Freedom of Information Act and Privacy Act Fee Schedules

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) is amending its fee schedules for processing Freedom of Information Act and Privacy Act requests.

**EFFECTIVE DATE:** August 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Linda Keener, FOIA/Privacy Specialist, (202) 646-3981.

**SUPPLEMENTARY INFORMATION:** A proposed rule to revise the fee schedule for processing Freedom of Information Act and Privacy Act requests was published on May 9, 1985, at 50 FR 19551. No comments were received. There is no change in this document from that published in the notice of proposed rulemaking.

This document is not a major rule within the term of Executive Order 12291, nor does it have a significant economic impact on a substantial number of small entities. Hence, no regulatory analyses have been prepared. It deals with administrative matters and has no impact on the environment, and is within categorical exemptions to the preparation of environmental documents required under 44 CFR Part 10. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

**List of Subjects in 44 CFR Parts 5 and 6**

Freedom of Imformation Act, Privacy Act.

Accordingly, 44 CFR Chapter 1, Subchapter A, is amended as set forth below:

### PART 5—PRODUCTION OR DISCLOSURE OF INFORMATION

1. The authority citation for Part 5 is revised to read as follows:

**Authority:** 5 U.S.C. 552, Reorganization Plan No. 3 of 1978; and E.O. 12127.

2. In § 5.46, paragraphs (a)(1), (b)(1) and (b)(2) are amended by revising them to read as follows:

**§ 5.46 Fee Schedule.**

* * * * *

(a) *Reproduction Fees.* (1) For copies of documents reproduced on a standard office copying machine in sizes up to 8½" × 14", the charge will be $.15 per page. Preprinted materials will be made available at a charge of $.03 per page.

* * * * *

(b) *Search Fee.* (1) The standard search fee for searches spent by employees in the GS-1 to GS-8 grade levels shall be $9.00 per hour or fraction thereof. No search fee will be applicable if the employee spends less than one hour locating relevant records.

(2) When professional staff must be used to search for the requested records because clerical staff would be unable to locate relevant records, the search fee for employees in the GS-9 to GS/GM-14 grade levels shall be $17.00 per hour or fraction thereof and the search fee for employees in the GS/GM-15 and above grade levels shall be $30.00 per hour or fraction thereof. No search fee will be applicable if the employee spends less than one hour locating relevant records.

* * * * *

### PART 6—IMPLEMENTATION OF THE PRIVACY ACT OF 1974

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

**Authority:** 5 U.S.C. 552a, Reorganization Plan No. 3 of 1978; and E.O. 12127.

4. In § 6.85, paragraph (a) is amended by revising it to read as follows:

**§ 6.85 Reproduction fees.**

(a) For copies of documents reproduced on a standard office copying machine in sizes 8½" × 14", the charge will be $.15 per page. Preprinted materials will be made available at a charge of $.03 per page.

* * * * *

Dated: July 16, 1985.

**Louis O. Giuffrida,**

*Director, Federal Emergency Management Agency.*

[FR Doc. 85-17840 Filed 7-26-85; 8:45 am]

BILLING CODE 6718-01-M

## LEGAL SERVICES CORPORATION

### 45 CFR Part 1601

### By-Laws of the Legal Services Corporation

**AGENCY:** Legal Services Corporation.

**ACTION:** Final Rule; amendment.

**SUMMARY:** On March 22, 1985, the Legal Services Corporation published, for comment, the proposed amendments to its By-Laws. The comment period ended on April 22, 1985. No comments were received. On May 24, 1985, the Corporation's Board of Directors unanimously voted to adopt, as final, the proposed amendments. The amendments make two major changes to the By-Laws and six minor or technical changes to the By-Laws. The major changes regard the scheduling of meetings, the use of telephonic participation in meetings and special meetings, and emergency proceedings. Six minor changes have been made, including the term of Directors, compensation of Directors and the President of the Corporation, general notice of meetings, executive sessions, and public participation in meetings of the Board.

**EFFECTIVE DATE:** August 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Richard N. Bagenstos, Acting General Counsel, (202) 272-4010.

**SUPPLEMENTARY INFORMATION:** Due to comments received by the Legal Services Corporation since September, 1984, the Board of Directors, after due deliberation, decided to republish the Corporation's By-Laws that had become effective on May 19, 1984. The By-Laws were republished for comment on January 4, 1985, at 50 FR 495. Comments were received and considered. On March 8, 1985, the Board, acting upon recommendations of its Operations and Regulations Committee, approved proposed amendments of the By-Laws. The proposed amendments were published for comment on March 22, 1985, 50 FR 11518. No comments were received. On May 24, 1985, the Corporation's Board of Directors voted, unanimously, to adopt, as final, the proposed amendments. The exact amendments are noted below on a section-by-section basis.

*Section 1601.8(c)*

The expiration date of Directors' terms has been amended. The date July 13, 1984, following the words "the terms of six Directors of the Board shall expire" is changed to July 13, 1987. This change is technical in nature. It recognizes that the date July 13, 1984, has passed and that Directors were not confirmed to fill vacant seats.

*Section 1601.14 Compensation*

The proposed amendment adds language that recognizes the fact that, presently, compensation of Directors is restricted by language in the appropriations acts under which the Corporation has been funded in recent years. The amendment further recognizes that future appropriations acts or authorizing acts may also contain restrictions on compensation of Directors not contained in the Legal Services Corporation Act of 1974, as amended.

*Section 1601.15 Meetings*

Three additions have been made, one technical and two substantive.

The technical addition adds the letter "s" to the word "agree" in the first sentence. This change reflects the proper English form of verbs following singular subjects.

Two new sentences have been added to § 1601.15(b). These sentences allow the Board, by majority vote, to reschedule a meeting in advance of the scheduled date of the meeting notice. Notice of such a change must be mailed to each Director at least twenty-one days before the rescheduled date or telegraphed at least fifteen days before such rescheduled date. The notice must specify the place, date, and hour of the rescheduled meeting.

A new paragraph (c) has been added to § 1601.15. This new paragraph allows Directors to participate in meetings by way of conference telephone if a quorum of the Directors are physically present at the meeting. Participation under this section must be by telephone conference call or by any means of communication by which all members of the board may hear one another and by which interested members of the public are able to hear and identify all persons participating in the meeting.

This section allows telephonic participation in all meetings. However, the safeguard of a physically present quorum is added to prevent possible abuse.

*Section 1601.16 Special Meetings*

The first sentence of this section has been deleted. The deletion reflects the addition of § 1601.15(c). Because of that addition, the first sentence of § 1601.16 is no longer necessary.

*Section 1601.19(c)*

The amendment provides that general notice of meetings must also be sent to program directors. This addition reflects the Corporation's present practice and is in response to comments received. It ensures that programs will receive timely notice of meetings.

*Section 1601.22 Public Meetings; Executive Sessions*

The words "to close a meeting or any portion of a meeting" in the first sentence has been replaced with the words "that consideration of a specific matter should be closed". This change is made in response to previous comments received by the Corporation regarding executive sessions. The change clarifies that consideration of specific matters may be closed under the Government in the Sunshine Act.

*Section 1601.23 Public Participation*

Two additions have been made. The sentence "The Board welcomes written and other communications from members of the public." has been added to the beginning of the section. The word "Other" has been added to the beginning of the last sentence of the section. Both changes respond to previous comments received and reflect the Board's desire to have public input at its meetings. The second change recognizes the Chairman's ability to allow members of the public to address the Board even if they have not been able to request to do so in writing.

*Section 1601.24 Emergency Proceedings*

This section has been entirely rewritten. Previous comments received expressed the opinion that the section, as originally passed, violated the Government in the Sunshine Act. Several commentators recommended the removal of disrupting members of the public if the disruption prevents the Board from conducting its business. The proposed amendment is the result of a combination of alternatives offered to the Board. The revised section allows the Board, by majority vote, to give the Chairman or presiding officer the authority to have disrupting members of the public removed from the meeting if in the opinion of the Chairman, the Directors are rendered incapable of conducting a meeting by the acts or conduct of such members of the public present.

This proposed amendment give the Board the ability to conduct its business free of disruption while still obeying the letter and the spirit of the Government in the Sunshine Act.

*Section 1601.38 Compensation*

The words "Except as otherwise provided by Pub. L. 98–166 or subsequent legislation," have been added to the beginning of the section. This addition recognizes the additional restrictions on compensation of the President of the Corporation placed by the appropriations acts under which the Corporation has been operating and that future legislation may contain further restrictions not contained in the Legal Services Corporation Act of 1974, as amended.

**List of Subjects in 45 CFR Part 1601**

Administrative practice and procedure, Organization and functions (government agencies), Seals and insignias.

**PART 1601—[AMENDED]**

For the reasons set out above, 45 CFR Part 1601 is amended as follows:

1. The Authority citation for Part 1601 reads as follows:

**Authority:** Sec. 1008(e), 88 Stat. 387 (42 U.S.C. 2996g(e)).

**§ 1601.8 [Amended]**

2. Paragraph (c) of § 1601.8 is amended by removing the numeral "1984" after "the terms of six Directors of the Board shall expire on July 13," and inserting in its place the numeral "1987."

**§ 1601.14 [Amended]**

3. Section 1601.14 is amended by inserting the words "Except to the extent Legal Services Corporation is restricted by Pub. L. 98–166 and 98–411 or subsequent appropriation or authorizing acts," at the beginning of the section before the words "Directors shall be entitled".

**§ 1601.15 [Amended]**

4. Paragraph (b) of § 1601.15 is amended by adding the letter "s" to the word "agree" following the words "Directors of the Board" in the first sentence.

5. Paragraph (b) of § 1601.15 is further amended by inserting the sentences "In the event a majority of the members of the Board agrees to reschedule a meeting to a date in advance of the scheduled date for such meeting, notice of such rescheduling shall be mailed to each Director at least twenty-one days before the rescheduled date for such meeting or shall be telegraphed or delivered at least fifteen days before such rescheduled date. Every such

notice shall specify the place, date, and hour of the rescheduled meeting." after the last sentence of paragraph (b).

6. Section 1601.15 is further amended by adding a new paragraph (c) which reads as follows:

* * * * *

(c) If a quorum of the Directors are physically present at a meeting of the Board, other Directors may participate in a meeting of the Board by means of conference telephone or by any means of communication by which all persons participating in the meeting are able to hear one another and by which interested members of the public are able to hear and identify all persons participating in the meetings.

**§ 1601.16 [Amended]**

7. Section 1601.16 is amended by removing in its entirety the first sentence of the section.

**§ 1601.19 [Amended]**

8. Paragraph (c) of § 1601.19 is amended by inserting the words "and the program director" before the words "of every recipient." in the second sentence.

**§ 1601.22 [Amended]**

9. Section 1601.22 is amended by removing the words "to close a meeting or any portion of a meeting" before the words "to public observation" in the first sentence and inserting in their place the words "that consideration of a specific matter should be closed".

**§ 1601.23 [Amended]**

10. Section 1601.23 is amended by inserting the sentence "The Board welcomes written and other communication from members of the public." at the beginning of the section.

11. Section 1601.23 is further amended by inserting the word "Other" before the word "Members" in the last sentence of the section and by replacing the capital "M" in "Member" with a lower case "m".

12. Section 1601.24 is revised to read as follows:

**§ 1601.24 Emergency proceedings**

If, in the opinion of the Chairman, the Directors are rendered incapable of conducting a meeting by the acts or conduct of any members of the public present at the meeting, the Directors may thereupon determine by a recorded vote of the majority of the number of Directors present at the meeting that the Chairman or presiding officer of the Board shall have the authority to have such members of the public who are responsible for such acts or conduct removed from the meeting.

**§ 1601.38 [Amended]**

13. Section 1601.38 is amended by replacing the initial capital "T" with a lower case "t" and inserting the words "Except as otherwise provided by Pub. L. 98–166, 98–411 or subsequent legislation," at the beginning of the section.

Dated: July 25, 1985.

**Richard N. Bagenstos,**

*Acting General Counsel.*

[FR Doc. 85–17931 Filed 7–26–85; 8:45 am]

BILLING CODE 6820–35–M

---

## 45 CFR Part 1606

## Procedures Governing Termination of Financial Assistance

**AGENCY:** Legal Services Corporation.

**ACTION:** Amendment of rule.

**SUMMARY:** The Corporation's regulation governing termination of financial assistance is amended to conform to the requirements of Pub. L. 98–411, the appropriations bill under which the Corporation is presently funded. The amendments change the time limits in the current rule to conform to the time limits mandated by the appropriations bill. The amendments are technical in nature. Because the amendments are mandated by an act of Congress, the changes merely bring the regulations into conformity with current law, and no comments are required. Therefore, the amendments shall become effective thirty days from publication.

**EFFECTIVE DATE:** August 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Richard N. Bagenstos, Acting General Counsel, (202) 272–4010.

**SUPPLEMENTARY INFORMATION:** Pub. L. 98–411, which appropriates the Corporation's funding for 1985, incorporated language from Pub. L. 98–166, which set new requirements for termination of financial assistance proceedings. The Corporation has been following the time limits established by Congress in practice. These technical amendments are adopted to conform the language of the rule to the mandate of Congress, and to the practice of the Corporation.

The appropriations bill requires that a request for a hearing shall be made within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding or suspend financial assistance and that the hearing shall be conducted within thirty days after receipt of such request for a hearing. The appropriations bill also requires that the Corporation make its final decision within thirty days after completion of the hearing.

These Congressional mandated require three changes in the existing regulation. The first amendment occurs in § 1606.4(b). The recipient is given thirty days within which to request a hearing after receiving the preliminary determination to defund. The second amendment occurs in § 1606.9(a). The time limit for setting the hearing is reduced from forty-five days to thirty days after the notice required by § 1601.6. Finally, § 1606.13(c) is amended to require the President to make his final decision within thirty days of the completion of the hearing.

Because these amendments are mandated by Congress, the Corporation has no discretion in amending its rules. Publishing the amendments in proposed form and soliciting comments thereon would be a meaningless exercise. Therefore, the technical amendments are being published in final form to become effective thirty days from date of publication.

**List of Subjects in 45 CFR Part 1606**

Administrative practice and procedure, Legal Services.

For the reasons set forth in the preamble, 45 CFR Part 1606 is amended as follows:

## PART 1606—[AMENDED]

1. The Authority citation for Part 1606 continues to read as follows:

**Authority:** Sec. 1006(b) (1) and (3), 1007(a)(1), 1007(a)(3), 1007(a)(9), 1007(d), 1008(e), 1011 Legal Services Corporation Act of 1974, as amended (42 U.S.C. 2996e(b) (1) and (3), 2996f(a) (1), (3), and (9), 2996f(d), 2996g(e), 2996j), and Pub. L. 98–411.

**§ 1606.4 [Amended]**

2. Section 1606.4(b) introductory text is amended by removing the numeral "10" and inserting in its place the numeral "30" before the words "days of receipt of the preliminary determination".

**§ 1606.9 [Amended]**

3. Section 1606.9(a) is amended by removing the numeral "45" and inserting in its place the numeral "30" before the words "days after the notice required by § 1606.16".

**§ 1606.13 [Amended]**

4. Section 1606.13(c) is amended by removing the words "and normally within 30 days" and inserting in their place the words "but not later than 30

days after the completion of the hearing."

Dated: July 24, 1985.

**Richard N. Bagenstos,**

*Acting General Counsel.*

[FR Doc. 85-17930 Filed 7-26-85; 8:45 am]

BILLING CODE 6820-35-M

## 45 CFR Part 1622

## Public Access to Meetings Under the Government in the Sunshine Act

**AGENCY:** Legal Services Corporation.

**ACTION:** Final rule; amendment.

**SUMMARY:** On March 25, 1985, the Legal Services Corporation published proposed amendments to Part 1622 of its regulations for public comment. The comment period ended on April 24, 1985. No comments were received. On May 24, 1985, the Board of Directors unanimously voted to adopt the proposed amendments as final. Four amendments are made. Of these amendments only one, a revision of the section providing for emergency proceedings, makes a major, substantive change. The other three amendments are of a technical nature. The minor amendments provide for sending notice of meetings to program directors, deletion of the word "all" from the first sentence of paragraph (b) of § 1622.6, and reference to specific exemptions and a statement of reasons why specific discussions closed to public observation come within the cited exemption.

**EFFECTIVE DATE:** August 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Richard N. Bagenstos, Acting General Counsel (202) 272-4010.

**SUPPLEMENTARY INFORMATION:** On March 25, 1985, the Legal Services Corporation published proposed amendments to Part 1622 of its regulations for public comment. (50 FR 11740). No comments were received. On May 24, 1985, the Corporation's Board of Directors unanimously voted to adopt, as final, the proposed amendments to Part 1622 of the Regulations. The specific amendments are discussed on a section-by-section basis, below.

*Section 1622.3 Open Meetings.*

The amendment effects paragraph (c) of § 1622.3. The words "and the program director" are to be inserted after the words "governing body" in the two places these words appear in paragraph (c). This addition reflects the Corporation's present practice and is in response to previous comments received that expressed concern that unless notice was provided to the programs, the programs would not receive timely notice of meetings. This amendment ensures that timely notice is sent to programs.

*Section 1622.6 Procedure for Closing Discussion or Withholding Information.*

In paragraph (b) of § 1622.6 the word "all" has been removed after the words "A separate vote of". The deletion of the word "all" in the paragraph does not change the requirement that action closing a meeting or withholding information requires a recorded vote of a majority of all of the Directors of the Corporation. Here, the word "all" is removed to avoid a misinterpretation that a vote to close a meeting or withhold information may be defeated if one Director is unable to participate in the vote. Such an interpretation could result in an absudity. The amendment avoids the possible absudity. However, it does not relieve the Board of the responsibility of seeking the vote of every Director on the question.

In paragraph (e)(2) of § 1622.6, the words "together with" following the words "or series of meetings," has been replaced with the words "with reference to the specific exemption listed in § 1622.5, including a statement of reasons as to why the specific discussion comes within the cited exemption and". This change clarifies what information must be included in the full written explanation of the action closing the meeting. However, the new language does not add any additional requirement. The existing language is from the Government in the Sunshine Act. The legislative history of the Government in the Sunshine Act indicates that the written explanation requires references to specific exemptions, including a statement of reasons why the specific discussion comes within the cited exemption. Therefore, the change merely clarifies that which is already required.

*Section 1622.9 Emergency Proceedings*

This section has been completely revised. Previous comments received expressed the opinion the existing emergency proceedings provision violated the Government in the Sunshine Act. Many commentators stated that the disruptive members of the audience should be removed. The revised section allows the Board, by recorded vote of the majority of the Directors present, to authorize the Chairman or presiding officer of the meeting to cause disruptive members of the public to be removed from the meeting. This new provision enables the Board to conduct its meeting free from disruption, yet also follows the letter and spirit of the Government in the Sunshine Act.

**List of Subjects in 45 CFR Part 1622**

Legal services, Sunshine Act.

**PART 1622—[AMENDED]**

For the reasons set out in the preamble, 45 CFR Part 1622 is amended as follows:

1. The authority citation for Part 1622 continues to read as follows:

**Authority:** Sec. 1004(g), Pub. L. 95-222, 91 Stat. 1619, (42 U.S.C. 2996c(g)).

**§ 1622.4 [Amended]**

2. Paragraph (c) of § 1622.4 is amended by inserting the words "and the program director" after the words "counsel and the governing body" and after the words "meeting to the governing body".

**§ 1622.6 [Amended]**

3. Paragraph (b) of § 1622.6 is amended by removing the word "all" after the words "A separate vote of".

4. Paragraph (e)(2) of § 1622.6 is amended by removing the words "together with" following the words "or a series of meetings," and inserting in their place the words "with reference to the specific exemptions listed in § 1622.5, including a statement of reasons as to why the specific discussion comes within the cited exemption and".

5. Section 1622.9 is revised to read as follows:

**§ 1622.9 Emergency Procedures.**

If, in the opinion of the Chairman, the Directors are rendered incapable of conducting a meeting by the acts or conduct of any members of the public present at the meeting, the Directors may thereupon determine by a recorded vote of the majority of the number of Directors present at the meeting that the Chairman or presiding officer of the Board shall have the authority to have such members of the public who are responsible for such acts or conduct removed from the meeting.

Dated: July 24, 1985.

**Richard N. Bagenstos,**

*Acting Deputy General Counsel.*

[FR Doc. 85-17929 Filed 7-26-85; 8:45 am]

BILLING CODE 6820-35-M

## 45 CFR Part 1625

## Denial of Refunding

**AGENCY:** Legal Services Corporation.

**ACTION:** Amendment of rule.

**SUMMARY:** The Corporation's regulation governing the denial of refunding is amended to conform with the requirements of Pub. L. 98–411, the appropriations bill under which the Corporation is presently funded. The amendments change the time limits in the current rule and shift the burden of proof in the proceedings to conform with the mandates of the appropriations bill. Because the amendments are mandated by an Act of Congress, the changes merely bring the regulations into conformity with current law, and no comments are required. Therefore, the amendments shall become effective thirty days from publication.

**EFFECTIVE DATE:** August 28, 1985.

**FOR FURTHER INFORMATION CONTACT:** Richard N. Bagenstos, Acting General Counsel, (202) 272–4010.

**SUPPLEMENTARY INFORMATION:** Pub. L. 98–411, which appropriates the Corporation's funding for 1985, incorporated language from Pub. L. 98–166, which set new requirements for denial of refunding proceedings. The Corporation has been following the time limits established by Congress in practice. These amendments are adopted to conform the language of the rule with the mandate of Congress, and the practice of the Corporation.

The appropriations bill requires that a request for a hearing shall be made within thirty days after receipt of notice to terminate financial assistance, deny an application for refunding or suspend financial assistance and that the hearing shall be conducted within thirty days after receipt of such request for a hearing. The appropriations bill also requires that the Corporation make its final decision within thirty days after completion of the hearing.

The appropriations bill also mandates that the recipient bear the burden of proof in the hearing to show cause why refunding should not be denied.

These Congressional mandates require three changes in the existing regulation. The first amendment occurs in § 1625.4(b). The recipient is given thirty days within which to request a hearing after receiving the preliminary determination not to refund. The second amendment occurs in § 1625.9. This section is revised to place the burden of proof on the recipient as mandated by Congress. Finally, § 1625.11(c) is amended to require the President to make his final decision within thirty days of the completion of the hearing.

Because these amendments are mandated by Congress, the Corporation has no discretion in amending its rules. Publishing the amendments in proposed form and soliciting comments thereon would be a meaningless exercise. Therefore, these amendments are being published in final form to become effective thirty days from date of publication.

**List of Subjects in 45 CFR Part 1625**

Administrative practice and procedure, Legal Services.

For the reasons set forth in the preamble, 45 CFR Part 1625 is amended as follows:

## PART 1625—[AMENDED]

1. The Authority citation for Part 1625 is revised to read as follows:

**Authority:** Sec. 1006(b) (1) and (3), 1007(a)(1), 1007(a)(3), 1007(a)(9), 1007(d), 1008(e), 1011 Legal Services Corporation Act of 1974, as amended (42 U.S.C. 2996e(b) (1) and (3), 2996f(a) (1), (3), and (9), 2996f(d), 2996g(e), 2996), and Pub. L. 98–411.

**§ 1125.4 [Amended]**

2. Section 1625.4(b) is amended by removing the numeral "10" and inserting in its place the numeral "30" before the words "days of receipt of the preliminary determination."

3. Section 1625.9 is revised as follows:

**§ 1625.9 Burden of proof.**

The recipient shall have the burden of showing cause why the Corporation's proposed action to deny refunding should not be taken.

**§ 1625.11 [Amended]**

4. Section 1625.11(c) is amended by removing the words "and normally within 10 days" and inserting in their place the words "but not later than 30 days after the completion of the hearing."

Dated: July 24, 1985.

**Richard N. Bagenstos,**

*Acting General Counsel.*

[FR Doc. 85–17928 Filed 7–26–85; 8:45 am]

BILLING CODE 6820-35-M

# Proposed Rules

Federal Register
Vol. 50, No. 145
Monday, July 29, 1985

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

## DEPARTMENT OF AGRICULTURE

### Foreign Agricultural Service

### 7 CFR Part 1540

### Emergency Relief From Certain Perishable Products Imported From Israel

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

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule establishes the procedure by which an entity representative of a U.S. industry producing perishable products can submit a request to the Department of Agriculture for emergency relief from increased, injurious imports of certain perishable products from Israel if such products are entering the United States at a reduced rate of duty or duty-free pursuant to a trade agreement between the United States and Israel entered into under section 102(b) of the Trade Act of 1974, as amended by Section 401 of the Trade and Tariff Act of 1984.

**DATE:** Comments must be received on or before August 28, 1985.

**ADDRESS:** Mail comments to Director, Asia, Africa & Eastern Europe Division, Foreign Agricultural Service, USDA, Room 5546–S, 14th and Independence Ave., SW., Washington, D.C. 20250.

**FOR FURTHER INFORMATION CONTACT:** Lyle Sebranek, Director, Asia, Africa & Eastern Europe Division, International Trade Policy, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, Tel: (202) 382–1289.

**SUPPLEMENTARY INFORMATION:** Section 401 of the Trade and Tariff Act of 1984, Pub. L. 98–573 (98 Stat. 3016) ("1984 Trade Act") amended the Trade Act of 1974 to authorize the President to negotiate a trade agreement with Israel to provide for the reduction or elimination of duties on imports between the two countries. Pursuant to that authority, the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel was entered into on April 29, 1985. The Agreement was subsequently approved and implemented by the United States-Israel Free Trade Area Implementation Act of 1985, Pub. L. 99–47, June 11, 1985.

Section 404 of the 1984 Trade Act, as amended (19 U.S.C. 2112 note), provides, in part, that if a petition is filed with the U.S. International Trade Commission under the provisions of Section 201 of the Trade Act of 1974, as amended, alleging injury from imports from Israel of certain perishable products which are subject to any reduction or elimination of a duty imposed by the United States under a trade agreement entered into with Israel under section 102(b) of the Trade Act of 1974, as amended by section 401 of the 1984 Trade Act, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted by the President.

Under the proposed rule, a U.S. entity seeking emergency relief from imports of perishable products from Israel would submit a request to the Administrator, Foreign Agricultural Service, of the Department of Agriculture providing such information as is necessary to permit the Secretary of Agriculture to make a determination as to whether a recommendation should be made to the President that emergency action should be taken. The request should provide identification of the perishable product concerned, evidence that the product was imported from Israel, evidence that increased imports of such perishable product are the substantial cause of serious injury or threat of serious injury to a U.S. industry producing a perishable product like or directly competitive with the imported product, and a statement indicating why emergency action would be warranted.

Section 404(e)(6) of the 1984 Trade Act, as amended, defines a "perishable product" for the purposes of the emergency relief provisions of section 404 to include concentrated citrus fruit juice provided for in items 165.25 and 165.35 of the Tariff Schedules of the United States (the "TSUS"). However, section 117 of that act reclassified the articles previously assigned TSUS item number 165.35 by splitting those articles into two categories and assigning them TSUS item numbers 165.29 and 165.36. The definition of a perishable product in § 1540.21(6) of the proposed rule reflects this change in classification.

The public is invited to submit comments and suggestions regarding the proposed rule to the above address. Each person submitting comments and suggestions regarding the proposed rule should include his/her name and address and should give reasons for suggested changes. Copies of all communications received will be available for examination by interested persons in Room 5546 South Building, USDA, during regular business hours.

This proposed rule has been reviewed under USDA procedures required by Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major" since the proposed rule, if made final, would not have any of the effects specified in those documents.

The Administrator, Foreign Agricultural Service certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The public is invited to comment on the impact of this proposed rule on small entities.

An assessment of the impact of this rule on the environment was made and, based on this evaluation, this action is not a major federal action and will have no foreseeable significant effects on the quality of the human environment. Consequently, no environmental impact statement is necessary for this proposed rule. The environmental assessment is available for review in Room 5546, South Building, USDA during normal business hours.

The paperwork requirements imposed by this rule have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 and assigned number 0551–0023.

### List of Subjects in 7 CFR Part 1540

International agricultural trade, Israel, Perishable products.

### PART 1540—[AMENDED]

In accordance with the above, it is proposed to amend 7 CFR Part 1540 by adding the following new Subpart B—Emergency Relief from Certain

Perishable Products Imported from Israel:

**Subpart B—Emergency Relief From Certain Perishable Products Imported From Israel**

Sec.
1540.20 Applicability of subpart.
1540.21 Definition.
1540.22 Who may file request.
1540.23 Contents of request.
1540.24 Determination of the Secretary of Agriculture.
1540.25 Information.

**Authority:** Sec. 404, Pub. L. 98–573, 98 Stat. 3016, as amended (19 U.S.C. 2112 note); 5 U.S.C. 301.

**Cross Reference:** For U.S. International Trade Commission regulations concerning investigations of import injury and the rules pertaining to the filing of a Section 201 petition, see 19 CFR Part 206.

## Subpart B—Emergency Relief From Certain Perishable Products Imported From Israel

### § 1540.20 Applicability of subpart.

This subpart applies to requests filed with the Department of Agriculture under section 404 of the Trade and Tariff Act of 1984, Pub. L. 98–573, for emergency relief from imports of certain perishable products from Israel entering the United States at a reduced rate of duty or duty-free pursuant to a trade agreement between the United States and Israel entered into under section 102(b)(1) of the Trade Act of 1974, as amended.

### § 1540.21 Definition.

"Perishable product" means:

(a) Live plants provided for in subpart A of part 6 of schedule 1 of the 1985 Tariff Schedules of the United States (the "TSUS");

(b) Fresh or chilled vegetables provided for in items 135.03 through 138.46 of the TSUS;

(c) Fresh mushrooms provided for in item 144.10 of the TSUS;

(d) Fresh fruit provided for in items 146.10, 146.20, 146.30, 146.50 through 146.62, 146.90, 146.91, 147.03 through 147.44, 147.50 through 149.21 and 149.50 of the TSUS;

(e) Fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of the TSUS; and

(f) Concentrated citrus fruit juices provided for in items 165.25, 165.29 and 165.36 of the TSUS.

### § 1540.22 Who may file request.

A request under this subpart may be filed by an entity, including a firm, or group of workers, trade association, or certified or recognized union which is representative of a domestic industry producing a perishable product like or directly competitive with a perishable product that such entity claims is being imported from Israel into the United States at a reduced duty or duty-free under the provisions of a trade agreement between the United States and Israel entered into under section 102(b)(1) of the Trade Act of 1974, as amended, in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to such domestic industry.

### § 1540.23 Contents of request.

A request for emergency action under section 404 of the Trade and Tariff Act of 1984 shall be submitted in duplicate to the Administrator, Foreign Agricultural Service, United States Department of Agriculture, Washington, D.C. 20250. Such request shall be supported by appropriate information and data and shall to the extent possible: A description of the imported perishable product(s) allegedly causing, or threatening to cause, serious injury; data showing that the perishable product allegedly causing, or threatening to cause, serious injury is being imported from Israel in increased quantities as compared with imports of the same product from Israel during a previous representative period of time (including a statement of why the period selected by the petitioner should be considered to be representative); evidence of serious injury or threat thereof to the domestic industry substantially caused by the increased quantities of imports of the product from Israel; and a statement indicating why emergency action would be warranted under section 404 (including all available evidence that the injury caused by the increased quantities of imports from Israel would be relieved by the withdrawal of the reduction of the duty or elimination of the duty-free treatment provided to the product under the trade agreement). A copy of the petition and the supporting evidence filed with the United States International Trade Commission under section 201 of the Trade Act of 1974, as amended, must be provided with the request for emergency action.

### § 1540.24 Determination of the Secretary of Agriculture.

If the Secretary of Agriculture has reason to believe that the perishable product(s) which is the subject of a petition under this subpart is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported perishable product and that emergency action is warranted, the Secretary, within 14 days after the filing of the petition under § 1540.23 shall recommend to the President that the President take emergency action. If the Secretary determines not to recommend the imposition of emergency action, the Secretary, within 14 days after the filing of the petition, will publish in the **Federal Register** a notice of such determination and will so advise the petitioner.

### § 1540.25 Information.

Person desiring information from the Department of Agriculture regarding the Department's implementation of section 404 of the Trade and Tariff Act of 1984 should address such inquiries to the Administrator, Foreign Agricultural Service, United States Department of Agriculture, Washington, D.C. 20250.

Issued at Washington, D.C., this 8th day of July 1985.

**Richard A. Smith,**

*Administrator, FAS.*

[FR Doc. 85–17836 Filed 7–26–85; 8:45 am]

BILLING CODE 3410–10–M

---

## FEDERAL TRADE COMMISSION

### 16 CFR Part 13

**[File No. 832 3138]**

### Service One International Corp., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Chatsworth, Calif. credit counseling service and two corporate officers, among other things, to cease misrepresenting that they will obtain credit or credit cards for applicants; have developed working relationships with any creditors; or will provide a full or partial refund of any fees paid by consumers seeking credit or credit cards. Additionally, respondent woud be prohibited from misrepresenting the likelihood of any consumer obtaining credit or credit cards; the extent to which it can help consumers seeking credit or credit cards; or the conditions under which it will furnish refunds. Further, respondent would be required to send to all customers who paid for the service and did not receive a credit card, a notice that gives them the option of

receiving a full refund within 30 days or participating in respondent's new credit-counseling service without additional charge.

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

**ADDRESS:** Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave., NW., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** John F. Lefevre, FTC/I-500, Washington, D.C. 20580. (202) 724-1185.

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

**List of Subjects in 16 CFR Part 13**

Consumer credit, Credit cards, Trade practices.

Service One International Corporation, a corporation, also trading and doing business as Service One Corporation and First Credit Services, and Reza Fayazi and Ali Fayazi, individually and as officers of said corporation.

[File No. 832-3138, Agreement Containing Consent Order To Cease and Desist]

The Federal Trade Commission having initiated an investigation of certain acts and practices of Service One International Corporation, a corporation, also trading and doing business as Service One Corporation and First Credit Services, and Reza Fayazi and Ali Fayazi, individually and as officers of said corporation, and it now appearing that Service One International Corporation, a corporation, and Reza Fayazi and Ali Fayazi individually and as officers of said corporation, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Service One International Corporation, by its duly authorized officer, and Reza Fayazi and Ali Fayazi, individually and as officers of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed Respondent Service One International Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of California with its principal office and place of business located at 21032 Devonshire Street, Suite 215, Chatsworth, California 91311. Service One International Corporation trades and does business as Service One Corporation and First Credit Services.

Proposed respondents Reza Fayazi and Ali Fayazi have been officers of said corporation. They have formulated, directed and controlled the policies, acts and practices of said corporation and their address is the same as that of Service One International Corporation.

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

3. Proposed respondents waive:

(a) Any further procedural steps;

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

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

(d) Any claim they may have under the Equal Access to Justice Act, 5 U.S.C. 50 *et seq.*

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

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

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

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

**Order**

**I**

It is hereby ordered that respondents Service One International Corporation, a corporation, its successors and assigns, and its officers, and Reza Fayazi and Ali Fayazi individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale and distribution of any service or material purporting to secure, or to assist in securing, credit or a credit card for any consumer(s) or to assist any consumer(s) in obtaining credit or a credit card, do forthwith cease and desist from:

1. Representing directly or by implication, in any manner, contrary to fact, that they:

(a) Will obtain credit or a credit card for, or will send a credit card to, any member of the public;

(b) Have developed any working or other relationship with any credit card issuer or other creditor that issues or will issue credit cards or grants or will grant credit;

(c) Will provide a full or partial refund of any fee paid to secure or obtain credit or a credit card.

2. Misrepresenting in any manner:

(a) The conditions under which any consumer can secure or obtain credit or a credit card or the likelihood that any consumer will secure or obtain credit or a credit card, including, but not limited to, the percentage or number of credit applicants who receive credit and whether bankruptcy, no credit history or a prior, adverse credit history make it more difficult to secure or obtain credit or a credit card;

(b) The extent to which help will be given any consumer to secure or obtain credit or a credit card;

(c) The conditions under which any refund will be furnished to any consumer.

II

It is further ordered that respondent Service One International Corporation shall:

1. Within twelve months after the date of service of this Order, send by first class mail in the manner described below, a copy of the notice that is affixed hereto as Attachment A, to each person who between February 1, 1982, and the date of service of this Order paid money to First Credit Services in connection with its credit card program and has not received a refund of the full amount paid. If ninety percent or more of the customers to whom the notice is sent within the first three months after the date of service of this Order return the notice within six months after the date of service of this Order, the words "twelve months" in the first line of subparagraph 1 are changed to "eighteen months." The notice shall appear by itself in not less than 12 point bold face type, on one side of a sheet of paper not less than 8½ inches by 11 inches. The print shall be black and the color of the paper shall be yellow. The notice shall be accompanied by a postage-prepaid, addressed return envelope. The notice may be accompanied by not more than 3 other pieces of paper, none of which shall be larger than the notice or the same color as the notice. The notice shall be mailed to the customer at the last known address shown in respondent's records for said customer. The face of the envelope in which the notice is mailed to the customer shall contain the following phrase printed in 12 point bold face type: "First Credit Services—Refund Offer."

2. Send by first class mail a refund check to each customer who returns the notice with Option 1 checked. Service One International Corporation shall also mail a refund check to each such customer who requests a refund by any other method. In each case the refund check shall be made payable to the customer for the total amount the customer paid, less any refund previously provided the customer and be mailed within 30 days of receipt of the notice or other request to the address the customer provides. If the customer does not provide an address, the check shall be mailed to the address to which the notice described in II(1) was mailed or to the customer's last known address, whichever is most recent.

3. Within thirty days of receipt of the notice, send by first class mail to each customer who returns the notice with Option 2 checked, to the address the customer provides:

(a) (1) A letter stating that the customer has been approved for a Visa or MasterCard credit card together with the name and address of the institution to which the customer should send the $250 to serve as a minimum balance for the savings account; and

(2) A postage prepaid envelope made out to that name and address; or

(b)(1) A letter stating that the customer has not been approved for a Visa or MasterCard credit card (which letter shall be in addition to the adverse action notice required by the Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.*, and § 202.9 of Regulation B, 12 CFR Part 202); and

(2) A refund check payable to that customer for the total amount the customer paid, less any refund previously provided the customer.

If the customer does not provide an address, the items shall be mailed to the address to which the notice described in Paragraph 1 of Section II was mailed or to the customer's last known address, whichever is most recent.

4. Within thrity days after receipt of $250 by the card issuing institution on behalf of each customer described in Subparagraph 3(a), above, send such customer by first class mail a Visa or MasterCard credit card in that customer's name, which that customer may use in connection with a credit card account opened in his or her name. The address to which the card shall be sent shall be determined in the manner described in Paragraph 3, above.

III

It is further ordered that respondents shall maintain for at least three (3) years and, upon request, make available to the Federal Trade Commission for inspection and copying:

1. Copies of all advertising and promotional materials concerning any service or material offered to help secure or obtain credit or a credit card.

2. Copies of all advertising and promotional materials concerning any offer of a refund.

3. Copies of all requests made for a refund and of all correspondence and other records relating to such requests, as well as evidence of what refunds are made.

IV

It is further ordered that respondents shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed changes such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporate structure of respondents that may affect compliance obligations arising out of this Order.

V

It is further ordered that respondents shall deliver a copy of this Order to each present and future employee engaged in preparing or making any oral or written representations to consumers concerning the securing or obtaining of credit or a credit card or the making of any refund offer or engaged in the granting or denying of refund requests and obtain from such person a signed statement acknowledging receipt of a copy of this Order.

VI

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

**Previous Subscribers of First Credit Services**

*Note This Refund Offer*

If you previously paid money to First Credit Services to get a credit card, you may choose either Option 1, or Option 2, as part of an agreement with the Federal Trade Commission.

*Option 1.* If you decide not to participate in Service One Corporation's new credit offer outlined below, Service One will refund to you the money you

paid to First Credit Services, if you so request.

*Option 2.* You may apply for a Visa/Mastercard credit card through Service One Corporation, using the enclosed application, and you pay *no processing fee.* To obtain a card, from us you must establish and maintain a savings account with a minimum balance of $250 with the card issuer and you will be billed for a $35 annual card fee. If your application is rejected, we will automatically refund in full any fee you paid to First Credit Services when you previously applied to First Credit Services for credit.

*Check the Appropriate Box, Fill in your Name and Address, and Return This Form In the Enclosed Business Reply Envelope*

Option 1 ( ) Please refund the money I paid to First Credit Services.

Option 2 ( ) Please accept my enclosed application for a Visa or Mastercard credit card with no processing fee.

Name———————
Street———————
City————, State————
Zip——

For refund assistance or more information, you may write or call us: Service One Corporation, Consumer Affairs Department, 21032 Devonshire Street, Chatsworth, California 91311. Phone (818) 709–2072.
Attachment A

*Analysis of Proposed Consent Order To Aid Public Comment*

The Federal Trade Commission has accepted an agreement to a proposed consent order from Service One International Corporation, also trading and doing business as Service One Corporation and First Credit Services, and Reza Fayazi and Ali Fayazi, individually and as officers of the corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposd order.

The proposed complaint alleges that respondents violated section 5 of the Federal Trade Commission Act, 15 U.S.C. sec. 45, by:

- Misrepresenting that they will obtain credit cards for consumers for a fee.
- Misrepresenting that they have working relationships with banks that will issue credit cards to consumers regardless of past credit experience.
- Misrepresenting that consumers who have paid a fee to respondents to obtain a credit card but do not receive a credit card will obtain a full refund of the fee paid.

The proposed order prohibits respondents from misrepresenting:

- That they will obtain credit or credit cards for, or send them to, consumers.
- That they have developed relationships with credit card issuers or other creditors that issue credit cards or grant credit.
- The conditions under which consumers can secure credit or credit cards or the likelihood that consumers will secure credit or credit cards.
- The conditions under which refunds will be furnished to consumers.

The proposed order also requires respondents to offer restitution to their prior customers whose fees have not been refunded. Such customers are to be given the option of receiving a refund or receiving approval for a Visa or MasterCard credit card account. The account would require payment of a $35 annual card fee and maintenance of a minimum balance of $250 in a saving account with the card issuer.

The purpose of this anaysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

**Emily H. Rock,**
*Secretary.*

[FR Doc. 17837 Filed 7–26–85; 8:45 am]
BILLING CODE 6750–01–M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 920

### Amendment to the Maryland Permanent Regulatory Program

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

**ACTION:** Reopening and extension of the public comment period.

**SUMMARY:** OSM is reopening and extending the comment period for 15 days on Maryland's program amendment as a modification to its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The Maryland amendment consists of proposed regulation changes to the State requirements governing the use of explosives. The submissionn is intended to satisfy a required amendment to the State's program and also makes certain additional changes to the State's proposed regulations approved by the Director on January 22, 1985.

OSM published a notice in the **Federal Register** on March 11, 1985, announcing receipt of the amendment and inviting public comment on its adequacy (50 FR 9679). The public comment period ended April 10, 1985. During its review of Marlands' proposed provisions, OSM identified a provision which was inconsistent with the Federal regulations. OSM notified Maryland of its concern, and in a letter dated July 10, 1985, Maryland responded by submitting revised provision to the proposed amendment amendment (Administrative Record MD–317).

OSM is reopening and extending the comment period for 15 days to provide the public an opportunity to reconsider the adequacy of Maryland's proposed amendment in light of the additional information.

This notice sets forth the times and locations that the Maryland proposed amendment are available for public inspection, and the comment period during which interested persons may submit written comments on the proposed amendment.

**DATE:** Written comment must be received on or before 4:00 p.m., on August 13, 1985 to be considered. Comments received after August 13, 1985, will not necessarily be considered in the Director's decision to approve or disappove the proposed program modifications.

**ADDRESSES:** Written comments should be mailed or hand delivered to:

Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, 603 Morris Street, Charleston, West Virginia 25301, Attention: Maryland Administrative Record, Telephone: (304) 347–7158

Copies of the Maryland program, the proposed amendment, and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State regulatory authority listed below,

Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendment from OSM's Charleston Field Office listed below.

Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street, NW., Room 5124, Washington, D.C. 20240, Telephone: (202) 343-7896

Maryland Bureau of Mines, 69 Hill Street, Frostburg, Maryland 21532, Telephone: (301) 689-4136

**FOR FURTHER INFORMATION CONTACT:** Mr. James Blankenship, Field Office Director, Charleston Field Office, Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301; Telephone (304) 347-7158.

**SUPPLEMENTARY INFORMATION:** The Maryland program was conditionally approved by the Secretary of the Interior on December 1, 1980 (45 FR 79430-79451). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Maryland program can be found in the December 1, 1980 **Federal Register.** On February 18, 1982, following submission of program amendments to satisfy the conditions of program approval, the Maryland program was fully approved by the Secretary (47 FR 7214-7217).

On May 28, 1984, Maryland submitted statute and regulations and other material which would establish requirements for the training, examination and certification of blasters working in surface mining operations and revise the State's performance standards for the use of explosives. Addtional information was submitted on June 13, 1984. These materials were later supplemented by additional information submitted by the State on October 5, 1984. These proposed modifications were approved by the Director on January 22, 1985 (50 FR 2782-2785). The Director's approval required that one provision of the proposed requirements for the use of explosives be revised and submitted as a program amendment by March 25, 1985. The required amendment related to the provisions of 30 CFR 816.62(a) which requires information on how to request a preblasting survey to be provided to residents or owners of dwellings or other structures within ½ mile of the permit area at least 30 days prior to blasting. The proposed regulations which are currently being considered are intended to address this required amendment and make other revisions as desired by the State. Most of the revisions are editorial in nature and have no effect on the requirements approved by the Director on January 22, 1985. All of the changes are identified in the January 30 submission.

On March 11, 1985, OSM announced procedures for a public comment period and hearing on the proposed amendment submitted by the State of Maryland. During its review of Maryland's proposed amendment, OSM identified the following concern:

> Maryland's proposed rules at COMAR 08.13.09.25C(2) requires that copies of the blasting schedule must be distributed to local governments, public utilities, and residents or owners of dwellings or other structures within ½ mile of the permit area. Certain portions of the permit area—haul roads, coal preparation and loading facilities, and transportation facilities were excluded. This would be inconsistent with current Federal regulations located at 30 CFR 816.64(b)(2).

OSM notified Maryland of the concern and Maryland responded in a letter dated July 10, 1985, informing OSM that it would revise its regulations by deleting the sentence at its regulation .25C(2) which had excluded haul or access roads, coal preparation and loading facilities, and other transportation facilities from the meaning of permit area.

The full text of the proposed amendment and additional material are available for review at the locations listed above under **" ADDRESSES".** Accordingly, OSM is seeking public comments on the adequacy of the State's submission. The public comment period is extended to August 13, 1985. All comments should be submitted to the location shown above under **"ADDRESSES"** in order to be considered by the Director in his decision on the program amendments.

**List of Subjects in 30 CFR Part 920**

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

Dated: July 22, 1985.

**Carl C. Close,**

*Acting Assistant Director, Program Operations and Inspection.*

[FR Doc. 17850 Filed 7-26-85; 8:45 am]

BILLING CODE 4310-05-M

**30 CFR Part 934**

## Public Comment and Opportunity for Public Hearing on Modified Portions of the North Dakota Permanent Regulatory Program

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

**ACTION:** Proposed rule.

**SUMMARY:** OSM is announcing procedures for the public comment period and for a public hearing on the adequacy of proposed amendments to the North Dakota permanent regulatory program which was approved by the Secretary of the Interior pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments submitted by North Dakota for the Secretary's approval include modifications to the State statute and regulations intended to satisfy the remaining three program conditions concerning the following: (1) Revised definition of "valid existing right"; (2) requirement that permit applicants shall identify all outstanding violations of SMCRA and any other State law or rule; (3) compensation to landowners for damage to structures or facilities that occurs as result of subsidence. North Dakota also submitted, as part of the amendment package, several revisions to the statute and regulations unrelated to the program conditions.

**DATE:** Written comments not received on or before 4:00 p.m. August 28, 1985 will not necessarily be considered.

A public hearing on the proposal will be held, if requested on August 23, 1985 at the address listed below under **"ADDRESSES."** Any person interested in making an oral or written presentation at the hearing should contact Mr. William Thomas at the address listed below by August 19, 1985. If no person has contacted Mr. Thomas by this date to express an interest in the hearing, the hearing will not be held. If only one person has so contacted Mr. Thomas, a public meeting rather than a public hearing may be held and the results of the meeting included in the Administrative Record.

**ADDRESSES:** The public hearing will be held at the North Dakota Capitol Building, Bismarck, North Dakota 58505.

Written comments should be mailed or hand-delivered to Mr. William Thomas, Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644.

See **"SUPPLEMENTARY INFORMATION"** for address where copies of the North

Dakota program amendment and administrative record on the North Dakota program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Casper Field Office listed above.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Thomas, Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82466; Telephone: (307) 261-5824.

**SUPPLEMENTARY INFORMATION:** Copies of the North Dakota program amendment, the North Dakota program and the administrative record on the North Dakota program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5124, 1100 "L" Street, NW., Washington, D.C. 20240.

Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82466.

North Dakota Public Service Commission, Reclamation Division, Capitol Building, Bismarck, North Dakota 58505 Wyoming 82644.

### Background

The North Dakota program was approved by the Secretary of the Interior on December 15, 1980, conditioned on the correction of 13 minor deficiencies. Information pertinent to the general background, revisions modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and detailed explanation of the conditions of approval of the North Dakota program can be found in the December 15, 1980 **Federal Register** (45 FR 82214), February 9, 1983 **Federal Register** (48 FR 8902), November 9, 1983 **Federal Register** (48 FR 51458), July 19, 1984 **Federal Register** (49 FR 29214), and January 3, 1985 **Federal Register** (50 FR 260).

The three remaining conditions on the Secretary's approval of the North Dakota program are as follows:

(e) The Secretary requires North Dakota to amend its program by adopting provisions which prohibit the issuance of a permit to an applicant with outstanding violations in any State in a manner no less stringent than sections 507 and 510 of SMCRA;

(m) The Secretary requires North Dakota to enact provisions revising the date for establishment of valid existing rights to be consistent with section 552(e) of SMCRA; and

(n) The Secretary requires North Dakota to amend its program to address compensation to an owner of a structure or facility damaged by subsidence in manner which is no less effective than the compensation provided by 30 CFR 819.17 and 817.121.

### Proposed Amendments

On June 18, 1985, the State of North Dakota submitted to OSM amendments to its permanent regulatory program. The amendment package is intended primarily to address the three remaining conditions of approval by the Secretary of the Interior on the North Dakota program.

The State revised its statute at sections 38-14.1-14 and 38-14.1-21 and regulations at sections 69-05.2-10-03 and 69-05.2-06-02 to require all applicants for a permit to identify all permits held by the applicant within the last five years in any State. The revised provisions also requires applicants to identify all outstanding violations in all States prior to permit issuance. This revision is intended to satisfy condition (e).

The State has revised its definition of "valid existing rights" at section 38-14.1-07 of the North Dakota Century Code and section 69-05.2114 of the North Dakota Administrative Code by reflecting August 3, 1977 as the date by which the regulatory authority will evaluate and make valid existing rights determinations. This satutory and rule change is intended to satisfy condition (m).

The State also submitted material intended to address condition (n). The proposed language at section 69-05.2-13-12(4) of the North Dakota Administrative Code provides for compensation to owners of structures or facilities damaged by underground mine subsidence.

In addition to the above revisions, North Dakota submitted to OSM the following proposed program amendments not associated with program conditions (e), (m), or (n): (1) Repeal of all language concerning cultural resources from sections 69-05.2-08-03 and 69-05.2-09-08 of the North Dakota rules and consolidation of all cultural resources provisions in the North Dakota Century Code at sections 38-14.1-10, 38-14.1-14.1. u. and q., 38-14.1-21. and 38-14.1-30.1.; (2) revision to North Dakota Century Code at section 38-14.1-14.1. r., and the implementing regulations at section 69-05.2-09-02 allowing qualified registered land surveyors to prepare and certify maps, cross-sections and plans. This proposed revision is in response to similar changes made to section 507(b)(4) of SMCRA: (3) minor revision to sections 38-14.1-04.2 and 38-14.1-04.3 of the North Dakota statute concerning responsibilities of the North Dakota reclamation advisory committee; and (4) revision to language at section 69-05.2-16-09 of the rules concerning sedimentation pond certification requirements. This change is proposed in light of similar revisions to 30 CFR 816.46(b)(3).

OSM is seeking comment on whether North Dakota's proposed revisions to its statute and regulations are no less stringent than SMCRA and no less effective than the requirements of the revised Federal regulations and satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

The full text of the proposed program modifications submitted by North Dakota for OSM's consideration is available for public review at the addresses listed under **"SUPPLEMENTARY INFORMATION."**

### Additional Determinations

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

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

The Department of the Interior has determined that this rule would 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 would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

*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 934**

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

Dated: July 23, 1985.

**Jed D. Christensen,**

*Acting Director, Office of Surface Mining.*

[FR Doc. 85-17852 Filed 7-26-85; 8:45 am]

BILLING CODE 4310-05-M

**30 CFR Part 944**

**Consideration of Amendments to the Utah Permanent Program Under the Surface Mining Control and Reclamation Act of 1977**

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

**ACTION:** Reopening of public comment period.

**SUMMARY:** OSM is reopening the period for public comment on the adequacy of proposed amendments to the Utah Permanent Regulatory Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On August 13, 1984, Utah submitted proposed program amendments for OSM's approval pertaining to the definition of "affected area," enforcement and penalty requirements and bonding and insurance requirements (Administrative Record UT-336). The public was invited to comment on these provisions for 30 days (49 FR 40421, October 16, 1984.) In a letter to the State dated January 28, 1985, OSM informed Utah of deficiencies in its proposed program amendments (Administrative Record UT-353). On March 6, 1985, Utah submitted additional materials to address the deficiencies identified by OSM. (Administrative Record No. UT-355). The public was invited to comment on these revised provisions for 15 days (50 FR 12834, April 1, 1985). In a letter to the State dated May 6, 1985, OSM informed Utah of additional deficiencies in its proposed amendments. On July 5, 1985, Utah submitted additional material to address the conerns identified by OSM.

OSM is reopening the period for 15 days to provide the public an opportunity to comment on additional material submitted by the State on July 5, 1985.

**DATES:** Written comments not received by 4:30 p.m. on August 13, 1985, will not necessarily by considered in the Director's decision on whether the proposed amendments satisfy the criteria for approval.

**ADDRESSES:** Written comments should be sent to Mr. Robert Hagen, Field Office Director, Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 219 Central Avenue, NW., Albuquerque, New Mexico 87102.

Copies of the Utah program, the proposed modifications to the program and all written comments received in response to this notice will be available for public review at the OSM Field Office above and the OSM Headquarters office and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive, free of charge, one single copy of the amendments by contacting the OSM Albuquerque Field Office listed above.

Utah Division of Oil, Gas and Mining, Department of Natural Resources, 4241 State Office Building, Salt Lake City, Utah 84114

Office of Surface Mining, 1100 "L" Street, NW., Room 5124, Washington, D.C. 20240

**FOR FURTHER INFORMATION CONTRACT:** Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone: (202) 343-5351.

**SUPPLEMENTARY INFORMATION:** On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program under SMCRA for the regulation of the surface coal mining operations in the State (46 FR 5899-5915).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Utah program can be found in the January 21, 1981 **Federal Register** (46 FR 5899-5915).

On August 13, 1984, the Utah Division of Oil, Gas and Mining (DOGM) submitted proposed program amendments for OSM's approval (Administrative Record No. UT-336). The amendments include changes pertaining to the definition of "affected area", enforcement and penalty requirements, and bonding and insurance requirements.

On October 16, 1984, OSM sought public comment on whether the proposed modifications to the Utah permanent program listed above satisfy the criteria for approval of State program amendments set forth at 30 CFR 732.15 and 732.17 (49 FR 40421). In a letter to the State dated January 28, 1985, OSM informed the State of deficiencies identified in the proposed program amendments (Administrative Record No. UT-353). On March 6, 1985, Utah submitted additional material to respond to the concerns raised by OSM in its January 28, 1985 letter (Administrative Record No. UT-355).

On April 1, 1985 OSM reopened the comment period for 15 days on these revised provisions (50 FR 12834). Following the close of the comment period, OSM identified four additional concerns related to the proposed amendments and notified the State of these concerns in a letter dated May 6, 1985. On July 5, 1985 Utah submitted additional revised material to respond to the concerns raised by OSM.

Therefore, OSM is reopening the public comment period on the proposed amendments to provide the public an opportunity to review and comment on the material submitted by the State on July 5, 1985.

To approve the proposed provisions, OSM must find that the amendments are no less stringent than SMCRA and no less effective than the Federal regulations in meeting the purposes of SMCRA. With respect to Utah's penalty provisions OSM must find that the State program, as proposed to be amended, incorporates penalties no less stringent than those set forth under the Federal requirements and contains the same or similar procedural requirements. With respect to Utah's enforcement provisions, OSM must find that the State program, as proposed to be amended, incorporates sanctions no less stringent than those set forth in the Federal requirements and contains the same or similar procedural requirements. If the Director determines the proposed modifications meet the criteria, the amendments will be approved, and 30 CFR Part 944 modified accordingly. The Director's, approval of the amendments would be contingent on the State's adoption of the amendments in the identical form they were reviewed by OSM and the public.

**List of Subjects in 30 CFR Part 944**

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

Dated: July 22, 1985.

**Carl C. Close,**

*Acting Assistant Director, Program Operations and Inspection.*

[FR Doc. 85-17851 Filed 7-26-85; 8:45 am]

BILLING CODE 4310-05-M

**30 CFR Part 948**

**Permanent State Regulatory Program of West Virginia**

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

**ACTION:** Proposed rule.

**SUMMARY:** OSM is announcing procedures for a public comment period on its proposal to extend the deadline for the State of West Virginia to submit a required amendment to its permanent regulatory program (hereinafter referred to as the West Virginia program), which the Secretary of the Interior conditionally approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

On April 23, 1985, OSM amended 30 CFR 948.16 to require that, no later than June 24, 1985, West Virginia amend its program to require that all persons responsible for the use of explosives be certifed (50 FR 15889–15891). By letter dated June 24, 1985, West Virginia notified OSM that, within 60 days, the State would begin formal rulemaking to provide that all surface blasting (including those operations using less than five pounds and those involving surface disturbance at underground mines) must be done in accordance with section 4C of the West Virginia surface mining regulations (Administrative Record No. WV 661). Therefore, OSM is proposing to extend the deadline for submission of the required amendment for 120 days.

This notice sets forth the times and locations that the West Virginia program and deadline extension request will be available for public inspection and establishes the comment period during which interested persons may submit written comments.

**DATES:** Written comments from the public not received by 4:00 p.m. on August 28, 1985 will not necessarily be considered in the decision process.

**ADDRESSES:** Written comments should be mailed or hand delivered to: Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, Attn: West Virginia Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

Copies of the extension request, the West Virginia program and the administrative record on the West Virginia program are available for public review and copying at the OSM offices and the State regulatory authority office listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, 603 Morris Street, Charleston, West Virginia 25301. Telephone: (304) 347–7158

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street, NW., Room 5124, Washington, D.C. 20240. Telephone: (202) 343–4855

West Virginia Department of Energy, 1615 Washington Street, East Charleston, West Virginia 25305. Telephone: (304) 348–3267.

**FOR FURTHER INFORMATION CONTACT:** Mr. James C. Blankenship, Jr., Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement, 630 Morris Street, Charleston, West Virginia 25301. Telephone: (304) 347–7158.

**SUPPLEMENTARY INFORMATION:** On March 3, 1980, West Virginia submitted its proposed permanent regulatory program to the Secretary of the Interior. On October 22, 1980, following a review of the proposed program in accordance with 30 CFR Part 732, the Secretary approved it in part and disapproved it in part (45 FR 69249–69271).

West Virginia resubmitted its proposed program on December 19, 1980, which the Secretary conditionally approved on January 21, 1981. Information concerning the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and an explanation of the initial conditions of approval of the West Virginia program, can be found in the January 21, 1981 **Federal Register** (46 FR 5915–5956).

Since then the program has been amended several times, including a September 20, 1984 amendment containing West Virginia's blaster training, examination and certification program. The Director approved this amendment, but required correction of three minor deficiencies (49 FR 36837–36840). On November 20, 1984, West Virginia submitted proposed regulations and a policy statement to resolve these deficiencies. The Director approved this amendment on April 23, 1985, but required the State, no later than June 24, 1985, to submit an Attorney General's opinion that the policy statement could legally override a conflicting regulation (50 FR 15889–15891).

By letter dated June 24, 1985, West Virginia notified OSM that it had decided to resolve the conflict by formal rulemaking through the legislative process instead of seeking the Attorney General's opinion (Administrative Record No. WV 661). The letter committed the State to begin the rulemaking process within 60 days. To allow the State sufficient time to complete the initial Procedural stages of formal rulemaking, the Director is proposing to extend the deadline for amendment submission to November 26, 1985. He is now seeking comment on this proposed extension.

The issue involves section 4C.01 of the State's approved surface mining regulations which inappropriatedly relates blasting plan requirements to blasts using more than five pounds of explosives. Since section 3.01(A) of the State's blasting regulations requires certification only of blasting personnel who use explosives in accordance with the blasting plan, certain blasting operations would be exempt from the requirement of section 4C.01 that a certified blaster be responsible for all blasting operations. In addition, since section 4C.02 provides that only surface mining operations need to prepare blasting plans, surface blasting at underground mines would not be covered. Both of these provisions are less effective than the Federal regulations at 30 CFR 816.61(c) and 817.61(c) which require that all surface blasting operations be conducted under the direction of a certified blaster.

**Additional Determinations**

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no enviromental 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 Excutive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior had determined that this rule would 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.*). The rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would 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 948**

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

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

Dated: July 23, 1985.

**Jed D. Christensen,**

*Acting Director, Office of Surface Mining.*

[FR Doc. 85–17853 Filed 7–26–85; 8:45 am]

BILLING CODE 4310–05–M

# Notices

Federal Register
Vol. 50, No. 145
Monday, July 29, 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 COMMERCE

### Agency From 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: Economic Development Administration (EDA)
Title: Quarterly Report on Guaranteed Loans
Form Number: Agency—ED-700; OMB—0610-0010
Type of Request: Revision of a currently approved collection
Burden: 90 respondents; 119 reporting hours
Needs and Uses: EDA uses the Quarterly Report on Guaranteed Loans to collect information from lenders that have made EDA-quaranteed loan in order to determine EDA's contingent liability for these loans
Affected Public: Businesses or other for-profit institutions
Frequency: Quarterly
Respondent's Obligation: Voluntary
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 collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Buiding, Washington, D.C. 20503.

**Edward Michals**
*Departmental Clearance Officer.*

Date: July 23, 1985.

[FR Doc. 85-17915 Filed 7-26-85; 8:45 am]
BILLING CODE 3510-CM-M

### Agency From 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: National Bureau of Standards
Title: Survey of Electronic Measurement Needs
From Number: Agency—NBS-1215; OMB-N/A
Type of Request: New collection
Burden: 1,000 respondents; 500 reporting hours
Needs and uses: The information will be used for the planning and development of research and development programs, measurement methods, or calibration services to meet the measurement needs of NBS' clients in the electronics industry. The clients include manufacturers; government agencies, universities, national laboratories, standards laboratories, and related organizations
Affected public: State of local governments; businesses or other for profit institutions; federal institutions, and small businesses or organizations
Frequency: One-time only
Respondent's obligation: Voluntary
OMB Desk Officer: Sheri Fox, 395-3785

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 collection should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Date: July 19,1985.

**Edward Michals,**
*Departmental Clearance Officer.*

[FR Doc. 85-17916 Filed 7-26-85; 8:45 am]
BILLING CODE 3510-13-M

## International Trade Administration

### Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance; Merritt Estate Winery, Inc., et al.

Petitions have been accepted for filing on the dates indicated from the following firms: (1) Merritt Estate Winery, Inc., 2264 King Road, Forrestville, New York 14062, producer of grapes and wine (July 1, 1985); (2) Dentek, Inc., 155 Great Arrow, Buffalo, New York 14207, producer of dental equipment (July 1, 1985); (3) Fabrications, Inc., 529 Cooke Street, Honolulu, Hawaii 96813, producer of women's dresses, skirts, slacks and tops (July 1, 1985); (4) Metaltec Corporation, Aerosystems Industrial Park, Cork Hill Road, Franklin, New Jersey 07416, producer of metal tubes for writing instruments and cosmetics (July 2, 1985); (5) Tranoco, Inc., P.O. Box 267, Travelers Rest, South Carolina 29690, producer of wood golf club heads, textile machinery parts, logs and lumber (July 2, 1985); (6) Pratt-Read Corporation, Main Street, Invoryton, Connecticut 06442, producer of pianos, electronic keyboards and synthesizers, piano and organ components, turned and shaped wood products, timing devices, hand tools, metal pins and stampings, motors, coils and transformers (July 3, 1985); (7) Volpi & Son Machine Corporation, 2043 Wellwood Avenue, Farmingdale, New York 11735, producer of oriental noodle and fabric ribbon processing machinery (July 3, 1985); (8) Century Manufacturing Company, Inc., P.O. box C, Aurora, Nebraska 68818, producer of hospital

and nursing home equipment (July 5, 1985); (9) Capitol Tackle, Inc., 4809 Fruit Valley Road, Vancouver, Washington 98660, producer of fishing tackle and automotive wheel weights (July 5, 1985); (10) Crockford Enterprises, 716 NW. 68th Street, Vancouver, Washington 98665, producer of fishing rods and components (July 5, 1985); (11) Wink Corporation, P.O. Box J, Lynnwood, Washington 98046, producer of automotive accessories (July 5, 1985); (12) Sand Manufacturing Corporation, 8775 Production Avenue, San Diego, California 92121, producer of caps and visors (July 8, 1985); (13) Relational Memory Systems, Inc., 1650-Building B, Berryessa Road, San Jose, California 95113, producer of computer hardware and software (July 8, 1985); (14) Lion Leather Products, Inc., 1831 Starr Street, Ridgewood, New York 11385 producer of briefcases and attache' cases (July 8, 1985); (15) Auburn Gear, Inc., Auburn Drive, Auburn, Indiana 46706, producer of automotive gears, shafts, and assemblies (July 10, 1985); (16) Louis Gordon Company, 129 Chestnut Street, Warwick, Rhode Island 02888, producer of jewelry (July 10, 1985); (17) Lucky Childrens Wear Manufacturing Company, Inc., 55 South 11th Street, Brooklyn, New York 11211, producer of men's and boy's jeans (July 10, 1985); (18) Ray Carr Tires, Inc., Box 48, Harrisonburg, Virginia 22081, producer of automotive tires (July 11, 1985); (19) Milton Shoe Manufacturing Company, Inc., 700 Hepburn Street, Milton, Pennsylvania 17847, producer of women's footwear (July 11, 1985); (20) Prestige Sportswear, Inc., 493 C Street, South Boston, Massachusetts 02210, producer of women's blazers, slacks, blouses, skirts, shorts and dresses (July 11, 1985); (21) Setlowear, Inc., Indian River Road, Orange, Connecticut 06477, producer of men and women's pants, jackets shirts, dresses and smocks (July 11, 1985); (22) Magic Sportswear, Inc., 1359 Broadway, New York, New York 10018, producer of women's skirts, blouses and pants (July 11, 1985); (23) Scott Foot Appliance Company, 2412 Saint Mary's Avenue, Omaha, Nebraska 68105, producer of foot care and shoe repair articles (July 11, 1985); (24) Hazlitt 1852 Vineyard, P.O. Box 53, Hector, New York 14841, producer of grapes and apples (July 15, 1985); (25) Don J. Wickham, Inc., Route 414, Hector, New York 14841, producer of grapes and wine (July 15, 1985); (26) Beckhorn Vineyards, 6110 Beckhorn Road, Valois, New York 14888, producer of grapes (July 15, 1985); (27) W.R.M.J. Johnson Fruit Farms, Inc., Route 414, Valois, New York 14888, producer of grapes, peaches, apples and cherries (July 15, 1985); (28) Beattie Hill Farm, Route 4145, Hector, New York 14841, producer of grapes, cattle and grain (July 15, 1985) and (29) Buttonwood Creek Vineyard Corporation, P.O. Box 87, Rock Stream, New York 14878, producer of grapes (July 15, 1985).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, Room 4015A, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

**Jack W. Osburn, Jr.,**

*Director, Certification Division, Office of Trade Adjustment Assistance.*

[FR Doc. 85–17896 Filed 7–26–85; 8:45 am]

BILLING CODE 3510-DR-M

## COMMITTEE FOR THE PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### Procurement List 1985 Correction of Additions

In FR Doc. 85–17216 appearing on page 29469 in the issue of Friday, July 19, 1985, make the following correction:

In the first column, the effective date for the additions to the Procurement List should read July 19, 1985.

**C.W. Fletcher,**

*Executive Director.*

[FR Doc. 85–17901 Filed 7–26–85; 8:45 am]

BILLING CODE 6820-33-M

## DEPARTMENT OF DEFENSE

### Department of the Army

### Department of the Army Historical Advisory Committee; Meeting

1. In accordance with section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name of Committee: Department of the Army Historical Advisory Committee.

Date: 20 September 1985.

Place: Conference Room, National Guard Association Building 1, Massachusetts Avenue, NW, Washington, D.C.

Time: 0845–1230, 1400–1630

Proposed Agenda:

0845–1230—Review of historical activities

1400–1630—Discussion of activities and executive session of the committee

Purpose of meeting: The committee will review the past year's historical activities based on reports and manuscripts received throughout the year and formulate recommendations through the Chief of Military History of the Chief of Staff, U.S. Army and the Secretary of the Army for advancing the purpose of the Army Historical Program.

2. Meetings of the Advisory Committee are open to the public. Due to space limitations, attendance may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least five days prior to the meeting of their intention to attend the 20 September meeting.

3. Any members of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits the Committee Chairman may allow public presentations of oral statements at the meeting.

4. All communications regarding this Advisory Committee should be addressed to LTC William G. McAninch, Executive Officer, U.S. Army Center of Military History, Washington, D.C. 20314–0200.

Dated July 12, 1985.

**William G. McAninch**

*LTC, FA, Executive Officer.*

[FR Doc. 85–17910 Filed 7–26–85; 8:45 am]

BILLING CODE 3710-92-M

## DEPARTMENT OF EDUCATION

### National Advisory Council on Continuing Education; Meeting

**AGENCY:** Education.

**ACTION:** National Advisory Council on Continuing Education, notice of meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of and Executive Committee meeting of the National Advisory Council on Continuing Education. It also describes the functions of the Council. Notice of meetings is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATES:** August 1 and 2, 1985.

**ADDRESS:** The Sheraton Grand Hotel, 525 New Jersey Avenue NW., Washington, D.C. 2001–1527.

**FOR FURTHER INFORMATION CONTACT:** Dr. William G. Shannon, Executive Director, National Advisory Council on Continuing Education, 2000 L Street NW., Suite 500, Washington, D.C. 20036. Telephone: (202) 634–6077.

**SUPPLEMENTARY INFORMATION:** The National Advisory Council on Continuing Education is established under section 117 of the Higher Education Act (20 U.S.C. 1109), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) the preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education Act; and

(c) activities that will lead to changes in the legislative provisions of this title and othe federal laws affecting federal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

The public is being given less than fifteen days notice of this meeting because of last minute negotiations with OECD with regard to conference.

The Executive Committee will meet from 9:00 a.m. to 4:30 p.m. on August 1 and from 8:30 a.m. to 1:00 p.m. on August 2.

The proposed agenda includes:

—OECD Conference Plans
—Annual Report
—Budget and other matters

Records are kept of all Council proceedings and are available for public inspection at the office of the National Advisory Council on Continuing Education, 2000 L Street NW., Suite 500, Washington, D.C.,

Signed at Washington, D.C. on July 24, 1985.

**William G. Shannon,**

*Executive Director.*

[FR Doc. 85–17976 Filed 7–26–85; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

### Intent To Issue a Program Solicitation; District Heating and Cooling Research and Development

The Department of Energy will soon be inviting firms, universities, organizations, and individuals to submit proposals for the performance of research aimed at reducing costs and improving the efficiency of district heating and cooling (DHC) systems. The Department is interested in research relating to DHC components and systems, and to the rehabilitation of older district heat systems.

The Program Solicitation will solicit research in any of the following phases of development: basic and applied research; exploratory development; technology development; or engineering development. Topical areas may include, for example: systems development (district cooling, low density DHC, simultaneous heating and cooling); component development (piping, metering, controls, building conversion equipment); local resources use (reject heat, water resources); and rehabilitation of steam district heat systems.

Multiple awards for research are expected to be made in 1986. Subject to the availability of funds, up to $800,000 has been programmed for these awards. Of this amount, $300,000 will be specifically earmarked for research relating to the rehabilitation of older district heat systems.

It is anticipated that a formal solicitation will be issued in the fall of 1985. Requests for copies of this solicitation may be addressed to: Ms. Wanda Simpson—Contracting Officer, MA–453.2, Reference: DE–PS01–86CE26534, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Issued in Washington, DC on July 23, 1985.

**David G. Newman,**

*Director, Office of Procurement Operations.*

[FR Doc. 85–17862 Filed 7–26–85; 8:45 am]

BILLING CODE 6450–01–M

### Cooling Water Systems for the C- and K-Reactors and the D-Area Power Plant at the Savannah River Plant, Aiken, SC; Intent To Prepare an Environmental Impact Statement

**AGENCY:** Department of Energy.

**ACTION:** Notice of intent to prepare an environmental impact statement (EIS) and conduct a public scoping meeting on cooling water systems for C- and K-Reactors and the D-Area coal-fired power plant at the Savannah River Plant (SRP) near Aiken, South Carolina.

**SUMMARY:** The Department of Energy (DOE) announces its intent to prepare an EIS to provide input into the selection of cooling water systems for thermal discharges from the C- and K-Reactors, and from a coal-fired power plant in the D-Area. The need to implement cooling water systems for these facilities is based on compliance with the Clean Water Act and a Consent Order, dated January 3, 1984, between DOE and the State of South Carolina's Department of Health and Environemntal Control (SCDHEC). This EIS will address the potential environmental consequences of constructing and operating alternative cooling water systems.

**Scoping**

DOE invites interested agencies, orgnizations, and the general public to submit comments or suggestions for consideration in the preparation of the EIS. Written comments or suggestions to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS are requested by August 31, 1985. Written comments should be submitted to Mr. R. P. Whitfield at the address below. Written comments postmarked after August 31, 1985 will be considered to the degree practicable. The DOE will also hold a public scoping meeting at the location and times indicated below:

Aiken, South Carolina, on August 19, 1985 at 10:00 a.m. and at 6:00 p.m. at the Odell Weeks Activity Center, 1700 Whiskey Road, Aiken, South Carolina 29801.

Individuals desiring to make oral presentations at this meeting should notify Mr. Whitfield at the address listed below as soon as possible after the appearance of this notice in the **Federal Register** so that DOE may arrange a schedule for the presentations. Persons who have not submitted a request to speak in advance may register to speak at the meeting before the meeting commences. They will be called on to present their comments as time permits. In order to assure that everyone who wishes to present oral

comments has the opportunty to do so, five minutes will be allotted to individuals, and ten minutes will be allotted to individuals representing groups. Comments received at this scoping meeting will be considered in the preparation of the draft EIS. Transcripts of the scoping meeting will be prepared by DOE and made available for review at the DOE Public Reading Room located at the University of South Carolina, Aiken Campus, University Library, 2nd Floor, University Parkway, Aiken, South Carolina, and the Freedom of Information Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C.

Those interesed parties who do not wish to submit comments or suggestions at this time but would like to receive a copy of the draft EIS for review and comment should notify Mr. Whitfield at the address below.

**ADDRESS:** Written comments or suggestions on the scope of the EIS and requests to speak at the scoping meeting may be submitted to: Mr. R. P. Whitfield, Director, Environmental Division, U.S. Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802, (803) 725–3957.

Envelopes should be marked "Scoping for SRP Cooling Water Systems EIS."

For general information on the DOE EIS process, please contact: Office of the Assistant Secretary for Environment, Safety, and Health, U.S. Department of Energy, Attn: Ms. Carol M. Borgstrom (EH–152), Room 3G–092 Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–4600.

**Background Information**

The SRP is a controlled-access, major DOE installation established in the early 1950s for the protection of nuclear materials for national defense. Plant facilities, which may be characterized as heavy industry, consist of five production reactors (three operational, one being readied for restart, and one in standby status), electrical and steam generating plants, two chemical separations facilities, fuel and target fabrication facilities, waste management facilities, a heavy-water production facility (in standby status), research laboratories, repair shops, warehouses, and administrative facilities.

The major sources of thermal effluent discharges at the SRP consist of cooling water discharges from the production reactors and an onsite coal-fired power plant. Two of the currently operating production reactors, C- and K-Reactors, discharge their cooling water directly to Four Mile Creek and Pen Branch, respectively. The onsite coal-fired power plant in the D-Area normally discharges cooling water through a small mechanical cooling tower prior to discharge to Beaver Dam Creek.

The thermal effluent from the other currently operating reactor, P-Reactor, is cooled by an onsite 2500 acre cooling lake, Par Pond. Continued use of the recirculating cooling system for P-Reactor is anticipated based on section 316(a) and 316(b) studies, being conducted by DOE. These studies, to be submitted to SCDHEC, are expected to demonstrate the existence of a balanced indigenous biological community in Par Pond. L-Reactor, which is presently being readied for restart, will discharge cooling water to a cooling lake currently under construction. The restart of L-Reactor and the cooling lake are extensively discussed in the "Environmental Impact Statement, L-Reactor Operation, Savannah River Plant" (DOE/ EIS–0108).

On January 1, 1984, SCDHEC issued a National Pollutant Discharge Elimination System (NPDES) permit for the SRP. In this permit, the cooling water discharge limitation included an instream temperature limitation on thermal discharges rather than in the Savannah River. To achieve compliance with these limitations, DOE and SCDHE entered into a Consent Order on January 3, 1984, that temporarily superseded the temperature requirements in the NPDES permit and identified a process for attaining compliance. Major elements of this process included DOE agreement to complete a comprehensive study of the thermal effects of major SRP thermal discharges, the submittal of a thermal mitigation study, and the selection and implementation of cooling water system.

On October 3, 1984, DOE submitted a "Thermal Mitigation Study" to SCDHEC describing the cooling water systems that could be implemented for the C- and K-Reactors and the D-Area coal-fired power plant to achieve compliance with Federal and State water quality standards.

On March 4, 1985, SCDHEC informed DOE that it was in agreement with the preferred cooling water systems of once-through cooling towers for C- and K-Reactors and increased pumping to the raw water basin with basin water overflow discharge to a nearby outfall for the D-Area power plant. SCDHEC also stated that recriculating cooling towers for C- and K-Reactors would also be an adequate choice and that both once-through and recirculating cooling towers would satisfy State standards.

In compliance with the National Environmental Policy Act, DOE will evaluate the potential environmental consequences of constructing and operating cooling water systems for the C- and K-Reactors and the D-Area coal-fired power plant prior to a decision on implementation.

**Alternatives**

The "Thermal Mitigation Study" (DOE/SR–5003) submitted by DOE to the SCDHEC identified a total of 22 possible cooling water alternatives which would meet the Class B water quality standards of the State of South Carolina for C- and K-Reactors and four possible alternatives for the D-Area coal-fired power plant. Based on a structured evaluation process, five reasonable compliance alternatives were then identified for the C- and K-Reactors, and two reasonable compliance alternatives were identified for the D-area coal-fired power plant. For the C- and K-Reactors, the alternatives identified as reasonable compliance alternatives were a once-through cooling tower with a holding pond, a recirculating cooling tower with a holding pond, a once-through cooling lake, a once-through cooling tower followed by a cooling lake, and a cooling lake followed by a once-through cooling tower. For the D-Area coal-fired power plant, the alternatives identified as reasonable compliance alternatives were direct discharge to the Savannah River and increased pumping to the raw water basin with discharge of basin overflow to a nearby outfall.

Due to unfavorable topographic features in the area around C- and K-Reactors and the resulting high capital costs for construction of large cooling lakes in such area, DOE believes that these alternatives are unreasonable for purposes of this EIS despite their ability to meet State water quality standards. Accordingly, it is proposed that detailed evaluations will only be performed for the once-through and recirculating cooling towers with holding ponds. Further, because of its higher capital costs, the longer schedule for implementation, and the potential reduction in habitat for endangered and threatened species caused by the reduced flow to Beaver Dam Creek, the alternative for direct discharge to the Savannah River of D-Area coal-fired power plant cooling water may not be reasonable. Consequently, the DOE proposed not to perform a detailed evaluation of this alternative. The public is invited to comment on this preliminary determination of reasonable alternative during the scoping process.

The cooling water systems proposed to be considered in detail in this EIS

therefore, are once-through cooling towers with 100-acre offstream holding ponds and recirculating cooling towers with 100-acre offstream holding ponds for C- and K-Reactors, and increased pumping to the raw water basin with discharge of basin overflow to a nearby outfall for the D-Area coal-fired power plant. As required by the Council on Environmental Quality regulations for implementing the National Environmental Policy Act, the EIS will also consider "no action".

**Identification of Environmental Issues**

The following issues will be analyzed during preparation of the EIS. This list is not intended to be all inclusive, nor is it s predetermination of potential impacts. Additions or deletions may occur as the result of the scoping process.

1. *Socioeconomic:* Economic and community infrastructure effects as a result of the construction and operation of cooling water systems.

2. Wildlife and Endangered Species: Biological evaluations of the effects on endangered species and the status of any required consultation process in accordance with section 7 of the Endangered Species Act. The effects of cooling water systems (impacts during construction and benefits during operation) on other wildlife species and habitats.

3. *Fisheries:* Impingement and entrainment of fish, and fish eggs and larvae due to withdrawal of cooling water; and maintenance of a zone of passage for anadromous fish and other aquatic organisms.

4. *Wetlands:* Wetlands to be impacted by construction and operation of cooling water systems, and the recovery of wetlands due to reduced rates of cooling water discharge and downstream temperatures.

5. *Radiological effects:* Changes in dose commitments resulting from operation of cooling water systems.

6. *Radionuclide remobilization:* Changes in stream flow rates resulting in a remobilization of previously deposited radionuclides and effects on downstream drinking water.

7. *Water use and quality:* Discharge temperature and flow rate variations that would occur after cooling water systems are implemented, chemical characteristics of cooling water discharges, erosion and sedimentation resulting from construction and operation, and water use requirements.

8. *Atmospheric releases:* Cooling tower fogging, drift, and deposition.

9. *Cumulative thermal effects:* Cumulative effects of cooling water discharges to the Savannah River from C-, K-, and L-Reactors, the D-Area coal-fired power plant, the Vogtle Power Plant, and the Urquhart Steam Generating Plant.

10. *Cumulative radiological effects:* Changes in cumulative radiological dose commitments from radioactive releases from implementation of cooling water systems and existing and planned SRP and neighboring facilities.

**References**

Major documents related to the proposed EIS include the following:

- DOE/EIS-0108, "Final Environmental Impact Statement—L-Reactor Operation, Savannah River Plant, Aiken, South Carolina," May, 1984.
- DOE/SR-5003, "Thermal Mitigation Study," October, 1984.
- DP-1697 (draft), "Comprehensive Cooling Water Study, Annual Report."

Copies of these documents together with the January 1, 1984, NPDES permit as issued by SCDHEC and the January 3, 1984, Consent Order between DOE and SCDHEC have been placed for public review in the DOE Public Reading Room located at the University of South Carolina, Aiken Campus, University Library, 2nd Floor, University Parkway, Aiken, South Carolina, and the Freedom of Information Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C.

Upon completion of the draft EIS, its availability will be announced in the **Federal Register** and local news media, and comments will be solicited. Comments on the draft EIS will be considered in preparing the final EIS.

Dated in Washington, D.C., this 22nd day of July, 1985, for the United States Department of Energy.

**William A. Vaughan,**

*Assistant Secretary, Environment, Safety, and Health.*

[FR Doc. 85-17938 Filed 7-26-85; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

**[Docket No. TA85-13-20-000 & 001]**

### Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

July 23, 1985.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on July 18, 1985, tendered for filing Second Revised Sheet No. 204 to its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin Gas states that Second Revised Sheet No. 204 is being filed to reflect in Algonquin Gas' Rate Schedule F-3 revised rates in National Fuel Gas Supply Corporation's ("National Fuel") underlying Rate Schedule RQ.

Algonquin Gas requests that the Commission accept such tariff sheet, to be effective August 1, 1985, to coincide with the proposed effective date of National Fuel's rate change.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

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, 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 July 30, 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. 85-17912 Filed 7-26-85; 8:45 am]

BILLING CODE 6717-01-M

**[Docket Nos. ER85-629-000, et al.]**

### Idaho Power Co., et al.; Electric rate and corporate regulation filings

July 23, 1985.

Take notice that the following filings have been made with the Commission:

**1. Idaho Power Company**

[Docket No. ER85-629-000]

Take notice that on July 15, 1985, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's order or October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during May 1985, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement 43
Sierra Pacific Power Company, Supplement 39
Montana Power Company, Supplement 35
Portland General Electric Company, Supplement 35
Southern California Edison Company, Supplement 29

San Diego Gas & Electric Company, Supplement 24
Pacific Power & Light Company, Supplement 15
Washington Water Power Company, Supplement 29
Los Angeles Water & Power Company, Supplement 26
Puget Sound Power & Light Company, Supplement 16
Pacific Gas & Light Electric Company, Supplement 10

Comment date: August 5, 1985, in accordance with Standard Paragraph E at the end of this notice.

**2. New York State Electric & Gas Corporation**

[Docket No. ER85-633-000]

Take notice that on July 15, 1985, New York State Electric and Gas Corporation (NYSEG) submitted for filing an original and a conformed copy of a Notice of Cancellation of its Rate Schedule FPC No. 23, made effective on August 16, 1964.

The change in the status of this Rate Schedule was discovered during an overall review of NYSEG's rate schedules which culminated in its filing with the Commission in Docket No. ER85-426-000. Further review of Rate Schedule FPC No. 23 revealed that it has been inoperative since January 30, 1985. NYSEG, therefore, requests waiver of the requirement of thirty days notice in accordance with § 35.15 of 18 CFR.

Comment date: August 5, 1985, in accordance with Standard Paragraph E at the end of this notice.

**3. Public Service Company of Indiana, Inc.**

[Docket No. ER85-630-000]

Take notice that Public Service Company of Indiana, Inc. on July 15, 1985 tendered for filing pursuant to the Interconnection Agreement between Public Service Company of Indiana, Inc. (Service Company) and Southern Indiana Gas and Electric Company (Southern Company), a Ninth Supplemental Agreement, to become effective September 10, 1985.

Said Supplemental Agreement provides for the following:

(1) Amends the existing Agreement to update those points of interconnection between Service Company and Southern Company.

(2) Amends Article 6, Billing and Payment, by deleting Article 6.01 and inserting a new Article 6.01.

(3) Inserts a new Service Schedule A—Emergency Service, Service Schedule C—Interchange Power, Service Schedule D—Short Term Power, Service Schedule E—Coordination of Scheduled Maintenance of Generating Facilities, and deletes those existing said service schedules, as amended.

Copies of the filing were served upon Southern Indiana Gas and Electric Company and the Public Service Commission of Indiana.

Comment date: August 5, 1985, in accordance with Standard Paragraph E at the end of this notice.

**4. Public Service Company of New Mexico**

[Docket No. ER85-631-000]

Take notice that on July 15, 1985, Public Service Company of New Mexico (PNM) tendered for filing Service Schedule E (Block Energy Sale) to the Interconnection Agreement (Rate Schedule FERC No. 37) between PNM and Nevada Power Company (NPC).

PNM states that the service to be provided to NPC under Service Schedule E is for sale of approximately 61,000 megawatt hours of block energy at a rate of delivery of 33 megawatts per hour. The proposed service commences on July 1, 1985, and terminates at midnight on September 15, 1985. The rates are specifically negotiated rates based upon on-peak and off-peak hour deliveries, and taking into consideration present competitive market factors.

PNM requests waiver of the Commission's notice requirements so that NPC may avoid generation of more expensive gas-and-oil fired energy and requests the application be accepted allowing commencement of service on July 1, 1985.

Comment date: August 5, 1985, in accordance with Standard Paragraph E at the end of this notice.

**5. South Carolina Electric & Gas Company**

[Docket No. ER85-627-000]

Take notice that South Carolina Electric & Gas Company on July 15, 1985 tendered for filing a proposed cancellation of F.P.C. schedule Nos. T1.S2 and T1.S2.1 dated August 27, 1973, agreement between South Carolina Electric & Gas Company and Broad River Electric Power Cooperative, Inc.

The cancellation is proposed to be effective 60 days after filing. South Carolina Electric & Gas Company has sent copies of the filing to Board River Electric Cooperative, Inc.

Comment date: August 5, 1985, in accordance with Standard Paragraph E at the end of this notice.

**6. South Carolina Electric & Gas Company**

[Docket No. ER85-628-000]

Take notice that South Carolina Electric & Gas Company on July 15, 1985 tendered for filing a proposed cancellation of F.P.C. schedule Nos. T1.S3 and T1.S3.1 dated June 26, 1973, agreement between South Carolina Electric & Gas Company and Central Electric Power Cooperative, Inc.

The cancellation is proposed to be effective 60 days after filing. South Carolina Electric & Gas Company has sent copies of the filing to Central Electric Power Cooperative, Inc.

Comment date: August 5, 1985, in accordance with Standard Paragraph E at the end of this notice.

**7. The Washington Water Power Company**

[Docket No. ER85-632-000]

Take notice that on July 15, 1985, The Washington Water Power Company (WWP) tendered for filing copies of a five-year Agreement dated March 8, 1985, with City of Seattle, Department of lighting (Seattle) for replacement energy for Seattle's Lake Union Steam Plant. Washington states that this Agreement is for February 1 through June 30 period for each of the 1985–86 through 1989–90 operating years and supersedes Washington's FERC Rate Schedule No. 143, a similar Agreement which ended June 30, 1985.

Washington requests that the requirements of prior notice be waived and the effective date be March 8, 1985.

Comment date: August 5, 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, DC 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. 85-17905 Filed 7-26-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-676-000, et al.]

## Transcontinental Gas Pipe Line Co., et al.; Natural Gas Certificate Filings

July 22, 1985.

Take notice that the following filings have been made with the Commission:

### 1. Transcontinental Gas Pipe Line Company

[Docket No. CP85-676-000]

Take notice that on July 5, 1985, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1296, Houston, Texas 77251, filed in Docket No. CP85-676-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport end-user gas on behalf of Mannington, a Division of Mannington Mills, Inc. (Mannington), under the authorization issued in Docket No. CP82-426-000 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.

Transco proposes to transport on a peak day 2,000 Mcf; on an average day 1,200 Mcf; and on an annual basis 250,000 Mcf of gas for use at Mannington's Salem plant in New Jersey (Salem plant), for a term expiring October 31, 1985. It is stated that the natural gas to be transported would be purchased from GHR Energy Corporation (GHR), and would be used for process fuel and boiler fuel. It is stated that Transco would receive the gas at (1) the existing interconnection with GHR at Agua Dulce, Nueces County, Texas, (2) the existing interconnection with Valero Transmission Company in LaSalle County, Texas, (3) the existing interconnection with GHR at Miranda Prospect, Duval County, Texas and (4) the tailgate of the Katy Exxon gas plant in Waller County, Texas, and would redeliver on an interruptible basis, equivalent quantities of gas (less quantities retained for compressor fuel and line loss make-up) to existing points of delivery with South Jersey Gas Company (South Jersey). In turn, South Jersey would redeliver such gas to the Salem plant.

Transco states that it would charge Mannington the currently applicable transportation rate in accordance with its Rate Schedule T-II, FERC Gas Tariff, Second Revised Volume No. 1. In addition,Transco states that it would apply its current transportation policy to the subject transportation which, among other things, requires that Mannington periodically provide Transco with affidavits which state that the subject transportation is not displacing sales which Transco would otherwise make under any of its firm sales rate schedules.

Transco states that Mannington is considering alternatives in the sources of supply of natural gas for delivery to the Salem plant. Transco further states that such modifications may involve different suppliers and/or changes in receipt/delivery points, but would not involve any increase in peak day, average day or annual volumes to be transported by Transco. Transco also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Transco will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to consititute the transportation quantities herein and not to increase those quantities.

Transco asserts that any changes made pursuant to such flexible authority would be on behalf of the same end user, Mannington, for use at the same end-use locations and would remain within daily and annual volume levels proposed herein.

Comment date: September 5, 1985, in accordance with Standard Paragraph G at the end of this notice.

### 2. Transcontinental Gas Pipe Line Corporation

[Docket No. CP85-678-000]

Take notice that on July 5, 1985, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1296, Houston, Texas 77251, filed in Docket No. CP85-678-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport end-user gas on behalf of Coastal Eagle Point Oil Company (Coastal) under the authorization issued in Docket No. CP82-426-000 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.

Transco proposes to transport on a peak day 28,000 Mcf; on an average day 10,000 Mcf; and on an annual basis 3,650,000 Mcf of gas for use at Coastal's Eagle Point refinery (Eagle Point refinery) in Gloucester County, New Jersey for a term expiring October 31, 1985. It is stated that the natural gas to be transported would be purchased from Coastal Oil and Gas Company from the Feffress Field, Hidalgo County, Texas, and would be used for boiler fuel in refining crude oil into products. It is stated that Transco would receive the gas at existing interconnections with Valero Transmission Company in LaSalle County, Texas, and would redeliver such gas, less quantities retained for compressor fuel and line loss make-up, to the existing point of interconnection with Coastal at the Eagle Point refinery.

Transco states that it would charge Coastal the currently applicable transportation rate in accordance with its Rate Schedule T-II, FERC Gas Tariff, Second Revised Volume No. 1. In addition, Transco states that it would apply its current transportation policy to the subject transportation which, among other things, requires that Coastal periodically provide Transco with affidavits which state that the subject transportation is not displacing sales which Transco would otherwise make under any of its firm sales rate schedules.

Transco states that Coastal is considering altenatives in the sources of supply of natural gas for delivery to the Eagle Point refinery. Transco further states that such modifications may involve different suppliers and/or changes in receipt/delivery points, but would not involve any increase in peak day, average day or annual volumes to be transported by Transco. Transco also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Transco will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Transco asserts that any changes made pursuant to such flexible authority would be on behalf of the same end user, Coastal, for use at the same end-use locations and would remain within daily and annual volume levels proposed herein.

Comment date: September 5, 1985, in accordance with Standard Paragraph G at the end of this notice.

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. 85-17906 Filed 7-26-85; 8:45 am]

BILLING CODE 6717-01-M

## Gulf State Utilities Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Ordering Summary Disposition, Granting Waiver of Notice Requirements, Denying Expedited Hearing, and Establishing Hearing Procedures

**[Docket No. ER85-538-000]**

Issued July 23, 1985

Before Commissioners: Raymond J. O'Connor, Chairman; A.G. Sousa and Charles G. Stalon.

On May 24, 1985, Gulf States Utilities Company (GSU) tendered for filing a two-step increase in its rates for transmission service to eight wholesale customers.[1] The proposed "interim rates" would increase revenues by approximately $13.1 million (82.9%) over the twelve months ending December 31, 1985. The proposed "full rates" would increase revenues by an additional $3.3 million, or a total increase of approximately $16.4 million (103.7%) over the same period. Approximately $516,759 (3.2%) of the increase is supported by the inclusion of construction work in progress (CWIP) pursuant to § 35.26(c)(3) of the regulations. For all customers other than the Sam Rayburn Dam Electric Cooperative, Inc. (SRDEC), GSU requests an effective date of July 24, 1985, for both sets of rates. GSU further requests waiver of the notice requirements so that the proposed rates will not take effect as to SRDEC until June 1, 1986, in accordance with the terms of GCU's agreement with SRDEC.[2] If it is determined that the proposed full rates should be suspended for more than one day, GSU asks that the alternate interim rates be put into effect with no more than a one-day suspension. If, however, the proposed full rates and the interim rates would be suspended for the same period, GSU requests that the interim rates be deemed withdrawn.

Notice of the company's filing was published in the **Federal Register**[3] with comments due on or before June 26, 1985. Timely motions to intervene were filed by Stauffer Chemical Co. (Stauffer) and the Attorney General of Louisiana which raise no particular substantive issues. Additionally, timely motions to intervene were filed by the City of Lafayette, Louisiana (Lafayette); jointly by the Sam Rayburn Municipal Power Agency (SRMPA) and SRDEC; Sam Rayburn G&T, Inc. (SRGT); the Louisiana Energy and Power Authority (LEPA); and Cajun Electric Power Cooperative, Inc. (Cajun). The motions to intervene filed by SRMPA, SRDEC, SRGT, LEPA, & Cajun all raise a variety of cost of service and rate issues [4] and request a five-month suspension.

On July 8, 1985, GSU filed an answer to the interventions of Lafayette, SRMPA and SRDEC, SRGT, LEPA, and Cajun. While not opposing any of the motions to intervene, the company denies that either a five-month suspension or an expedited hearing is warranted. With repect to transmission costs, however, GSU states that it inadvertently included two facilities charges, totalling $4.4 million, which are not allocable to transmission service. GSU states that it does not object to summary disposition as to this $4.4 million amount.

### Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motions to intervene serve to make the Attorney General of Louisiana, Stauffer, Lafayette, SRMPA, SRDEC, SRGT, LEPA and Cajun parties to this proceeding.

As GSU notes, the $4.4 million of the transmission facilities charges representing payments by GSU to SRMPA and SRGT in connection with the Nelson Unit 6 power plant are related more closely to production than to the transmission function. Accordingly, we shall order summary disposition with respect to this issue. Because the revenue impact of this decision is substantial, we shall require GSU to refile its "full" cost of service and rates to reflect the exclusion of the $4.4 million.

Our revieiw of the company's filing and the pleadings indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶61, 189 (1982), we explained that were our preliminary review indicates that proposed rates may be unjust and unreasonable and may yield substantially excessive revenues, as defined in *West Texas*, we will generally suspend the rates for a period of five months. Our preliminary review of the proposed full rates indicates that those rates as modified by summary disposition, above, may not produce substantially excessive revenues. Accordingly, we shall suspend the full rates for one day, to become effective, as modified, on July 25, 1985, subject to refund, for all customers other than SRDEC. Because of the terms in SRDEC's contract, these rates will not become effective until June 2, 1986, subject to refund. We shall deem the interim rates for all customers to have been withdrawn.

LEPA has alleged that GSU's practices in the offering of transmission services are unreasonably restrictive and discriminatory and has requested an expedited hearing on those issues. We are not persuaded that LEPA has presented an adequate basis for ordering a separate, formally expedited hearing on the questions of GSU's alleged practices in the offering of transmission services, and we shall deny their request at this time [5]

*The Commission orders:*

(A) Summary disposition is hereby ordered, as noted in the body of this order, with respect to GSU's transmission charges. Within thirty (30) days of the date of this order, GSU shall

[1] *See* Attachment for rate schedule designations and affected customers.

[2] GSU's present contract with SRDEC provides that the company may file a change in rate prior to June 1, 1986, but that such change may not become effective prior to June 1, 1986. This provision was part of the overall bargain under which the Sam Rayburn entities purchased an interest in GSU's Nelson 6 generating unit. According to GSU, the requested waiver will allow the moratorium agreement to to be carried out.

[3] 50 FR 25314 (1985).

[4] The issues raised include:

(1) The claimed rate of return on equity;

(2) The allowance for cash working capital included in rate base;

(3) The classification of primary distribution lines;

(4) The determination of billing demand units;

(5) The allocation of purchased power costs to transmission service customers.

[5] However, pursuant to Ordering paragraph (G) below, the presiding judge designated in this proceeding will have the discretion to establish any appropriate procedural dates.

refile its rates and supporting cost data to reflect this determination.

(B) GSU's request for waiver of the notice requirements is hereby granted for good cause shown.

(C) GSU's proposed and rates are hereby accepted for filing, as modified by summary disposition, and are suspended for one day, to become effective on July 25, 1985, subject to refund, for all customers except SRDEC; as to SRDEC, the proposed full rates are suspended for one day, to become effective on June 2, 1986, subject to refund, pursuant to the agreement between GSU and SRDEC. The interim rates for all customers are deemed to have been withdrawn.

(D) LEPA's request for an expedited hearing on certain issues is hereby denied.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chpater I), a public hearing shall be held concerning the justness and reasonableness of GSU's proposed rate schedule changes.

(F) Subdocket—000 in Docket No. ER85-538-000 is hereby terminated. The evidentiary proceeding ordered herein shall be assigned Docket No. ER85-538-001.

(G) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conferece in this proceeding, to be held within approximately fifteen (15) days after service of top sheets, a in hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure (18 CFR Part 385).

(I) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

**Kenneth F. Plumb,**

*Secretary.*

**Rate Schedule Designations**

*Designations—Other Party and Description*

Supplement No. 6 to Supplement No. 6 to Rate Schedule FPC No. 109 (Supersedes Supplement No. 5 to Supplement No. 6), City of Plaquemine Rate Schedule—LTS.

Supplement No. 7 to Supplement No. 6 to Rate Schedule FPC No. 109, City of Plaquemine—LTS.

Supplement No. 23 to Rate Schedule FERC No. 128 (Supersedes Supplement No. 19), Cajun Electric Power Cooperative, Inc. Rate Schedule—CTS.

Supplement No. 2 to Supplement No. 6 to Rate Schedule FERC No. 128, Cajun Electric—Amendment to Service Schedule—CTS.

Supplement No. 24 to Rate Schedule FERC No. 128 (Supersedes Supplement No. 18), Cajun Electric Power Cooperative Inc. Rate Schedule—CSTS.

Supplement No. 25 to Rate Schedule FERC No. 128 (Supersedes Supplement No. 20), Cajun Electric Power Cooperative, Inc. Rate Schedule—CITS.

Supplement No. 2 to Supplement No. 2 to Rate Schedule FERC No. 131 (Supersedes Supplement No. 1 to Supplement No. 2), Sam Rayburn Dam Electric Cooperative, Inc., Sam Rayburn G&T, Inc., Sam Rayburn Municipal Power Agency Rate Schedule—SRTS.

Supplement No. 3 to Supplement No. 2 to Rate Schedule FERC No. 131, Sam Rayburn—Amendment to Service Schedule—SRTS.

Supplement No. 3 to Supplement No. 1 to Rate Schedule FERC No. 131 (Supersedes Supplement No. 1 to Supplement No. 1), Sam Rayburn—Service Schedule—SRSTS.

Supplement No. 1 to Supplement No. 1 to Rate Schedule FERC No. 137, Town of New Roads Rate Schedule—LTS.

Supplement No. 2 to Supplement No. 1 to Rate Schedule FERC No. 137, Town of New Roads—Amendment to Service Schedule—LTS.

Supplement No. 2 to Supplement No. 1 to Rate Schedule—FERC No. 140 (Supersedes Supplement No. 1 to Supplement No. 1), City of Lafayette Rate Schedule—LTS.

Supplement No. 2 to Supplement No. 2 to Rate Schedule FERC No. 140 (Supersedes Supplement No. 1 to Supplement No. 2), City of Lafayette Rate Schedule—LITS.

Supplement No. 2 to Supplement No. 1 to Rate Schedule FERC No. 141½ (Supersedes Supplement No. 1 to Supplement No. 1), City of Martinville Rate Schedule—PDS.

Supplement No. 1 to Supplement No. 3 to Rate Schedule FERC No. 136, Louisiana Energy and Power Authority Rate Schedule—LETS.

Supplement No. 2 to Supplement No. 3 to Rate Schedule FERC No. 136, Louisiana Energy—Amendment to Service Schedule—LETS.

Supplement No. 1 to Supplement No. 1 to Rate Schedule FERC No. 136, Louisiana Energy and Power Authority Rate Schedule—LESTS.

Supplement No. 1 to Supplement No. 2 to Rate Schedule FERC No. 136, Louisiana Energy and Power Authority Rate Schedule—LEITS.

Supplement No. 9 to Rate Schedule FERC No. 135 (Supersedes Supplement No. 6), Southern Companies Rate Schedule—GITS.

Supplement No. 1 to Supplement No. 5 to Rate Schedule FERC No. 135, Southern Companies—Amendment to Service Schedule—GITS.

[FR Doc. 85-17913 Filed 7-26-85; 8:45 am]

BILLING CODE 6717-01-M

---

**[Project No. 8957-000, et al.]**

**Hydroelectric Applications (City of Morro Bay, et al.); Applications Filed With the Commission**

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1 a. Type of Application: Preliminary Permit.

b. Project No.: 7856-000.

c. Date Filed: February 14, 1985.

d. Applicant: City of Morro Bay.

e. Name of Project: San Bernardo Creek Hydroelectric Project.

f. Location: On San Bernardo Creek, near City of Morro Bay, in San Luis Obispo County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. David A. Norton, Water Engineer, Department of Public Works, 695 Harbor Street, Morro Bay, CA 93442.

i. Comment Date: September 8, 1985.

j. Description of Project: The proposed project would consist of: (1) A 178-foot-high, 1,200-foot-long diversion dam at elevation 310 feet; (2) a 24-inch-diameter, 14,000-foot-long steel penstock; (3) a powerhouse with a total installed capacity of 865 kW operating under a head of 410 feet; and (4) a 1-mile-long, 12.5-kV transmission line from the powerhouse to an existing Pacific

Gas and Electric Company (PG&E) transmission line. The Applicant estimates the average annual energy generation at 1.5 million KWh to be sold to PG&E.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $135,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

2 a. Type of Application: Preliminary Permit.

b. Project No.: 9097-000.

c. Date Filed: April 8, 1985.

d. Applicant: Mutual Energy Partnership.

e. Name of Project: Old Highway Hydroelectric.

f. Location: On Big Wood River near the town of Shoshone in Lincoln County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Bart M. O'Keeffe, Mutual Energy Partnership, 3451 Longview Drive, Suite 130, North Highlands, CA 95660.

i. Comment Date: September 16, 1985.

j. Description of Project: The proposed project would consist of: (1) A 12-foot-high, 50-foot-long diversion dam; (2) an intake structure; (3) a 1,000-foot-long, 18-foot-wide power canal; (4) a 10-foot-diameter, 500-foot-long penstock; (4) a powerhouse containing two generating units with a total combined capacity of 2,000 kW; (5) a tailrace; (6) a 600-foot-long transmission line; and (7) a 1,500-foot-long gravel service road. Applicant estimates the average annual energy production to be 12,260 MWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct engineering and environmental feasibility studies and prepare a license application at a cost of $125,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: The proposed power generation is to be sold to a local privately owned utility.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

3 a. Type of Application: Preliminary Permit.

b. Project No.: 9213-000.

c. Date Filed: May 21, 1985.

d. Applicant: Aero Construction, Inc.

e. Name of Project: Canal Section Lock A Hydro Project.

f. Location: On the Tennessee-Tombigbee Waterway Canal Section near Monroe, Amory County, Mississippi.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Ralph L. Laukhuff, Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, LA 70896.

i. Comment Date: September 11, 1985

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Tennessee-Tombigbee Waterway Canal Section at Lock A; a 1100-foot-long and 20-foot-wide diversion channel; and would consist of: (1) A new powerhouse located on the west side of the lock in the diversion channel housing two 900-kW generators for a total installed capacity of 1,800 kW; (2) a proposed 12.47-kV transmission line approximately 200 feet long; and (3) appurtenant facilities. The Applicant estimates that the average annual generation would be 12.6 GWh. All project energy would be sold to a local utility company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $20,000.

4 a. Type of Application: Preliminary Permit.

b. Project No. 9228-000.

c. Date Filed: May 24, 1985.

d. Applicant: Rockingham Hydro Associates.

e. Name of Project: McGaheysville.

f. Location: South Fork of the Shenandoah River in Rockingham County, Virginia.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Thomas Forbes, P.O. Box 421, Mercer Island, WA 98040.

i. Comment Date: September 9, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing concrete dam about 750 feet long and 15 feet high; (2) an existing reservoir with a storage capacity of about 103 acre-feet and normal maximum water surface elevation of 1,000 feet, m.s.l.; (3) an existing power channel, 100 feet long and 200 feet wide; (4) two existing penstocks, 10 feet in diameter and 15 feet long; (5) a proposed powerhouse, 100 feet by 50 feet, which will house two turbine/generator units, each rated at 750kW for a total installed capacity of 1.5MW, (6) an existing 50 feet wide by 10 feet long tailrace; (7) a proposed 0.25-mile-long transmission line at 14.4 kV; and (8) appurtenant facilities. Applicant estimates that the average annual energy generation would be 6.3 GWh. Owner of the dam is the City of Harrisonburg, Virginia

k. Purpose of Project: Applicant intends to sell the project energy to the Cities of McGaheysville, Elkton, and Harrisonburg, Virginia.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2

m. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would perpare studies of the hydrualic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant estimates the cost of the studies under the permit would be $125,000.

5 a. Type of Application: Preliminary Permit.

b. Project No. 9278-000.

c. Date Filed: June 7, 1985.

d. Applicant: Cedar Falls Development Ltd.

e. Name of Project: Cedar Falls Dam Project.

f. Location: On the Cedar River near Cedar Falls, Black Hawk County, Iowa.

g. Filed Pursuant to: Federal Power Act 16 U.S.C., 791(a)-825(r).

h. Contact Person: Mr. Kenneth Lever, Pierce Building, 18305 Minnetonka Boulevard, Wayzata, MN 55391.

i. Comment Date: September 9, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing concrete dam approximately 10 feet high and 248 feet long; (2) a small reservoir with a surface area of 21 acres at a normal pool elevation of 853.5 feet m.s.l.; (3) a powerhouse housing a 770-kW generator; (4) a 12.5-kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual generation would be 4,425 MWh. The City of Cedar Falls, Iowa is the owner of the dam and appurtenant facilities. All power generated would be sold to a local utility company.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

l. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $50,000.

6 a. Type of Application: Preliminary Permit.

b. Project No. 9284–000.

c. Date Filed: June 10, 1985.

d. Applicant: Rainbow Water Company.

e. Name of Project: Rainbow Lake.

f. Location: On Cottonwood Creek and Hoover Tunnel, near Ono, in Shasta County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Jack Schreder, Rainbow Water Company, 1327 "O" Street, Suite 12, Sacramento, CA 95814, (916) 441–0986

Raymond, Vail and Associates, 1410 Ethan Way, Sacramento, CA 95825, (916) 929–3323.

i. Comment Date: September 9, 1985.

j. Description of Project: The proposed project would consist of: (1) Rainbow Water Company's existing Misselbeck Dam and Rainbow Lake; (2) a 36-inch-diameter, 4,000-footlong pipeline; (3) the existing 7,000-foot-long Hoover Tunnel; (4) a 32-inch-diameter, 1,050-foot-long penstock; (5) a powerhouse containing a single Pelton turbine-generator unit with a rated capacity of 930 kW and producing an estimated average annual generation of 3.27 GWh; (6) a tailrace discharging to Ducket Creek; and (7) a tap 12.5–kV transmission line interconnecting the project to an existing Pacific Gas and Electric Company (PG&E) line. Project power would be sold to PG&E.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies at $50,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

7 a. Type of Application: 5MW Exemption.

b. Project No. 7160–001.

c. Date Filed: March 1, 1985.

d. Applicant: Arkansas Department of Parks and Tourism, State Parks Division.

e. Name of Project: Mammoth Spring Hydroelectric Facility.

f. Location: On the Spring River in Fulton County, Arkansas.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708, *as amended*).

h. Contact Person: Mr. Richard Davies, Director, Arkansas State Parks, One Capitol Mall, Little Rock, AR 72201.

i. Comment Date: August 28, 1985.

j. Description of Project: The proposed project would consist of: (1) A proposed impoundment with a water surface area of 9.8 acres at normal maximum surface elevation of 503.8 feet, m.s.l.; (2) an existing dam about 110 feet long and presently 13.3 feet high. Repairs and reconstruction to the dam will involve the addition of a concrete cap 1.3 feet high on top of the dam, giving a proposed dam height of 14.6 feet high; (3) an existing intake structure; (4) an existing powerhouse 25 feet square, contiguous with the dam, which will house one renovated generating unit with an installed capacity of 550 kW; (5) an existing tailrace; (6) approximately 600 feet of new underground transmission line at 5kV; and appurtenant facilities. Applicant estimates that the average annual energy generation would be 1,700,000 kWh. The Applicant is the Permittee for Project No. 7160–000.

k. Purpose of Project: Project energy will be sold to the Arkansas Power and Light Company.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3a

m. *Purpose of Exemption*—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

8 a. Type of Application: Minor License.

b. Project No. 8422–001.

c. Date Filed: December 3, 1984.

d. Applicant: Pine Island Pond Hydro.

e. Name of Project: Pine Island Pond Project.

f. Location: On the Cohas Brook in Hillsborough County, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Anne L. Warner, Pine Island Pond Hydro, 6–10 Pendleton Lane, Londonderry, New Hampshire 03053.

i. Comment Date: August 30, 1985.

j. Competing Application: Project No. 8686–000; Date Filed: October 24, 1984.

k. Description of Project: The proposed project would consists of: (1) An existing 17-foot-high, 80-foot-long stone masonry dam with; (2) 2.5-foot-high wood flashboards; (3) a reservoir with a surface area of 37 acres, a storage capacity of 240 acre-feet, and a normal water surface elevation of 151.1 feet msl; (4) a new intake structure; (5) a new concrete and wood powerhouse containing one generating unit with a capacity of 35 kW and one generating unit with a capacity of 170 kW for a total installed capacity of 205 kW; (6) a new 20-foot-wide, 6-foot-deep tailrace; (7) a new transmission line, 300 feet long; and (8) appurtenant facilities. The Applicant estimates the average annual generation would be 718,000 kWh. The existing dam is owned by Edward J. Socha, Manchester, New Hampshire.

l. Purpose of Project: All project energy produced would be sold to the Public Service Company of New Hampshire.

m. This notice also consists of the following standard paragraphs: A4, B, C, and D1.

9 a. Type of Application: Preliminary Permit.

b. Project No.: 8776–000.

c. Date Filed: December 5, 1984.

d. Applicant: Kittitas Reclamation District.

e. Name of Project: Cle Elum Dam.

f. Location: At the Bureau of Reclamation's Cle Elum Dam, on the Yakima River, in Kittitas Country, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Stan Powers, Kittitas Reclamation District, P.O. Box 276, Ellensburg, WA 98926.

i. Comment Date: August 28, 1985.

j. Description of Project: The proposed project would utilize the Bureau of Reclamation's Cle Elum Dam and Reservoir and would consist of: (1) A 3,000-foot-long, 14-foot-diameter concrete lined tunnel (2) a powerhouse containing two generating units with a total capacity of 10 MW and an average annual generation of 42,700 MWh; and (3) a 2 ¼-mile-long transmission line.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $70,000. No new roads would be constructed or drilling conducted during the feasibility study.

k. Purpose of Project: Project power would be sold to a utility company.

l. This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.

10 a. Type of Application: Preliminary Permit.

b. Project No.: 9191–000.

c. Date Filed: May 13, 1985.

d. Applicant: Streamline Hydro, Inc.

e. Name of Project: Hansen Canal.

f. Location: On Charles Hansen Canal, near Laporte, in Larimer County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Robert E. Stout, Streamline Hydro, Inc., 6565 South Dayton Street, Suite 1100, Englewood, CA 80111, (303) 792–2028.

i. Comment Date: August 28, 1985.

j. Description of Project: The proposed project would utilize an existing overflow drop chute located at elevation 5,246 feet msl on the U.S. Bureau of Reclamation's Charles Hansen Canal and would consist of: (1) A 48-inch-diameter, 50-foot-long penstock; (2) a powerhouse containing a single turbine-generator unit with an installed capacity of 300–kW and producing an estimated average annual generation of 1.3 MWh; (3) a 10-foot-long tailrace discharging water to the Poudre River; and (4) a 700-foot-long, 13.7–kV tap transmission line interconnecting the project to an existing Public Service Company of Colorado (PSCC) line. Applicant intends to sell the project power to PSCC).

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under the permit would be $5,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

11 a. Type of Application: Transfer of License.

b. Project No.: 3671–004.

c. Date Filed: May 8, 1985.

d. Applicant: The Borough of Central City, Mitex, Inc., and Allegheny Hydro Partners.

e. Name of Project: Allegheny Lock and Dam No. 5.

f. Location: At the U.S. Army Corps of Engineers' Allegheny Lock and Dam No. 5 on the Allegheny River in Armstrong County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Bruce J. Wrobel, 91 Newbury Street, Boston, Massachusetts 02116.

i. Comment Date: August 30, 1985.

j. Description of Proposed Transfer: On October 15, 1984, a major license was issued to the Borough of Central City and Mitex, Inc. to construct, operate, and maintain the Allegheny Lock and Dam No. 5 Project No. 3671. It is proposed to transfer the license to the Borough of Central City and Allegheny Hydro Partners, a Pennsylvania limited partnership of which Mitex, Inc. is the general partner. Applicants state that the transfer is necessary to facilitate the financing of the project.

k. This notice also consists of the following standard paragraphs: B and C.

12 a. Type of Application: Surrender of License.

b. Project No.: 5702–002.

c. Date Filed: April 24, 1985.

d. Applicant: Barnet Hydro Company.

e. Name of Project: Barnet.

f. Location: Stevens River in Barnet Village, Caledonia County, Vermont.

g. Filed pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. L. Macrae Rood, Box 142, Warren, Vermont 05674.

i. Comment Date: August 30, 1985.

j. Description of Proposed Surrender: The proposed project would have consisted of: (1) A new 1-to 5-foot-high, 60-foot-long concrete gravity spillway/diversion dam; (2) a pond with no storage capacity at elevation 537.0 feet m.s.l.; (3) a new forebay at the west dam abutment; (4) a 42-inch-diameter, 450-foot-long, buried steel penstock; (5) a new rated capacity of 530 kW; (6) a transmission line; and (7) appurtenant facilities. The proposed run-of-the-river project would have generated up to 2,342,000 kWh annually. Energy produced at the project would have been sold to the local utility.

The Licensee states that due to the current lack of economic viability of the project since the buy-back rate for electricity in Vermont was reduced, and its inability to comply with the timetable for construction, it wishes to surrender its license.

k. This notice also consists of the following standard paragraphs: B, C & D2.

13 a. Type of Application: Preliminary Permit.

b. Project No.: 8919–000.

c. Date Filed: February 1, 1985.

d. Applicant: St. Vrain & Left Hand Water Conservancy District (SVLHWCD).

e. Name of Project: Coffintop Reservoir Pumped Storage.

f. Location: On St. Vrain Creek, in Sections 23 through 27, T3N, R71W, of the 6th P.M., near Laporte, in Larimer County, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Ms. Barb Poquette, Executive Director, SVLHWCD, 500 Coffman Street, Suite 106, Longmont, CO 80501.

i. Comment Date: September 20, 1985.

j. Description of Project: The proposed project would utilize the existing Price Reservoir (impounded by Button Rock Dam which is owned by City of Longmont, Colorado) as the forebay for a pumped storage hydroelectric project. The reservoir to be created by the proposed Coffintop Dam, would be utilized as the project's afterbay. Button Rock Dam, an earth and rockfill dam 925 feet long with a maximum height of 215 feet, impounds Price Reservoir with a surface area of 248 acres and a storage capacity of 16,000 acre-feet at maximum surface elevation 6,400 feet m.s.l. The proposed Coffintop Dam would be an earth and rockfill or a roller compacted concrete dam 2,350 feet long and 350 feet high (if concrete) or 365 feet high (if earthfill), impounding a reservoir with a surface area of 800 acres and storage capacity of 115,000 acre-feet at maximum surface elevation 5,740 feet m.s.l. Additional new project works would consist of: (1) A 15-foot-diameter concrete-lined tunnel/penstock 17,800 feet long; connecting to (2) a 15-foot-diameter steel-lined tunnel/penstock 2,350 feet long; leading to (3) a powerhouse with an installed capacity of 156 MW containing 3 pump-turbines rated at 52 MW each; (4) a surge chamber, 5,950 feet upstream of the powerhouse; (5) a 1,550-foot-long, 15-foot-diameter, concrete-lined tunnel loading from the powerhouse to (6) a tailrace; and (7) a 2.5-mile-long, 115-kV primary transmission line. Applicant estimates that the average annual energy production would be 573,955,000 kWh. Project energy would be sold to area utility systems including the Public Service Company of Colorado, Tri-State Generation and Transmission Association, and the Platte River Power Authority. The project would be partially located on U.S. Bureau of Reclamation lands.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the

outcome of the studies, the Applicant would decide whether to proceed with an application for development. Applicant estimates that the cost of the studies under the permit would be $50,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

14 a. Type of Application: Preliminary Permit.

b. Project No.: 9143-000.

c. Date Filed: May 1, 1985.

d. Applicant: Guthrie Associates.

e. Name of Project: Monroe Dam.

f. Location: On the Salt Creek in Monroe County, Indiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Thomas Forbes, Guthrie Associates, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: August 30, 1985.

j. Competing Application: Project No. 9076-000; Date Filed: April 1, 1985.

k. Description of Project: The Applicant would utilize an existing dam under the administration of the U.S. Army Corps of Engineers (Corps). The proposed project would consist of: (1) A proposed bifurcated penstock, which would be connected to the Corps' existing 12-foot-diameter outlet conduit; (2) a proposed powerhouse containing two generating units with a total installed capacity of 3,500 kW; (3) a proposed tailrace which would divert the outflow from the powerhouse to the existing outlet channel of the existing Corps flood control project; (4) a proposed transmission line; and (5) appurtenant facilities. The estimated average annual energy output for the proposed project is 9,100,000 kWh.

l. This notice also consists of the following standard paragraphs: A8, B, C & D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $125,000.

15 a. Type of Application: Perliminary Permit.

b. Project No.: 9145-000.

c. Date Filed: May 1, 1985.

d. Applicant: Lagro Associates.

e. Name of Project: Salamonie Dam.

f. Location: On the Salamonie River in Wabash County, Indiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Thomas Forbes, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: August 30, 1985.

j. Competing Application: Project No. 9077-000; Date Filed: April 1, 1985.

k Description of Project: The proposed project would utilize the exsiting U.S. Army Corps of Engineers' Salamonie Dam and would consist of: (1) A proposed penstock approximately 65 feet long with a wye connection into: (2) a proposed powerhouse which will contain units with an installed generated capacity of 7,700 kW; (3) a proposed channel tailrace approximately 80 feet long; (4) a proposed transmission line; and (5) appurtenant facilities. The estimated average annual energy produced by the project would be 20,100,000 kWh operating under a net hydraulic head of 69 feet. Project power would be sold to the Towns of Marion and Huntington, Indiana.

l. This notice also consists of the following standard paragraphs: A8, B, C & D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $125,000.

16 a. Type of Application: Preliminary Permit.

b. Project No: 9172-000.

c. Date Filed: May 6, 1985.

d. Applicant: Logan Associates.

e. Name of Project: Utah State Dam Hydro Project.

f. Location: On Logan River in Cache County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Mike Graham, President, Great Western Power & Light, Inc., 484 East 300 North, Manti, UT 84642.

i. Comment Date: September 20, 1985.

j. Description of Project: The proposed project would utilize an abandoned site owned by the State of Utah and would consist of: (1) A concrete and earthfill dam, about 70 feet high and 700 feet long; (2) a reservoir having a storage capacity of about 500 acre-feet; (3) two new 30-inch-diameter penstocks, about 60 feet long; (4) a new powerhouse to contain turbine-generator units rated at 500 kW and 1,500 KW for a total rated capacity of 2,000 kW; (5) a tailrace returning flow to the river near the toe of the dam; (6) a new transmission line, about 2,000 feet long, connecting to an existing line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,936,000kWh.

k. Purpose of Project: Project energy would be sold to local municipalities or to the local power company.

L. this notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Application seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $33,000.

17 a. Type of Application: Preliminary Permit.

b. Project No: 9205-000

c. Date Filed: May 20, 1985.

d. Applicant: Millstream Hydro.

e. Name of Project: Dickinson Dam.

f. Location: On the Ashuelot River, in Cheshire County, New Hamsphire.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Douglas H. Bonner, Box 287, Bradford, NH 03221.

i. Comment Date: August 30, 1985.

j. Competing Application: Project No. 9118-000, Date Filed: April 19, 1985.

k. Description of Project: The proposed project run-of-river project would consist of: (1) The existing 175-foot-long, and 10-foot-high timber crib/rock fill Dickinson Dam with a spillway crest elevation of 456.2 feet mean sea level; (2) new 12-inch-high flashboards; (3) a reservoir with a surface area of 50 acres and storage capacity of 400 acre-feet; (4) a new intake structure and powerhouse at the east end of the dam with an installed capacity of 440 kW; (5) a 460-foot-long tailrace; (6) a new short transmission line and (7) other appurtenances. Applicant estimates an average annual generation of 2,300,000

kWh. Existing facilities are owned by Homestead Woolen Mills, Inc.

l. This notice also consists of the following standard paragraphs: A8, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $9,500.

18 a. Type of Application: Preliminary Permit.

b. Project No: 9227–000

c. Date Filed: May 24, 1985.

d. Applicant: Erie Associates.

e. Name of Project: Union City Dam Project.

f. Location: On the French Creek near the Town of Leboeuf Garden, Erie County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Thomas Forbes, P.O. Box 421, Mercer Island, Washington 98040.

i. Comment Date: September 20, 1985.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Union City Dam and Reservoir and would consist of: (1) A proposed 200-foot-long, 10-foot-diameter steel penstock; (2) a proposed powerhouse containing two generating units having a total installed capacity of 5,490 KW; (3) a proposed 70-foot-long, 8-foot-wide, and 4-foot-deep tailrace; (4) a proposed 900-foot-long 69-kV transmission line; and (5) appurtenant facilities. The Applicant estimates the average annual generation would be 21.8 GWh.

k. Purpose of Project: All project power generated would be sold to the Pennsylvania Electric Company.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $125,000.

19 a. Type of Application: Preliminary permit.

b. Project No.: 9230–000.

c. Date Filed: May 24, 1985.

d. Applicant: Jewett City electric Light Plant

e. Name of Project: Jewett City Project.

f. Location: On the Pachaug River in the Borough of Jewett City, New London County, Connecticut.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Joseph M. Dudek, Jewett City Electric Light Plant, 29 Park Square, Jewett City, Connecticut 06351.

i. Comment Date:

j. Description of Project: September 20, 1985. The proposed project would consist of the following 2 developments.

A. The Ashland Pond Dam Development consisting of: (1) The existing 450-foot-long, 25-foot-high, earth embankment dam with a masonry spillway; (2) a reservoir having a surface area of 83 acres, a storage capacity of 502 acre-feet, and a water surface elevation of 127 feet msl; (3) a proposed intake structure; (4) a proposed 120-foot-long, 5-foot-diameter steel penstock; (5) a proposed powerhouse containing one generating unit with an installed capacity of 185 kW; (6) a proposed 50-foot-long tailrace; (7) a proposed 200-foot-long, 4.16 kV transmission line; and (8) appurtenant facilities

B. The Slater Dam development consisting of the following two alternatives:

**Alternative 1**

(1) The existing 170-foot-long, 18-foot-high masonry Slater Dam; (2) a reservoir having a surface area of 3 acres, a storage capacity of 6 acres-feet, and a normal water surface elevation of 108 feet msl; (3) a proposed intake structure; (4) a proposed 180-long, 5-foot-diameter steel penstock; (5) a proposed powerhouse containing one generating unit having an installed capacity of 205 kW; (6) a proposed 80-foot-long tailrace; (7) a proposed 70-foot-long, 4.16-kV transmission line; and (8) appurtenant facilities.

**Alternative 2**

(1) The existing 170-foot-long, 18-foot-high masonry Slater Dam; (2) a reservoir having a surface area of 3 acres, a storage capacity of 6 acre-feet, and a normal water surface elevation of 108 feet msl; (3) a proposed intake structure; (4) a proposed 360-foot-long, 5-foot-diameter steel penstock; (5) a proposed powerhouse containing one generating unit having an installed capacity of 280 kW; (6) a proposed 100-foot-long tailrace; (7) a proposed 220-foot-long, 4.16-kV transmission line; and (8) appurtenant facilities.

The Applicant estimates the average generation would be 1,695,000 kWh for the Ashland Pond development and alternative 1 of the Slater Dam development, and 2,026,000 kWh for the Ashland Pond development and alternative 2 of the Slater Dam development. The Existing Ashland Pond Dam and Slater Dam are owned by the State of Connecticut.

l. Purpose of Project: All project energy generated would be utilized by the Applicant for distrubution to its customers.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

n. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $40,000.

20 a. Type of Application: Preliminary Permit.

b. Project No.: 9234–000

c. Date Filed: May 28, 1985

d. Applicant: Adirondack Hydro

e. Name of Project: Wilmington project.

f. Location On the Ausable River on the Town of Wilmington, Essex County, New York.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Contact Person: Christopher McGill, P.O. Box 145, Wilmington, New York 12997.

i. Comment Date: September 20, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing 227-foot-long, 19-foot-high concrete gravity dam; (2) a reservoir having a surface area of 25 acres, with negligible storage and a normal water surface elevation of between 986 feet msl and 988 feet msl; (3) a proposed 15-foot-long, 7-foot-diameter steel penstock; (4) an existing powerhouse containing one new generating unit with an installed capacity of 250kW; (5) an existing 50-foot-long tailrace; (6) a proposed 275-foot-long, 13kV transmission line; and (7) appurtenant facilities. The Applicant estimates the average annual generation would be 1,500,000 kWh. The existing

dam and project facilities are owned by the Town of Wilmington and the New York State Electric and Gas Corporation.

k. Purpose of Project: All project power generated would be sold to the New York State Electric and Gas Corporation.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $25,000.

**Standard Paragraphs**

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications or notices of intent to file competing development applications, must be filed in response to and in compliance with the public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time sent for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be set to the Applicants representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also

be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilites. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: July 24, 1985.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85-17911 Filed 7-26-85; 8:45 am]

BILLING CODE 6717-01-M

---

**[Docket No. RE 81-56-000]**

## Oglethorpe Power Corp. et al.; Electric Rates: Purpa; Qualifying Facilities; Waiver; Interventions

Issued: July 23, 1985.

Oglethorpe Power Corporation; Altamaha EMC; Amicalola EMC; Canoochee EMC; Carroll EMC; Central Georgia EMC; Coastal EMC; Cobb EMC; Colquitt EMC; Coweta Fayette EMC; Douglas County EMC; Excelsior EMC; Flint EMC; Grady County EMC; Habersham EMC; Hart County EMC; Irwin County EMC; Jackson EMC; Jefferson EMC; Lamar EMC; Little Ocmulgee EMC; Middle Georgia EMC; Mitchell EMC; Ocmulgee EMC; Oconee EMC; Okefenoke Rural EMC; Pataula EMC; Planters EMC; Rayle EMC; Satilla Rural EMC; Sawnee EMC; Slash Pine EMC; Snapping Shoals EMC; Sumter EMC; Three Notch EMC; Tri-County EMC; Troup County EMC; Upson County EMC; Walton EMC; and Washington EMC; Docket No. RE81-56-000. Order granting and denying motions, granting in part and denying in part petition for waivers and terminating docket.

On January 22, 1981, as amended on March 23, 1984, Oglethorpe Power Corporation (Oglethorpe) and its 39 member retail distribution cooperatives (EMCs) (collectively, the petitioners) filed a petition for waiver of certain of the Commission's regulations implementing section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) pursuant to § 292.403 of the Commission's regulations. Specifically, petitioners seek waiver of Oglethorpe's obligation under § 292.303(b) of the regulations to sell power to qualifying facilities (QFs) and of the EMCs' obligation under § 292.303(a) to purchase power directly from QFs.[1]

The petition was filed in connection with Oglethorpe's and the EMCs' joint program to implement the Commission's regulations promulgated pursuant to PURPA section 210, as required by § 292.401 of the regulations. Their implementation program consists of an "Interconnection Policy" which coordinates purchases from and sales to QFs. Under the Interconneciton Policy, Oglethorpe would make all purchases from QFs and the EMCs make all sales of power to QFs. The petition notes that under § 292.303 (a) and (b) of the regulations, the purchase and sale obligations apply to "each" electric utility. Thus, in order to secure approval of the Interconnection Policy, petitioners request the above mentioned waivers. In brief, petitioners contend that the requested waivers are appropriate because strict compliance with the regulations is not necessary to encourage cogeneration and small power production and compliance will be unduly burdensome and may cause substantial financial harm to Oglethorpe.

A timely intervention was filed by Mr. Gaynor L. Bracewell, the owner of a small hydroelectric facility. Mr. Bracewell did not object to the waiver, but criticized Oglethorpe's rates for purchases and sales. Petitioners answered in opposition.

On January 16, 1984, an untimely motion to intervene and protest was filed by Greensboro Lumber Company (Greensboro).[2] Greensboro contends the Commission lacks authority to grant the waiver, that requiring Oglethorpe to sell power to QFs is necessary to encourage cogeneration and small power productions; and that if the Commmission does have authority to grant the waiver, a hearing is necessary before it rules on the issue.

On March 23, 1984, petitioners filed the above-mentioned amendments to the petition, in which they provided supplementary arguments for the requested relief. Notice of the amendment was issued March 30, 1984. The comment date was extended to May 14, 1984.[3]

Mr. Bracewell filed a timely pleading in which he objected to the waiver.[4] Timely motions to intervene were also filed by Georgia Power Company (GPC), from which Oglethorpe purchases substantial amounts of power; Mr. Herschel L. Webster, the owner of a shall hydroelectric project from which Oglethorpe purchases power; and the National Rural Electric Cooperative Association (NRECA). GPC, Mr. Webster and NRECA all support the petition. In addition, Mr. Webster requests that a hearing be convened if the Commission does not grant the

[1] Oglethorpe is a generation and transmission cooperative owned by the 39 member EMCs. Oglethorpe acts as the generation and transmission agent for the EMCs, which purchase substantially all of their power and energy requirements from Oglethorpe. Oglethorpe has no service territory and no customers other than the EMCs.

[2] Greensboro owns a 7.5 MW qualifying small power production facility in Georgia. Greensboro has a contract with Oglethorpe and Rayle EMC executed pursuant to the Interconnection Policy, under which Greensboro sells energy and capacity to Oglethorpe and purchases power from Rayle.

[3] Notice issued April 27, 1984 in Docket No RE81-56-000.

[4] The Commission contrues this document as an amendment to Mr. Bracewell's intervention.

petition in the first instance. Greensboro filed timely comments in opposition to the petition as amended.[5]

In succeeding months, the parties exchanged numerous pleadings. These will be identified below, as necessary.

**Discussion**

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), their timely notices and motions to intervene serve to make Mr. Bracewell, Greensboro, Mr. Webster, GPC and NRECA parties to this proceeding.

(a) *Commission authority to waive the purchase and sale obligations.*

The threshold issue in this proceeding is whether the Commission has authority to grant waivers of the purchase and sale obligations and, if so, under what circumstances? The Commission concludes that it has authority to waive these obligations where a State commission, with respect to a particular utility or utilities, or a nonregulated utility, can demonstrate that strict compliance is not necessary to encourage cogeneration and small power production.

Section 210(a) makes no explicit provision for waiver of purchase or sale obligations. Rather, it requires the Commission to prescribe "such rules as it detemines necessary" to encourage cogeneration and small power production, which rules "shall require electric utilities to offer to" purchase from and sell power to qualifying facilities. The legislative history is also silent on the question of waiving these obligations. Petitioners, however, contend that the phrase "such rules as it determines necessary," indicates that Congress intended to permit the Commission to grant waivers. They also state that nothing in the legislative history indicates Congress intended that these obligations must apply to every utility vis-a-vis every QF. In support, they claim that the Commission has already construed section 210(a) to permit waivers, noting the exceptions to the purchase obligation during "light loading" periods [6] and to the purchase and sale obligations during system emergencies.[7] In addition, petitioners point to the "wheeling in lieu of purchase provision (§ 292.303(d)) and construe this as a waiver of the wheeling utility's obligation to purchase.[8] Moreover, they note that § 292.403(b) of the regulations contains a generally applicable provisions for waivers upon application.[9]

Finally, petitioners seek to distinguish a proceeding in which the Commission denied a petition by Colorado-Ute Electric Association for an amendment to § 292.303 to require QFs to by-pass local distribution utilities and sell power directly to those utilities's wholesale suppliers.[10] In that proceeding, the Commission terminated 15 rulemaking dockets, among them Colorado-Ute's petition. The Commission denied the petition, stating that "the obligation to purchase is a statutory requirement" and "[s]ince Colorado-Ute's petition does not indicate how the statute can be construed differently, the Commission is not convinced it should modify § 292.303." [11] Petitioners allege Colorado-Ute should not be read as holding that the purchase requirement cannot be waived because such a reading would contradict Order No. 69's provision for exceptions to the general rule and because Colorado-Ute did not show any specific hardships that local distribution utilities might suffer [12] or that the general obligation is not necessary to encourage cogeneration and small power production.[13]

Greensboro offers several arguments in rebuttal. First, it notes that one purpose of PURPA was to cure the problem of utility refusal to deal with congenerators and small power producers.[14] Thus, it argues, there is no waiver provision in section 210(a) because Congress intended to ensure that the Commission would not frustrate that intent. Greensboro also notes that PURPA gives the Commission explicit discretion in section 210(e)(1) to grant exemptions from certain Federal laws.[15] The absence of such a provision in section 210(a) must, therefore, indicate that no waivers from the general purchase and sale requirements were intended to be allowed. Greensboro next notes that § 292.403(b) permits waivers of the regulations only if compliance is not necessary to encourage cogeneration and small power production "and is not otherwise required under section 210 of PURPA." Greensboro alleges that this limitation is intended to apply to the purchase and sale requirements. Greensboro avers that the wheeling in lieu of purchase provisions is not a waiver because of QF must give its consent. Thus, that provision is designed to give the QF flexibility to go beyond the utility to which it is connected if there is a price advantage. Greensboro contends *Colorado-Ute* is indistinguishable because the fact that Colorado-Ute was seeking a broad exemption with no showing of special hardship was not a consideration in the Commission's decision, which rested solely on a finding that purchase obligation could not be waived.

Notwithstanding Greensboro's arguments, the Commission concludes that it does have implicit authority to waive the purchase and sale obligations under its regulations where strict compliance would not serve to advance the Congressional purpose of encouraging QFs. Greensboro interprets the Commission's order in *Colorado-Ute* too broadly. *Colorado-Ute* held, perhaps unclearly, that Colorado-Ute did not provide support for Commission authority to waive the purchase obligation for the entire class of local distribution utilities. The provisions for waiver in the regulations (§§ 292.305(b)(2) and 292.403(b)) permit waivers only with respect to individual utilities based on a showing by the

[5] The Commission construes Greensboro's pleading as a timely filed intervention, in response to the notice of March 30, 1984. Thus, Greensboro's original untimeliness is cured.

[6] 18 CFR 292.304(f). "Light loading" refers to a situation where a utility would incur greater costs as a result of purchasing electricity from a QF than it would have had it not purchased the power; in short, it would have a negative avoided cost. This would have to be paid for by the QF if it continued to deliver power during these periods. See FERC Stats. and Reg., Regulations Preambles 1977–1981, ¶30,128 at 30,886 (Hereafter "FERC Preambles") (45 FR 12,214 at 12,227 (May 25, 1980)).

[7] 18 CFR 292.307(b)(1) (purchases) and 292.307(b)(2) (sales).

[8] Section 292.303(d) provides generally that if a QF agrees, "an electric utility which would otherwise be obligated to purchase energy or capacity from [a QF] may transmit the energy or capacity to any other electric utility." When this occurs, the utility to which the power is transmitted is required to purchase the QF's power as if it were directly connected to the QF.

[9] Section 292.305(b)(2) provides that a State regulatory Commission or this Commission (with respect to nonregulated utilities) may waive the obligation to provide any of the back-up power services upon a finding that compliance will:

(i) Impair the electric utility's ability to render adequate services to its customers; or

(ii) Place an undue burden on the electric utility.

[10] "Termination of Rulemaking Docket: Certification of Compliance With Coastal Zone Management Act, *et al.*," IV FERC Statutes and Regulations ¶ 32,344, 32,767–768, Docket No. RM82–7–000, Colorado-Ute Electric Association (Hereafter, *Colorado-Ute*).

[11] IV FERC Stats. and Regs. at 32,768.

[12] Petitioners argue that they will suffer specific hardship if they are not granted a waiver. These arguments will be considered below.

[13] NRECA also filed comments supporting the waiver in its motion to intervene and in its answer to Greensboro's Motion for Summary Disposition. NRECA's arguments are variations on those made by petitioners. Thus, both parties' arguments will be considered jointly.

[14] *See FERC v. Mississippi*, 456 U.S. 742, 750–51 (1982).

[15] Section 210(e) refers to the Federal Power Act, the Public Utility Holding Company Act and State laws and regulations regarding rates and financial regulations of electric utilities.

applicant that designated standards have been met. Waivers en masse, without any showing that compliance is not necessary to encourage QFs, was clearly not contemplated by Congress.

Greensboro's other major contention is that where Congress intended to permit waivers of statutory requirements, it explicity so stated, in section 210(e)(1). However, we conclude that the Congressional directive to the Commission to prescribe "such rules as it determines necessary to encourage cogeneration and small power production" indicates sufficient flexibility was intended to accommodate a limited authority to waive the purchase and sale obligations where strict compliance would serve no purpose. In this connection, it is notable that section 210(e)(1) concerns exemptions from the provisions of statutes other than PURPA and refers specifically to exemptions for QFs, not utilities. Thus, that section is irrelevant to waivers of utility obligations under PURPA.

Further, the phrase "not otherwise required under section 210 of PURPA" does not, in our view, mean that § 292.403(b) can never be applied to the purchase and sale obligations. As noted above, we have concluded that section 210 does not require that each and every utility offer to both purchase and sell at all times and under all conditions. Rather, in the context of purchases and sales, this phrase refers to the requirement of section 210 that the Commission's regulations generally require utilities to purchase and sell and that no qualifying facility be deprived of an opportunity to deal with a utility.

Waiver of the purchase or sale obligations under these circumstances is not inconsistent with the Congressional intent to force utilities to deal with cogenerators and small power producers. Waiver would only be inconsistent with this intent if it frustrated the purpose of encouraging these entities. The Commission's waiver provisions are designed to ensure that this purpose is not frustrated. At a minimum, a State commission or nonregulated utility must demonstrate that compliance with the purchase obligation is not necessary to encourage cogeneration and small power production. Under the Commission's regulations, waivers of the sale obligation are subject to a higher standard, a showing that the affected utility's ability to serve its customers will be impaired or that it will otherwise suffer an undue burden if required to sell power to QFs.

Finally, Greensboro is correct that the wheeling in lieu of purchase provision is not a waiver of the purchase obligation. The QF has the discretion determine whether it will sell to the directly or indirectly connected utility. However, the fact that this provision is not a waiver provision is not dispositive of the issue of whether the Commission can grant waivers.

For these reasons, the Commission concludes that section 210 does not require the purchase and sale obligations to be applied inflexibly. So long as the provision waived is not, in the particular circumstances presented, necessary to encourage cogeneration and small power production, section 210 is satisfied. We turn now to the merits of the petition.

(b) *Whether to grant the requested waivers.*

(i) Waiver of the EMCs' purchase obligation

The Commission concludes that petitioners have shown that requiring the EMCs to purchase from QFs is not necessary to encourage qualifying facilities. Thus, this portion of the waiver petition will be granted.

Petitioners contend that waiver of the EMCs' purchase obligation is warranted because: (1) Central coordination of power purchases is essential to Oglethorpe's role as power supplier to the EMCs, (2) Oglethorpe has an administrative and engineering staff in place for purchasing power; the EMCs do not and it would be costly and inefficient for them to have to develop that capability, (3) Oglethorpe could make purchases via connection with the ITS in cases where the QF produces more power than the EMC can use or has physical capability to handle, and (4) purchases by the EMCs are not necessary to encourage QFs because the rates paid by Oglethorpe will always be as high or higher than those of an EMC. In the latter connection, petitioners' note that under the EMCs' contracts with Oglethorpe, any adverse cost impact on Oglethorpe resulting from an EMC purchase from a QF (*e.g.*, a reduction in Oglethorpe's purchases from GPC, resulting in unavoided demand charges) would be allocated to the EMC, which would have to recover that cost from the QF.[16] They also state that an EMC's purchase rate would be lower because the entire administrative cost of having a QF purchase program would be allocated only to the QFs in the EMC's service territory, rather than spread over all of Oglethorpe's customers. Finally, the EMCs state that under Oglethorpe's contracts with GPC, Oglethorpe receives a capacity credit for purchases from QFs, which may not be applicable if an EMC purchases instead.

Greensboro responds that (1) it is improper for Oglethorpe to allocate unavoided fixed costs to the EMC purchasing QF power, because Order No. 69 provides that such allocations to an EMC are only permissible in excess capacity situations, (2) Oglethorpe's avoided capacity cost of purchases from GPC may at times be less than an EMC's avoided cost of purchasing power from Oglethorpe; thus, the QF would rather sell to the EMC, (3) an EMC may choose not to calculate avoided cost the same way as Oglethorpe and thus provide a higher rate, (4) EMCs may be more friendly to the industrial operations that give rise to QF power and (presumably) provide a better rate than Oglethorpe, (5) other contractual terms, such as levelized payments, may be just as important as price, and (6) forcing QFs to deal with Oglethorpe is anti-competitive because it removes 39 potential purchasers from the market.

Greensboro's objections are not persuasive. As set forth in Order No. 69, which established the Commission's regulations implementing section 210, the Commission concluded that a utility's rates are sufficient to encourage QFs if they are based on the utility's full avoided cost. Oglethorpe contends that its rates are based on full avoided cost, a contention Greensboro has not disputed in this proceeding. Thus, the rates are, on their face, in compliance with the regulations thus are sufficient to encourage QFs.[17] Greensboro, however, contends that in order to show that EMC purchases are not necessary to encourage QFs, petitioners should be required to show that Oglethorpe's rates and terms and conditions of service will, in every possible circumstance, equal or exceed the EMCs'.[18] We believe that

[16] Petitioners claim that allocation of any such costs to QFs is sanctioned in Order No. 69. *See* FERC Preambles at 30,870 (45 FR at 12,219).

[17] If Greensboro contends that Oglethorpe's avoided cost methodology is improper, that contention should, as the Commission has repeatedly stated, be pursued in a State forum of competent jurisdiction. *See* "Policy Statement Regard the Commission's Enforcement Role Under Section 210 of the Public Utility Regulatory Policies Act of 1978," 23 FERC ¶ 61,304 at 61,645 (1983); *Southern Company Services, Inc.*, 27 FERC ¶ 61,443, *reh. den.* 28 FERC ¶ 61,349 (1984); *Roche Products, Inc., et al.*, 29 FERC ¶ 61,098 (1984).

[18] In its petition to intervene, Greensboro acknowledges that Oglethope's rates will generally equal the EMCs', but states that waiver of the purchase obligation should be granted only if petitioners can "guarantee that in all possible cases QFs will come out in at least as good a position selling to [Oglethorpe] as to an EMC. . . ." Petition to Intervene, pp. 10–11.

section 210 requires no such result. The intent of Congress was to ensure that QFs have a market for their power under reasonable terms, and it granted the Commission broad power to construct a regulatory framework to achieve that end. In this instance, where Oglethorpe is ready and willing to stand in the shoes of the EMCs, waiving the EMCs' purchase obligation will not frustrate Congress' intent, because no QF will be deprived of a market for its power and each will receive a rate established as sufficient to encourage QFs. Thus, assuming that Greensboro's contention that there may be periods during which an EMC's avoided cost would exceed Oglethorpe's is correct, we still conclude that requiring EMC purchases is not necessary to encourage QFs.

While it is not necessary to our decision in this case, we also think it worthwhile to point out that Greensboro's other arguments are flawed. One of Greensboro's primary contentions in support of the argument that the EMCs' avoided costs may exceed Oglethorpe's that it is improper for Oglethorpe to allocate to an EMC unavoided fixed costs that result from that EMC purchasing from a QF unless Oglethorpe is in an excess capacity situation. We disagree. The excess capacity situation discussed in Order No. 69 merely illustrates the principle that a purchasing utility should be in the same financial position it would have been had it not purchased from the QF.

Further, Greensboro's assertion that an EMC may choose not to calculate avoided cost on the same basis as Oglethorpe and provide a higher rate to QFs is entitled to little weight. It is not logical to suppose that an EMC would choose an avoided cost methodology that not only would result in it paying more for power than it has to, but which might also cause it to incur a penalty by way of compensation to Oglethorpe for any unavoided costs incurred by Oglethorpe as a result of the EMC's purchase. Such an occurrence is particularly unlikely given that the EMC's clearly prefer to have Oglethorpe power on their behalf. To offer a better rate than Oglethorpe would undercut that goal. For the same reason, it is highly unlikely that an EMC would offer better terms and conditions than Oglethorpe.

Finally, the allegation that requiring QFs to sell to Oglethorpe would remove 39 potential purchasers from the market for QF power reveals a misunderstanding of the nature of the purchase obligation. Under our regulations, the "market" for a QF's power is the directly connected utility or, if that utility is willing to wheel power to other utilities, indirectly connected utilities. 18 CFR § 292.303 (a) and (d). A QF in an EMC's service territory would be directly connected either to the local EMC or to Oglethorpe. Unless Oglethorpe voluntarily offered to wheel power to other EMCs, the indirectly connected EMCs would not be required to purchase the QF's power. It seems quite unlikely that Oglethorpe would willingly offer to wheel to another EMC for this purpose, because that would be inconsistent with Oglethorpe's preference that it make all purchases of QF power.[19]

While the Commission concludes that a waiver is appropriate in this instance, that waiver will be granted subject to certain conditions to ensure that QFs selling to Oglethorpe will receive the same encouragement as other qualifying facilities. First, we note that Greensboro is directly connected to Oglethorpe, not Rayle. Oglethorpe has, appropriately, imposed only one set of interconnection charges. Similiarly, if a QF was directly connected to an EMC, it could be required to pay only for interconnection costs related to the connection with the EMC. It could not be required to pay twice under the theory that it is selling power to an indirectly connected utility. Also, if a QF were directly connected to Oglethorpe, Oglethorpe would have to deliver back-up power from its facilities. The QF could not be forced to make a second interconnection with the local EMC to receive back-up power and to pay additional interconnection charges.

In addition, we note that under the existing agreements, Greensboro pays no wheeling charge in connection with Oglethorpe's purchase. This may be a coincidence related to the fact that Greensboro is directly connected to Oglethorpe. In any event, no wheeling charge would be permissible even if the affected QF were directly connected to an EMC. The theory underlying the waiver is that Oglethorpe acts as purchasing agent on behalf of all the EMCs. Therefore, once the power enters an EMC's system, it has been delivered to the purchaser.

(ii) Waiver of Oglethorpe's sale obligation.

Petitioners' argument for waiver of Oglethorpe's sale obligation rests on the assertions that sales to QFs by Oglethorpe are not necessary to encourage congeneration and small power production and that such sales would be unduly burdensome. The argument is as follows: (1) The back-up power needs of QFs can be met by other utilities, (2) Oglethorpe would be required to develop a retail rate division, which would result in financial and administrative burdens, on the off-chance that a QF might choose to purchase directly from it, (3) Oglethorpe "could well" become subject to regulation by the Georgia Public Service Commission, in particular, regulation of Oglethorpe's future financial dealings,[20] and, (4) becoming subject to State regulation could adversely affect tax benefits which are asserted to depend on Oglethorpe not being subject to Georgia Commission jurisdiction. The tax benefits relate to "safe harbor" leasing transactions and sale of tax benefits, accelerated depreciation and energy tax credits.[21]

The applicable section of the Commission's regulation's (§ 292.305(b)(2)) permits waivers upon a showing of impaired service to the utility's customers or undue burden to the utility. Petitioners' arguments do not go to the former basis. Thus, the question in whether Oglethorpe would be unduly burdened by compliance with the sale obligation. In the Commission's view, petitioners have not made such a showing.

First, even if the power needs of QFs could be met by other utilities, that has nothing to do with whether Oglethorpe would be burdened by such sales. Second, developing retail rates for QFs should not be burdensome for Oglethorpe. It now has a staff which develops rates for purchases from QFs and its wholesale rates to the EMCs. This staff should certainly have the expertise to develop retail rates. Moreover, Oglethorpe had only entered into contracts with only a few QFs since the Commission's regulations were promulgated in 1980. Petitioners' assertion that a whole new retail rate division is necessary to serve a handful of back-up power customers is not persuasive.

Petitioners' argument that Oglethorpe may be subject to State regulation if it makes any retail sales and that such regulations will cause financial

[19] Greensboro contends in *Greensboro Lumber Company v. Georgia Power Company, et al.*, (No. 84-2022A) (N.D. Ga., Atlanta Division, Filed February 28, 1985), that Oglethorpe refuses to wheel Greensboro's power to other utilities and that this is a violation of the antitrust laws. Our comments here refer only to Oglethorpe's obligations under our rules implementing section 210 of PURPA.

[20] But not its rates.

[21] The tax benefits rest on an Internal Revenue Service (IRS) ruling that Oglethorpe's property is not "public utility property" within the meaning of the Internal Revenue Code of 1954, 26 U.S.C. 1, *et seq.* (Tax Code).

hardships is not well supported.[22] As to the first contention, Oglethorpe merely states that such a sale "could well" bring Oglethorpe under State commission jurisdiction.[23] Petitioners cite section 46–3–2 of the Georgia Territorial Act in support of this supposition. However, that section simply states that EMCs and municipalities which furnish retail service are subject to Commission regulation except as to their rates (this includes review of financings: Section 46–2–28). "Electric Membership Corporation" is defined in section 46–2–171(3) of that Act as an EMC organized under Chapter 3, Article 4. Nowhere does Oglethorpe state that it is an EMC or that any sale of back-up power would make it a *de facto* EMC. Moreover, the Georgia Territorial Act may permit Oglethorpe to make retail sales in an EMC's service area if the EMC consents and the Georgia Commission approves section 46–3–8(c)(2)). The jurisdictional consequences of such a sale are not clear on the face of the Georgia Territorial Act.

Even if such sales did render Oglethorpe subject to the jurisdiction of the Georgia Commission, that Commission exercises no control over EMC rates (section 46–3–12). Oglethorpe, however, asserts that Georgia Commission authority to approve Oglethorpe's financings "would . . . hinder its ability to move quickly in volatile financial markets." This possibility does not appear to involve any undue hardship, as it would put Oglethorpe on the same footing as virtually every regulated utility and many nonregulated utilities, including the EMCs.

Finally, it is not at all clear that jurisdiction by the Georgia Commission over Oglethorpe's financings would void Oglethorpe's letter ruling from the IRS that its property is not "public utility property" within the meaning of the Tax Code. The Tax Code defines that term as property used in the business of selling electricity:

> If the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by an agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision thereof.

26 U.S.C. 167(1)(3)(A). Because Oglethorpe's rates for retail sales would not be regulated by the Georgia Commission in any event, it is unlikely that Oglethorpe's ruling from the IRS would be voided by virtue of making sales to QFs.[24]

In any event, the Commission believes it should not grant waivers of the purchase or sale obligations based on speculation as to how the Georia Commission and the IRS might interpret the Georgia Territorial Act and the Tax Code, respectively, if Oglethorpe sold back-up power to a QF. Section 292.305(b)(2) requires a showing that compliance "will" be unduly burdensome. Moreover, there is no apparent reason why Oglethorpe could not seek definitive opinions from each to these agencies rather than ask this Commission to act on speculation or interpret laws concerning which it has no expertise. Finally, the Commission notes that several implementation plans have been filed by G&T Cooperatives and their members which specifically provide for the G&T cooperative to sell back-up power.[25] To the Commission's knowledge, none of these G&T cooperatives has lost tax benefits as a result. For all of the reasons stated above, the Commission finds that petitioners have not shown that Oglethorpe would be unduly burdened by making sales to QFs.

The Commission orders:

(A) All motions for extensions of time to respond to pleadings of other parties are hereby granted.

(B) All motions not specifically granted are hereby denied.

(C) Oglethorpe's and the EMC's petition for waiver of the EMCs' purchase obligation is hereby granted, subject to the conditions that Oglethorpe continue to be ready and willing to purchase power from qualifying facilities from which the EMCs would otherwise be required to purchase, and that no qualifying facility shall be subject to duplicate interconnection charges or charges for wheeling power to Oglethorpe across EMC transmission lines.

(D) Oglethorpe's and the EMCs' petition for waiver of Oglethorpe's sale obligation is hereby denied.

(E) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 85–17914 Filed 7–26–85; 8:45 am]

BILLING CODE 6717–01–M

[22] It is worth noting that Oglethorpe seeks a waiver even if it would not become subject to Georgia Commission jurisdiction as a result of sales to QFs. Petition, p. 6.

[23] *See* Amendment to Petition, p. 11.

[24] Petitioners have not explained how Oglethorpe obtained a ruling from the IRS that its facilities are not "public utility property" within the meaning of section 167(1)(3)(A) of the Tax Code. The Rural Electrification Administration (REA) must approve the rates and rate structures of its borrowers (including Oglethorpe). Thus, Oglethorpe's facilities seem to fit squarely within the definition in section 167(1)(3)(A). However, Petitioners' "Motion to Strike Factual Misstatements" appears to indicate that the IRS regards as "public utility property" only property belonging to utilities whose rates are regulated on a rate of return basis. If that is the case, it is highly unlikely that the letter ruling would be voided by sales of back-up power, because Oglethorpe's rates are not regulated on a rate of return basis.

[25] Central Electric Power Cooperative, Northeast Missouri Electric Power Cooperative, Northwest Electric Power Cooperative, Lincoln County Power District No. 1, Basin Electric Power Cooperative, Minkota Power Cooperative, Kamro Electric Cooperative, Western Farmers Electric Cooperative, Missouri Basin Municipal Power Agency, Deseret Generation and Transmission Cooperative.

## Office of Hearings and Appeals

### Issuance of Decisions and Orders; Week of June 10 through June 14, 1985

During the week of June 14 through June 14, 1985, the decisions and orders summarized below were issued with respect to apeals 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

*W.F. Lawless, 6/12/85, HFA–0287*

W.F. Lawless filed an Appeal from the Savannah River Operations Office's partial denial of his Freedom of Information Act (FOIA) request. The OHA upheld Savannah River's determination that the documents which were not released could be withheld pursuant to Exemption 5 of the FOIA. The OHA found, however, that Savannah River's determination was incomplete since it did not make any decision regarding the release of three documents which originated in another government agency. Important issues that were considered were (i) whether drafts, comments to drafts, cover memos accompanying drafts, and documents containing their authors' personal opinions were properly withheld pursuant to Exemption 5; (ii) whether the agency's release of the documents to Congress waived its FOIA privilege to withhold the documents; and (iii) whether the FOIA required a publicly available non-government journal to be released.

#### Remedial Orders

*Marathon Petroleum Company, Marathon Oil Company, 6/13/85, BRO–1295*

Marathon Petroleum Company and Marathon Oil Company (Marathon) objected to a Proposed Remedial Order (PRO) which the Economic Regulatory Administration (ERA) issued to the firm on July 23, 1980. In the PRO, the ERA alleged that during the period August 1973 through October 1978,

Marathon overstated the increased costs of natural gas liquids and natural gas liquid products that it was permitted to include in its selling prices under applicable regulations. In considering the PRO, the DOE initially granted a motion by the ERA to withdraw those portions of the PRO concerning the period August 1973 through December 1974. Regarding the remaining period, the DOE found that Marathon had conceded many of the cost overstatements specified in the PRO, and determined that Marathon's challenges to the PRO should be rejected. The DOE therefore concluded that the PRO should be issued as a final Remedial Order. The Remedial Order requires Marathon to file with the ERA revised cost calculation reports and supporting data, as adjusted to reflect the adjudicated cost overstatements, covering the period January 1975 through October 1978. The important issues discussed in the Decision and Order include (i) whether a "sale" of residue gas is required in order to claim increased shrinkage costs, and (ii) whether cost "offsets" may properly form a defense to a PRO that alleges no actual overcharges but seeks only a refiling of cost statements.

**Motion for Discovery**

*Tootle Petroleum Inc.*, 6/13/85, HRD-0241, *HRH-0241*

Tootle Petroleum, Inc. (Tootle) filed Motions for Discovery and for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order (PRO) that was issued to the firm and to Iron R. Tootle. In its motions, Tootle 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 found that Tootle's Motion for Discovery should be denied since the firm had failed to show that the regulations were sufficiently ambiguous or that other specific circumstances existed which would warrant discovery.

The DOE also found that the Motion for Evidentiary Hearing should be denied since Tootle had failed to make the requisite showing that there were any material factual issues in dispute. However, the DOE granted Tootle a 20-day period of time in which to submit affidavits or other documentation in support of its positions in the underlying enforcement proceeding.

**Implementation of Special Refund Procedures**

*Ayers Oil Company 6/11/85, HEF-0223*

The Office of Hearings and Appeals issued a final Decision and Order setting forth procedures to be used in filing applications for refund from the settlement funds obtained under a consent order with Ayers Oil Company. The funds will be available to customers who purchased covered petroleum products from Ayers during the period August 1973 to January 1981.

**Refund Applications**

*The Hertz Corps./TRW, Inc., RF76-157; Ford Motor Co., RF76-158; Chesebrough-Pond's Inc., RF76-159; General Electric Co., 6/13/85, RF76-160*

DOE Decisions and Orders had been issued to four firms in which the refunds approved were incorrectly calculated. In this Decision the correct refund amounts were calculated and refunds approved from the Hertz Corporation consent order fund. TRW, Inc. and Ford Motor Company were granted supplemental refunds in addition to the refunds approved in the original Decisions. Chesebrough-Pond's, Inc. and General Electric Company were granted full refunds on the original volumes claimed in their applications. The refunds granted in this Decision and Order total $29,000.

*Mapco, Inc./Delta Propane Co., Inc., 6/13/85, RF108-3*

In this proceeding Delta Propane Co., Inc. sought a refund based on its purchase of 999,020 gallons of refined products from Mapo, Inc. during the period covered by the Mapco consent order. Delta's claims was for less than the $5,000 threshold level for small claimants. The DOE therefore granted Delta a refund of $1,798.24 plus accured interest, which equals a share of the consent order fund allocated to Delta on the basis of the volume of the products the firm purchased.

*OKC Corp./McCall Sevice, Stations, Inc. et al., RF13-6, RF13-18, RF13-24, RF13-27*

The DOE issued a Decision and Order concerning four Applications for refund filed by certain purchasers of refined petroleum products from OKC Corporation. The DOE denied one of the applications on the grounds that the applicant was a spot purchaser which failed to rebut the presumption that spot purchasers were not injured by OKC Corporation's pricing practices. *Office of Enforcment: In the Matter of OKC Corporation*, 9 DOE ¶ 82,551 (1982) (OKC). The DOE granted the other three applications under standards established in *OKC*. The refunds granted in this proceeding total $48,061.

*OKC Corp./Rainey Oil Company, 6/13/85, RF13-36*

The DOE issued a Decision and Order concerning an Application for Refund filed by Rainey Oil Company. Rainey sought a portion of the settlement fund obtained by the DOE through a consent order entered into with OKC Corporation. Rainey is an independent reseller of petroleum products which purchased motor gasoline and middle distillates from OKC during the period covered by the consent order. The DOE granted Rainey's refund application based upon standards established in *Office of Enforcement: In the Matter of OKC Corporation*, 9 DOE ¶ 82,551 (1982). The refund granted Rainey totaled $2,658.

*Seminole Refining, Inc./Engelhard Corp., 6/13/85, RF111-7*

This Decision and Order relates to a distribution of a escrow account fund remitted by Seminole Refining, Inc. pursuant to a consent order that Seminole entered into with the DOE. Engelhard Corporation sought a refund on the basis of its purchases of 13,686,759 gallons of refined products from Seminole during the consent order period. The DOE found that Engelhard consumed the products in a business which was not subject to DOE regulations, and therefore the firm made a satisfactory showing of injury and should receive a refund. The DOE therefore granted Engelhard a refund of $85,679.11 plus accrued interest, which equals a share of the consent order fund allocated to Engelhard on the basis of the volume of the products the firm purchased.

**Dismissals**

The following submissions were dismissed:

*Name* and *Case No.*

Chillum Gulf, RF40-2333
Croasdaile Gulf, RF40-2889
Holly Corp., HRR-0102

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.

Dated: July 16, 1985.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 85-17941 Filed 7-26-85; 8:45 am]

BILLING CODE 6450-01-M

## Issuance of Decisions and Orders; Week of June 17 Through June 21, 1985

During the week of June 17 through June 21, 1985, the decisions and orders summarized below were issued with respect to appeals and applications for 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**

*Donald Lee Espenshade, 6/18/85; HFA-0289*

Donald Lee Espenshade filed an Appeal from a denial by the Manager of the Nevada Operations Office (NOO) of a Request for Information which he had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the documents responsive to Mr. Espenshade's request did not exist in the NOO. In addition, the appellant had requested a "confidential" hearing, apparently to disclose material which he was unwilling to present in a public forum. The DOE stated, however, that it was not in a position to grant such a request. The Appeal was therefore denied.

**Remedial Order**

*Otis Ainsworth, 6/17/85; BRO-0552*

Otis Ainsworth (Ainsworth) objected to a Proposed Remedial Order (PRO) issued to him on November 15, 1979. In the PRO the Economic Regulatory Administration alleged crude oil overcharges stemming from improper classification of certain properties

as stripper wells and the misclassification of oil produced from other properties as new crude oil. Ainsworth advanced various objections including: (1) The historical down time pattern was ignored in calculating average daily production; (2) production from separate reservoirs qualified the reservoirs as new properties; (3) ignorance of the regulatory requirements must be given equitable consideration; (4) the petitioner relied on a statement of a DOE official in the reworking of one of the wells. In considering the Ainsworth's objections, the DOE found that he had improperly classified crude oil produced from seven properties as stripper well crude oil and as a result sold the production at prices in excess of those allowed by 10 CFR 212.73. In addition, the DOE found that Ainsworth had not established that the lengthy and unexplained periods of non-production could be counted as historical down time with a reasonable assurance that the result would still be a fair estimate or average daily production of the properties in question. The DOE also rejected the remainder of Ainsworth's arguments. The DOE therefore concluded that the PRO as amended should be issued as a Final Remedial Order.

**Request for Temporary Exception**

*Bock Water Heaters, Inc.*, 6/18/85; *HEL–0126*

Bock Water Heaters, Inc. filed an Application for Exception from the provisions of 10 CFR Part 430, Subpart B, Appendix E in which the firm sought temporary exception relief from the water heater energy efficiency test procedures. In considering the request, the DOE found that partial temporary exception relief was necessary to insure that the public had access to comparable energy efficiency data, and to prevent Bock from suffering an immediate serious hardship.

**Interlocutory Order**

*Texaco Inc./Economic Regulatory Administration, 6/20/85; HRZ–0251*

The Office of Hearings and Appeals issued an interlocutory order to Texaco Inc. and the Economic Regulatory Administration (ERA) concerning the Evidentiary Appendix filed by Texaco on July 14 and 15, 1981, in support of its Statement of Factual Objections to a Proposed Remedial Order issued to Texaco by ERA on May 1, 1979. The OHA accepted as part of the record in the enforcement proceedings against Texaco materials submitted by Texaco on January 8 and 18, February 11, and March 13, 1985, after a review of portions of the Evidentiary Appendix. The OHA denied Texaco's request for an expedited review of other portions of the Evidentiary Appendix.

**Supplemental Order**

*Coline Gasoline Corp., 6/17/85; HEF–0122*

The Department of Energy issued a Decision and Order revising the Appendix issued in *Coline Gasoline Corp.*, Case No. HQF–0504. The new Appendix set forth corrected amounts to be distributed to the States in connection with the second-stage disbursement of $167,804, a portion of the total available second-stage consent order funds.

**Implementation of Special Refund Procedures**

*Allied Materials Corporation and Excel Corporation, 6/20/85; HEF–2000*

The DOE issued a Decision and Order setting forth procedures to be used for distributing $848,232.46 plus accrued interest, received under a consent order with Allied Materials Corporation and Excel Corporation. The consent order settled all disputes regarding the firms' application of the DOE petroleum price and allocation regulations. The funds will be available to customers who purchased covered petroleum products from Allied or Excel during the period from September 1, 1973 through January 28, 1981, excluding certain ultimate consumers who have already received refunds pursuant to the consent order. The Decision outlines specific information to be included in refund applications.

*The Boswell Oil Company, 6/17/85; HEF–0040*

The DOE issued a Decision and Order establishing procedures for the distribution of $148,250 obtained as the result of a consent order which the DOE entered into with The Boswell Oil Company. The funds will be available to Boswell's customers who purchased motor gasoline, Nos. 2 and 6 fuel oils, and other refined petroleum products during the consent order period, November 1, 1973 through April 30, 1974. The Decision sets forth the specific information to be included in refund applications.

Eugene Endicott, HEF–0069, Field Oil Co., HEF–0071, F.O. Fletcher, Inc., HEF–0074, Glaser Gas Inc., HEF–0080, Ideal Gas, Inc., HEF–0093, Inland U.S.A., Inc., 6/17/85; HEF–0096

On June 17, 1985, the Office of Hearings and Appeals of the Department of Energy issued a Final Decision and Order establishing procedures for the disbursement of $765,207.76 (plus accrued interest) obtained as a result of Consent Orders entered into by the DOE and the following parties: Eugene Endicott, Field Oil Company, F.O. FLetcher, Inc., Glaser Gas, Inc., Ideal Gas, Inc., and Inland U.S.A., Inc. The funds will be available to customers who purchased certain refined petroleum products from one of the consent order firms during the relevant consent order period. End-users and reseller applicants requesting refunds of $5,000 or less will not be required to provide any additional evidence of injury in order to receive a refund. Successful applicants will receive refunds proportionate to the amount they were allegedly overcharged by one of the consent order firms.

**Refund Applications**

*Little America Refining Company/A.M. Marshall Company, 6/19/85; RF112–4*

A.M. Marshall Company filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into by the agency and Little America Refining Company (Larco). In considering the request the DOE found that Marshall purchased a relatively small amount of Larco motor gasoline. Using the volumetric allocation methodology, the DOE determined that the firm's allocable share was well below the presumption of injury level of $5,000. Therefore, the DOE decided that Marshall would receive a refund equal to its allocable share of $367. In addition, the firm received accrued interest which brought the total refund amount to $491.

*Mapco, Inc./Farmland Industries, Inc., 6/19/85; RF108–5*

This Decision and Order relates to a distribution of an escrow account fund remitted by Mapco, Inc. pursuant to a consent order that Mapco entered into with the DOE. Farmland Industries, Inc. sought a refund on the basis of its purchases of 60,850,734 gallons of refined products from Mapco during the consent order period. The DOE granted Farmland and refund of $109,531.32 plus accrued interest, which equals a share of the consent order fund allocated to Farmland on the basis of the volume of the products the firm purchased. This refund was conditioned upon Farmland's distribution of the refund received to member cooperatives who purchased the products from Farmland and used them in their agricultural activities. The DOE stated in this Decision that a refund in this fashion to Farmland would achieve the same results as refunds to end-users.

*Mapco, Inc./Small's LP Gas Co., 6/17/85; RF108–4*

This Decision and Order relates to a distribution of an escrow account fund remitted by Mapco, Inc. Pursuant to a consent order that Mapco entered into with the DOE. Small's LP Gas Co. sought a refund on the basis of its purchases of 1,033,446 gallons of refined products from Mapco during the consent order period. Since Small's claim is less than the $5,000 threshold level, the DOE granted Small a refund of $1,860.20 plus accrued interest, which equals a share of the consent order fund allocated to Small on the basis of the volume of the products the firm purchased.

*Mitchell Energy Corporation/Swanee Petroleum Company, 6/20/85; RF50–1*

The DOE issued a Decision and Order concerning an Application for Refund filed by Swanee Petroleum Company, a reseller of Mitchell natural gas liquid products. Although the firm's purchases of Mitchell natural gas liquid products during the consent order period exceeded the threshold level established in *Texas Oil & Gas Corp.*, 12 DOE ¶85,069 (1984) (TOGCO), Swanee elected to file its refund application in accordance with the presumption of injury and procedures for filing small claims outlined in the *TOGCO* decision. After examining the evidence and supporting data sumbitted by the firm, the DOE concluded that Swanee should receive a refund of $6,807 based on its purchases of natural gas liquid products from Mitchell.

*Standard Oil Company (Indiana)/ Middlebrook Oil Company*, 6/17/85; *RF21–12396*

The DOE issued a Decision and Order concerning duplicate refunds applied for and received by a wholesaler of Amoco motor gasoline in the Amoco special refund proceeding. Middlebrook Oil Company received two refund but was entitled only to

one. The DOE decided that the owner of Middlebrook must return the second refund amount in addition to accurued interest, and also must submit a written explanation of why he submitted duplicate application and did not inform the DOE of his receipt of duplicate refunds. The DOE stated that failure to provided this additional information would result in the total rescission of Middlebrook's refund.

*Stinnes Interoil, Inc./Texaco Refining & Marketing, Inc.*, 6/21/85; *RF125-3*

Texaco Refining & Marketing, Inc. filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into by the agency and Stinnes Interoil, Inc. In considering the request the DOE found that Texaco purchased a relatively small amount of stinnes motor gasoline. Using the volumetric allocation methodology, the DOE detemined that the firm's allocable share was well below the presumption of injury level of $5,000. Rather than requiring the firm to make a showing if injury, therefore, the DOE decided that Texaco would receive a refund equal to its allocable share of $1,452. In addition, the firm received accured interest which brought the total refund amount to $2,031.

*Tenneco Oil Co./H.V. Johnson & Son, Inc.*, 6/19/85; *RF7-129*

On May 23, 1985, the DOE approved a refund of $3,179 from the Tenneco consent order fund for H.V. Johnson & Son, Inc. *Tenneco Oil Co./H. V. Johnson & Son, Inc.*, 13 DOE ¶ , No. RF7-116 (May 23, 1985). Subsequent to the issuance of the May 23 Decision, it was discovered that, due to a clerical error, H.V. Johnson & Son, Inc. did not receive the full refund to which it was entitled. The DOE therefore issued a Supplemental Order approving an additional refund of $55 to the firm.

*U.S. Oil Company/Gramco, Ltd.*, 6/21/85; *RF110-1*

Gramco, Ltd. filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into by the agency and U.S. Oil Company. In considering the request the DOE found that Gramco purchased a relatively small amount of U.S. Oil gasoline. Using the volumetric allocation methodology, the DOE determined that the firm's allocable share was well below the presumption of injury level of $5,000. Rather than requiring the firm to make a showing of injury, therefor, the DOE decided that Gramco would receive a refund equal to its allocable share of $143. In addition, the firm received accrued interest which brought the total refund amount to $211.

*Witco Chemical Corporation/Fortmeyer's, Inc., 6/21/85; RF115-1*

Fortmeyer's, Inc. filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into by the agency and Witco Chemical Corporation. In considering the request the DOE found that Fortmeyer's purchased a relatively small amount of Witco product. Using the volumetric allocation methodology, the DOE determined that the firm's allocable share was well below the presumption of injury level of $5,000. Rather than requiring the firm to make a showing of injury, therefore, the DOE decided that Fortmeyer's would receive a refund equal to its allocable share of $433. In addition, the firm received accrued interest which brought the total refund amount to $661.

**Dismissals**

The following submissions were dismissed:

*Name and Case No.*

Dick and Hoppy's Gulf; RF40-2273
Farmland Industries, Inc.; RF105-1
Union Oil Co. of Calif.; HRO-0256

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.

Dated: July 16, 1985.

**George B. Breznay,**

*Director, Office of Heorings and Appeals.*

[FR Doc. 85-17942 Filed 7-26-85; 8:45 am]

BILLING CODE 6450-01-M

## Cases filed the Week of June 14 through June 21, 1985

During the Week of June 14 through June 21, 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.

Date: July 16, 1985.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of June 14 through June 21, 1985]

| Date | Name and Location of Applicant | Case No. | Type of Submission |
|---|---|---|---|
| June 17, 1985 | Elk Trading Company, Inc. and Neal Davis, Washington, DC. | HRD-0281, HRH-0281 | Motion for discovery and request for evidentiary hearing.If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Elk Trading Company & Neal Davis in response to the Proposed Remedial Order (Case No. HRO-0286). |
| June 18, 1985 | Amoco/Mississippi, Jackson, MI | RM21-7 | Request for modification/rescission. If granted: The June 26, 1984 Decision and Order (Case No. RQ21-84) issued to Mississippi would be modified regarding the state's restitutionary plan submitted in the Amoco second-stage refund proceeding. |
| Do | Economic Regulatory Administration, Washington, DC | HRZ-0256 | Motion to strike. If granted: The Office of Hearings and Appeals would strike from the record in Texaco Inc. (Case No. DRO-0199) certain documents submitted by Texaco Inc. |
| Do | Texaco, Inc., Washington, DC | HRD-0282 | Motion for discovery. If granted: Discovery would be granted to Texaco Inc. in connection with the Statement of Objections submitted in response to the May 1, 1979 Proposed Remedial Order (Case No. DRO-0199). |
| June 19, 1985 | Gene Dannen, Corvallis, OR | HFA-0298 | Appeal of a fee waiver denial. If granted: The June 12, 1985 Denial issued by the Albuquerque Operations Office would be rescinded and Gene Dannen would receive a waiver of fees for a document concerning radiological poisons. |
| Do | Lucky Stores, Inc., Tampa, FL | HEZ-0258 | Request for issuance of subpoenas. If granted: The Office of Hearings and Appeals would issue subpoenas to certain designated witnesses to compel their attendance at an evidentiary hearing. |
| Do | Navajo Refining Company, Houston, TX | HED-0283 | Motion for discovery. If granted: Discovery would be granted in connection with the Statement of Objections submitted by Navajo Refining Company in response to a Proposed Decison & Order (Case No. HEE-0083). |

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of June 14 through June 21, 1985]

| Date | Name and Location of Applicant | Case No. | Type of Submission |
|---|---|---|---|
| Do | Oasis Petroleum Corporation, Los Angeles, CA | HER-0105 | Request for modification/rescission. If granted: The April 18, 1985 Decision and Order issued to Oasis Petroleum Corporation, Research Fuels, Inc. & Lucky Stores, Inc. (Case Nos. HEX-0118, HER-0101 & HEZ-0234) would be modified insofar as it pertains to the bifurcated evidentiary hearing. |
| Do | do | HEX-0123 | Supplemental order. If granted: The Office of Hearings and Appeals will evaluate the supplemental witness list submitted by Oasis Petroleum Corp. pursuant to a Decison and Order issued by Office of Hearings and Appeals on April 18, 1985, and designate those witnessess whose testimony will be presented at the evidentiary hearing. |
| Do | do | HEZ-0257 | Request for issuance of subpoenas. If granted: The Office of Hearings and Appeals would issue subpoenas to certain designated witnesses to compel their attendance at an evidentiary hearing. |
| Do | Storey Oil Company, Inc., Grand Junction, CO | HRR-0103 | Request for modification/rescission. If Granted: The May 17, 1985 Decision and Order (Case Nos. HRD-0215 & HRH-0215) issued to Storey Oil Co., Inc. would be modified regarding Storey Oil Company's request for evidentiary hearing. |
| Do | Oasis Petroleum Corporation, Los Angeles, CA | HER-0104 | Request for modification/rescission. If granted: The February 12, 1985 Decision and Order issued to Oasis Petroleum/Research Fuels (Case No. HEX-0110) would be modified as to require Lucky Stores, Inc. to furnish the Office of Hearings and Appeals with a copy of the deposition of Richard Heinzelmann. |
| Do | Ted's Truck Center Quartsize, AZ | HEE-0156 | Exception to the reporting requirements. If granted: Ted's Truck Center would not be required to filed Form EIA-782B, "Reseller/Retailers' Monthly Petroleum Products Sales Report." |
| June 20, 1985 | Farmers Union Co-op Oil Association, Lincoln, NE | HEE-0157 | Exception to the reporting requirements. If granted: Farmer's Union Co-op Oil Association would not be required to file Form EIA-782B "Reseller/Retailers' Monthly Petroleum Products Sales Report." |

REFUND APPLICATIONS RECEIVED

[Week of June 14 To June 21, 1985]

| Date received | Name of refund proceeding/name of refund applicant | Case number |
|---|---|---|
| 6/17/85 | Tenneco/H.V. Johnson, Inc | RF7-129 |
| 6/17/85 | ARKLA Chemical/Casey Grocery & Station | RF153-12 |
| 6/17/85 | McCarty/Auglaize Landmark, Inc | RF143-9 |
| 6/17/85 | Bayou State/Ida/Freeman Enterprises | RF117-11 |
| 6/17/85 | Bayou State/Ida/F-Z Mart Stores, Inc | RF117-10 |
| 6/18/85 | Aminoil/Cities Service Oil & Gas Corporation | RF139-10 |
| 6/14/85 | Hertz/Adolph Coors Company | RF76-161 |
| 6/14/85 | Collins/Ackley Brothers | RF168-1 |
| 6/19/85 | Warren Holding/Johnson's Garage | RF169-1 |
| 6/20/85 | ARKLA Chemical/Manon Young | RF153-14 |
| 6/20/85 | ARKLA Chemical/Perkins Automotive Sprinkler Company | RF153-13 |
| 6/17/85 | Gulf/Atlantic Gas Corporation | RF40-3034 |
| 6/19/85 | Gulf/C&D Service Center | RF40-3035 |
| 6/19/85 | Gulf/R.B. Newman Fuel Corporation | RF40-3036 |

[FR Doc. 85-17939 Filed 7-26-85: 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 $9,719 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving Blaylock Oil Company, Inc., a reseller-retailer of motor gasoline located in Homestead, Florida.

**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-0037.

**FOR FURTHER INFORMATION CONTACT:** Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2860.

**SUPPLEMENTARY INFORMATION:** In accordance with § 205.282(b) 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 forth below. The Proposed Decision relates to a consent order entered into by Blaylock Oil Company, Inc. (Blaylock), which settled alleged pricing violations in the firm's sales of motor gasoline to wholesale and retail customers during the October 1, 1979 through December 31, 1979 audit period.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively forumulated to distribute the contents of an escrow account funded by Blaylock pursuant to the consent order. The DOE has tentatively established procedures under which purchasers of Blaylock motor gasoline 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 pubic 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. Comments submitted in response to the Proposed Decisions previously issued in this proceeding on Febuary 7, 1984 and July 12, 1984 need not be refiled.

Commenting 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 proceeding will be 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: July 17, 1985.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

### Proposed Decision and Order of the Department of Energy

*Special Refund Procedures*

July 17, 1985.

Name and Firm: Blaylock Oil Company, Inc.

Date of Filing: October 13, 1983.

Case Number: HEF-0037.

The procedural regulations of the Deparment of Energy (DOE) provide that the Economic Regulatory Administration (ERA) may request the Office of Hearings and Appeals (OHA) to

implement special refund procedures for the purpose of providing restitution to persons who were injured by alleged or adjudicated violations of DOE regulations. *See* 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who were injured by such alleged or adjudicated violations or to ascertain readily the amounts of such persons' injuries. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, see *Office of Enforcement*, 8 DOE ¶82,597 (1981) (*Vickers*).

**I. Background**

On October 13, 1983, the ERA filed a petition requesting that the OHA establish a refund proceeding in order to distribute funds received pursuant to a Consent Order entered into by the DOE and Blaylock Oil Company, Inc. (Blaylock). Blaylock is a "reseller-retailer" of refined petroleum products as that term was defined at 10 CFR 212.31, and is located in Homestead, Florida. The firm was subject to the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212, Supart F until January 28, 1981, when motor gasoline and other refined petroleum products were exempted from price and allocation controls. Exec. Order No. 12287, 46 FR 9909 (January 30, 1981). A DOE audit of Blaylock's records revealed possible regulatory violations with respect to the firm's pricing of motor gasoline during the period October 1, 1979 through December 31, 1979 (the audit period). In order to settle all claims and disputes between Blaylock and the DOE regarding the firm's sales of motor gasoline during that three month period, Blaylock and the DOE entered into a Consent Order on October 15, 1981, in which Blaylock agreed to remit to the DOE $9,719 to be deposited into an interest-bearing escrow account for ultimate distribution "in a just and equitable manner in accordance with applicable laws and regulations." Consent Order ¶ 5. By its terms, the Blaylock Consent Order does not constitute an admission by Blaylock or a finding by the DOE that Blaylock violated the price regulations during the audit period. This Proposed Decision concerns the distribution of the $9,719 consent order amount, which is currently held in a DOE escrow account, plus accrued interest.[1]

**II. Proposed Refund Procedures**

We have considered the ERA's Petition for the Implementation of Special Refund Procedures and have determined that it is appropriate to establish such procedures with respect to the funds remitted by Blaylock. As we have stated in previous Decisions, refunding moneys obtained through DOE enforcement proceedings to parties who were injured by alleged or adjudicated violations is the focus of Subpart V proceedings. *See generally Vickers.*

Based upon our experience with Subpart V cases, we propose that the distribution of refunds in the present case should take place in two stages. In the first stage, we will attempt to refund moneys to customers who were injured by Blaylock's alleged overcharges during the consent order period. After meritorious claims are paid in the first stage, a second-stage refund procedure may become necessary.

Potential claimants in this proceeding will fall into the following categories: (i) Resellers (including retailers) of Blaylock motor gasoline, and (ii) firms, individuals, or organizations that were consumers of Blaylock motor gasoline. The motor gasoline will have been purchased either directly from Blaylock or in a chain of distribution leading back to Blaylock. As explained below, we propose that the consent order funds be distributed to eligible claimants who demonstrate that they have been injured by Blaylock's alleged overcharges.

As in many prior special refund cases, we will adopt certain presumptions in order that refunds may be distributed efficiently and equitably. First, we propose to adopt a presumption that the alleged overcharges were dispersed equally in all of Blaylock's sales during the consent order period. OHA has referred to this presumption in the past as a volumetric refund amount. Second, we intend to adopt a presumption of injury with respect to small claims.

Presumptions in refund cases as specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> In 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 are proposing to adopt in this case are used to permit claimants to participate in the Blaylock refund proceeding 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 volumeteric refund presumption which we propose to establish in this proceeding assumes that alleged overcharges were spread equally over all gallons of motor gasoline sold by Blaylock during the consent order period. To determine the per gallon volumetric factor in the instant proceeding, the $9,719 consent order amount will be divided by the total volume of motor gasoline which Blaylock sold during the consent order period. Using the information available to us at the present time, the volumetric amount in this proceeding will be $0.00459 per gallon ($9,719 divided by 2,116,189 gallons of motor gasoline). Refunds will be calculated by multiplying the volumetric factor by the total amount of motor gasoline that an applicant purchased from Blaylock. The interest which has accrued on the money in the escrow account will be distributed to each successful claimant in proportion to its refund amount.

The second presumption we propose to establish involves small claims made by resellers. In general, resellers who file refund claims in Subpart V proceedings are required to establish that they absorbed the alleged overcharges. To make this showing, they must demonstrate that, at the time they purchased refined petroleum products from a consent order firm, market conditions would not permit them to increase their prices to pass through the additional costs associated with the alleged overcharges. However, in this case, as in prior special refund proceedings, we will adopt a presumption that reseller claimants for small refunds bore the injury associated with Blaylock's alleged overcharges. *See Midwest Industriol Fuels, Inc.*, 12 DOE ¶85,131 (1984). As we have stated in many prior refund Decisions, there may

[1] On February 7, 1984, the OHA issued a Proposed Decision and Order (PDO) tentatively establishing procedures for the distribution of the escrowed Blaylock consent order funds. However, on June 5, 1984, a United States District Court granted in part an Application for Preliminary Injunction filed by Blaylock and directed the DOE not to proceed with this special refund proceeding until such time as the language in the PDO was modified in accordance with the court's decision. *Blaylock Oil Co. v. DOE*, Fed. Energy Guidelines, Court Decisions 1981–1984, ¶26,500 (N.D. GA. 1984). A second PDO was issued on July 12, 1984, but was rescinded on July 26, 1984. On April 30, 1985, Blaylock and the DOE entered into a settlement of the pending court case, resulting in its dismissal. Under the terms of that settlement, the DOE may proceed with the implementation of Subpart V procedures to distribute the Blaylock consent order funds.

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. 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 refunds. 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 therefore to use its limited resources more efficiently.

Under the small claims presumption we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes unless its volumetric refund exceeds $5,000.[2] *See Aztex Energy Co.*, 12 DOE ¶ 85, 116 (1984), and cases cited therein. In light of the fact that the escrow amount in this proceeding is relatively small, we find it extremely likely that all reseller claimants will fall under the threshold level.

In addition to the presumptions we intend to adopt in this proceeding, 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 by the Blaylock 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 increased cost of motor gasoline 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 ¶ 85,069 at 88,209 (1984), and cases cited therein. We have therefore concluded that end-users of motor gasoline covered by the Blaylock Consent Order need only document their purchase volumes from Blaylock in order to make a sufficient showing that they were injured by the alleged overcharges.

We further propose to establish a minimum amount of $75 for refund 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 outweighs the benefits of restitution in those cases. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225; *see also* 10 CFR 205.286(b).

Refund applications in this proceeding should not be filed until a final Decision and Order is issued.[3] Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing copies of the proposed and final Decisions in the **Federal Register**, we will provide copies to potential claimants and to several petroleum marketing organizations.

In the event that money remains after all first-stage claims have been disposed of, those funds could be distributed in various ways. 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:

The refund amount remitted to the Department of Energy by Blaylock Oil Company, Inc. pursuant to the Consent Order executed on October 15, 1981 will be distributed in accordance with the foregoing Decision.

[FR Doc. 85-7940 Filed 7-26-85; 8:45 am]

BILLING CODE 6450-01-M

[2] Resellers that were spot purchasers from Blaylock will be ineligible to receive any refunds, even refunds below the threshold level, unless they make a showing that rebuts the presumption that they were not injured. As we have previously noted, spot purchasers would not have made spot market purchases of a firm's product at increased prices unless they were able to pass through to their customers the full amount of the firm's selling price. *See Vickers*, 8 DOE at 85,396-97. In order to overcome the rebuttable presumption that it was not injured, a spot purchaser must show that it absorbed the alleged overcharges and should submit additional evidence to establish that it would be inappropriate to presume that it had discretion as to where and when to make the purchase(s) upon which the refund claim is based.

[3] Comments submitted in response to either of the first two Proposed Decisions issued in this proceeding need not be resubmitted. We will consider the comments we have received when we formulate a final Decision and Order. The comments filed by Blaylock in response to the February 7, 1984 Proposed Decision primarily set forth Blaylock's opposition to our exercise of jurisdiction in this case. In the April 30, 1985 settlement with the DOE, Blaylock explicitly waived that opposition (*see* footnote 1). Moreover, in another proceeding, we have recently considered and rejected contentions similar to those advanced by Blaylock, and we see no benefit to restating that discussion in the final Decision and Order to be issued in this proceeding. *See E.M. Bailey Distribution Co., Inc.*, 13 DOE ¶ 85,049 (1985).

## Southeastern Power Administration

### Power Marketing Policy; Kerr-Philpott System of Projects

**AGENCY:** Southeastern Power Administration (SEPA), DOE.

**ACTION:** Notice of issuance of Final Power Marketing Policy, Kerr-Philpott System of Projects.

**SUMMARY:** The Administrator has adopted the attached final power marketing policy for SEPA's Kerr-Philpott System of Projects. It will be effective upon publication in the **Federal Register** and will be applicable to the sale of system power in respective utility areas. The policy was developed in accordance with Procedure for Public Participation in the Formulation of Marketing Policy published in the **Federal Register** on July 6, 1978, 43 FR 29186.

Following a decision by the Administrator that a new written marketing policy for the Kerr-Philpott System of Projects was needed, a Notice of Intent to Formulate Power Marketing Policy was published in the **Federal Register** on October 31, 1979, 44 FR 62599. The notice, among other things, solicited proposals and recommendations for consideration by SEPA.

On July 3, 1980, a Proposed Power Marketing Policy for the Kerr-Philpott System of Projects was published in the **Federal Register**, 45 FR 45349, and the availability of a draft Environmental Assessment was announced and comments on both documents were solicited. Forty-nine (49) comments were received relative to the Notice of Intent and proposed policy, either during a public comment forum held in South Hill, Virginia, on November 18, 1980, in consultations with representatives of interested entities or groups of entities, or during the written comment period which ended December 19, 1980. No comments were received on the Environmental Assessment. Thereafter, the Administrator appointed a Staff Committee to prepare a Staff Evaluation of all oral and written comments and responses received by SEPA and to make appropriate recommendations.

The Committee determined that the proposed policy embodying the concept of sales of capacity without energy to new preference customers could not be

implemented and that other major problems existed regarding implementation, marketing area, and proposed allocations of power. The Committee recommended that a revised proposed policy seeking to address these problems be issued and further public comment be sought to assist in formulating a viable final policy. The Committee also recommended issuance and implementation of an interim policy pursuant to section 11 of SEPA's procedure for public participation (43 FR 29186, July 6, 1978) that would eliminate sales of capacity without energy to nonpreference customers and, to the extent feasible and practical, allocate to existing preference customers all capacity and energy pursuant to new contracts that would remain in effect only so long as needed to secure replacement contracts under a long-term policy. See 47 FR 27600, June 25, 1982. A public comment forum was held on November 18, 1982, regarding the revised proposed policy and the comment and consultation period extended through April 18, 1983. Six interested parties presented oral comments, 21 written comments were received, and a number of consultations were held during the comment period. SEPA, unfortunately, was unable to commit sufficient resources and time to the formulation of the long-term policy due to the issuance of its Final Cumberland Power Marketing Policy (48 FR 11148, March 16, 1983), and the need to implement, as soon as possible, the Cumberland Policy as a result of litigation brought by the Greenwood (Mississippi) Utility Commission. Implementation of the Final Cumberland Policy by the execution of new contracts was completed in June 1984. During this same period of time, SEPA had also instituted negotiations to implement its Final Georgia-Alabama Power Marketing Policy (Western portion) and was engaged in complex negotiations with the four operating companies of the Southern Company (Georgia, Alabama, Mississippi, and Gulf Power Companies) when suit was instituted in July 1984, in the Eastern District of North Carolina by various municipalities (*ElectriCities of North Carolina, Inc., et al. v. SEPA, et al.* Civil Action No. 84-625-CIV-5) seeking, among other things, an order requiring SEPA to issue within 30 days a final marketing policy for the Kerr-Philpott System. Negotiations and contracts for the Western portion were completed in January 1985, and shortly thereafter SEPA initiated preliminary discussions with Duke Power Company, South Carolina Electric & Gas Company, and South Carolina Public Service Authority to implement the Georgia-Alabama Final Marketing Policy in its Eastern portion and to insure that appropriate contractual arrangements were in place to transmit and dispose of new project power from the Richard B. Russell Project which was then anticipated to be on line during the early summer of 1985. On June 18, 1985, the district court ordered SEPA to issue its policy within 30 days and the final policy issued herein is in compliance with that order. The Staff Evaluation Committee, within the time allowed, reviewed and evaluated the written and oral comments, memoranda of consultations, and other pertinent data accumulated at each step of these proceedings as well as the revised proposed long-term policy and made its recommendations to the Administrator on July 15, 1985.

Following receipt of the Staff Evaluation, the Administrator decided to accept the staff recommendations with regard to the revised proposed long-term power marketing policy published in the **Federal Register** on June 25, 1982, and to adopt the recommended policy as the Final Power Marketing Policy for the Kerr-Philpott System of Projects.

**SUPPLEMENTARY INFORMATION:** The Final Marketing Policy constitutes the guidelines which SEPA will follow in the future disposition of power from the John H. Kerr and Philpott System of Projects. The policy establishes the marketing area for system power and deals with the utilization of area utility systems for essential purposes. The Policy also deals with wholesale rates, resale rates, and conservation measures.

Based on the Environmental Assessment of the proposed marketing policy, SEPA and DOE concluded that the revised proposed long-term policy would not have a significant effect upon the quality of the human environment. The final marketing policy is not modified sufficiently to alter this finding.

A recitation of the primary objections to the proposed marketing policy, brief explanations for rejecting those objections, and specific changes in the proposed marketing policy approved by the Administrator, precede the text of the final policy as adopted.

Issued at Elberton, Georgia, July 18, 1985.

**Harry C. Geisinger,**

*Administrator.*

## Final Power Marketing Policy, Kerr-Philpott System of Projects

### *Introduction*

The final marketing policy for SEPA's Kerr-Philpott System of Projects is the culmination of efforts which began on October 31, 1979. Twice SEPA has followed the step by step requirements of its Procedure for Public Participation in Formulation of Marketing Policy published in the Federal Register on July 6, 1978, 43 FR 29186, to seek the best advice and assistance available to fashion a viable policy for an energy limited system. Extensive public comment has twice been received and has been given appropriate consideration. This public input, offered in an orderly and timely fashion, has significantly contributed to the content of the final policy.

### *Purpose and Legal Authority*

The purpose of the Policy is to establish with public input written guidlines which SEPA will follow in the future to reasonably and equitably carry out the statutory requirements contained in Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s. SEPA's authority to formulate the policy and perform these functions is derived from Section 5 of the Flood Control Act of 1944, Section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7152, and delegations pursuant thereto.

### *Reasons For Marketing Policy*

Since its establishment in 1950, SEPA has utilized an ad hoc approach to power marketing. Resulting policy has been reflected in negotiated contractual documents. However, sometime before passage of the DOE Organization Act, SEPA recognized the need for a more formal power marketing policy. Factors contributing to this need were major changes within the electric power industry, the steep rise in energy prices, and the growing and increasing widespread interest in SEPA's limited resources. Additionally, contracts for portions of SEPA power were expiring and both existing and potential customers needed to know what SEPA planned to do with its power so that orderly power supply plans could be made. Furthermore, advice had been given that SEPA would reconsider certain entities' interests in SEPA power upon the expiration of existing contracts and the availability of additional sources of power.

### *Primary Objections and Responses.*

A number of objections (or suggestions for change) wee made in response to the Notice of Intent to formulate a power marketing policy, the proposed power marketing policy and the revised long-term power marketing policy. SEPA responses to the objections or sugestions follow:

1. *Objection.* Rather than maintaining four separate systems, SEPA should integrate its projects into one system with a marketing area covering the 10-state area in which SEPA is authorized to market power. It is contended that: (1) Combining the systems would minimize inequities caused by the fact that the geographical distribution of preference customer loads differs from the geographical distribution of SEPA's generating capacity, (2) combining SEPA's four systems would increase opportunities for firming its hydro capacity be coordinating the operation of SEPA's hydro capacity with the thermal capability of preference customers, (3) combining the systems would enable each system to provide redundancy or reserves for the others, and (4) combining the systems would provide a mutual support or synergism with respect to adverse water periods and surplus water periods.

*Response.* This same concept was suggested in connection with both the Georgia-Alabama System and the Cumberland System and was dealt with in both the staff evaluation and Final Power Marketing Policy for each of these respective systems. Discussion on this idea or concept contained in the Final Power Marketing Policy for the Georgia-Alabama System of Projects and the Final Power Marketing Policy for the Cumberland System of Projects remains pertinent and is by reference incorporated herein and made a part hereof. SEPA is in the business of disposing of a relatively small amount of hydro power pursuant to the principles set forth in Section 5 of the Flood Control Act of 1944. SEPA has no transmission facilities, no control center, and a Congressionally authorized staff of 40 people. The task of hydraulically and electrically combining the widely separated systems in order to theoretically increase the dependable capacity, reduce the need for reserves, or the other "conceptual" benefits of such a synergism is still considered to be impractical and uneconomical as well as an unmanageable concept. The dependable capacity of the respective systems is already very substantially in excess of the nameplate rating of the machines and already very near the machine limits which the Corps of Engineers will allow for sustained generation. The critical year or adverse period utilized in establishing the marketable dependable capacity and firm energy for the two major energy producing systems, the Georgia-Alabama System and the Cumberland System, is the same period for both systems. Thus, energy from one system would not be available to supplement the other system during the adverse period. The conceptual benefits through the integration of these two so called "energy-rich" systems would be negligible. SEPA believes the overall economic benefits to the preference customers, under a one-system concept, would be diminished by increased transmission costs in delivering power across multiple transmission systems. The varying marketing issues in the respective system areas negate a single operating system as well as a single marketing system. Furthermore, it is improbable that all of the area utilities in each of the respective systems would willingly cooperate in the accomplishment of such an integration, and SEPA is not certain that statutory or legal authority to compel such cooperation exists at this time. As stated in previous staff evaluations and final power marketing policies of SEPA with respect to the Georgia-Alabama System and the Cumberland System, SEPA has taken advantage of changes in the electric power industry through the years and its program has evolved and expanded; however, the one-system concept has been considered and remains beyond practicability.

2. *Objection.* SEPA should adopt a marketing policy that makes SEPA power available on a proportional basis to all preference entities in the SEPA area.

*Response.* Comments to this effect have been submitted previously on the Final Power Marketing Policy for the Georgia-Alabama System of Projects and basically reflect the consistent views of entities urging the elimination of the existing four-system arrangement from which SEPA presently operates and markets the available power. The further purpose of this comment is to have SEPA market power available from the proposed single system pro rata to preference entities located throughout the 10-state SEPA marketing area without regard to the past or present SEPA policies or any other considerations. This objection fails to recognize that SEPA's projects were planned, authorized, and constructed to serve the power requirements of specific power supply areas and that as a result of the construction of the SEPA projects, the necessity to construct other generating facilities to meet area power requirements were adjusted downward to reflect the SEPA projects. The value of SEPA power is only fully realized when it is incorporated into the planning for the power supply area. Discussion on this comment or idea contained in the Final Power Marketing Policy for the Georgia-Alabama System of Projects remains pertinent and is by reference incorporated herein and made a part hereof. In the Final Power Marketing Policy for the Kerr-Philpott System of Projects, SEPA has sought to include all eligible preference entities within the selected marketing area with an equitable allocation of capacity and energy to make the capacity viable. In SEPA's judgment, the final Policy deals equitably with existing and potential customers with respect to existing available power.

3. *Objection.* The proposed marketing area and allocation processes do not comply with the "widespread use" provision of the Flood Control Act of 1944.

*Response.* Several comments received contend the proposed policy is violative of the Act in not encouraging ". . . the most widespread use . . ." of the preference power SEPA proposes to market in the Kerr-Philpott System. But Congress has described the manner by which SEPA must transmit and dispose of this power as consisting of not one but several interrelated broad terms such as ". . . to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles . . .". Therefore, SEPA cannot address a single phrase to the exclusion of all others. Rather, the manner or method proposed should, if possible, consider and reconcile these several conflicting and competing terms. Since Congress did not delineate specific guidelines, it clearly intended to allow the Secretary, or the Power Marketing Administrator as his designated agent, wide discretion to resolve the general but conflicting terms of the Act. This discretion has been affirmed in a number of legal opinions. The comments presented with respect to the proposed Policy demonstrate such conflict when those who seek inclusion in SEPA's proposed marketing area or who advocate expansion of the area to include more of their constituents emphasize only "widespread use", while existing preference customers and their supporters contend further expansion violates the ". . . sound business principles . . ." and ". . . lowest possible rate(s) . . ." features of the statute. SEPA's goal is therefore to develop and implement a marketing policy for its limited resource that, to the degree possible, moderates, harmonizes, and reconciles these diverse terms. SEPA believes the Final Power Marketing Policy for the Kerr-Philpott System of Projects reasonably obtains that goal.

4. *Objection.* SEPA should abandon the radius limitations utilized to delineate the selected marketing area so that all preference entities within the Carolina Power & Light Company (CP&L) and Virginia Electric and Power Company (VEPCO) service areas will receive SEPA power.

*Response.* This comment is consistent with the position taken by certain potential preference entities who allege that the "most widespread use" language of Section 5 of the 1944 Flood Control Act requires that SEPA sell power to all interested preference entities or throughout an entire utility area. Again, this assertion has been made in comments with respect to the Final Power Marketing Policy for the Georgia-Alabama System of Projects and dealt with at length. Discussion on this idea or concept contained in the Final Power Marketing Policy for the Georgia-Alabama System of Projects remains pertinent and is by reference incorporated herein and made a part hereof. Congress did not choose to delineate geographical areas or utility service areas as the marketing area for the power from Federal projects. Rather, Congress chose to have a designated Power Marketing Administrator select the geographical marketing area in accordance with the language set forth in Section 5 of the Flood Control Act of 1944, including among other things the "most widespread use". Under this language some factors to be considered in the selection of an appropriate geographical marketing area include, but are not limited to, reasonable distance from projects; utility service areas; number, location, and demand of preference customers; type and amount of power available for marketing; and various other matters involved in scheduling, transmission, utilization, and disposition of the power. While these factors are considered inportant, there is also the matter of harmonizing the "most widespread use" language with other statutory language. Expansion of the area to include the entire VEPCO and CP&L areas would result in too great a dilution of SEPA's Kerr-Philpott resources. The selected marketing area appears, when all factors are considered, to be the most reasonable area within which to market the power available from the Kerr-Philpott System of Projects.

5. *Objection.* SEPA existing preference customers should be entitled to continue to receive only as much power as they have been receiving in the past until such time as new customers are on a par with the existing customers.

*Response.* One comment stated that the preference customers who are presently receiving benefits from Federal power should be held at the formerly existing level until the preference customers who have not received any power in the past have received an equal allocation according to the present loads. The comment developed a methodology which would allocate the capacity using load percentages after assuring that existing customers retain their existing contract allocations. In addition, if their load ratio share justified it, the existing customers would receive more power.

The only power that is available is the capacity formerly sold to VEPCO and CP&L. Because of the problems in finding a viable arrangement to allocate capacity without energy as discussed in the response to Objection 8, SEPA has proposed the withdrawal of a limited amount of energy from the presently served preference customers. This amount of energy provides a means whereby the capacity can be useable by the new preference customers. If more capacity is allocated to the new customers, then more energy would need to be withdrawn from the presently served preference customers. As discussed in the response to Objection 9, presently served preference customers feel very strongly that they should be allowed to retain their present capacity and energy and share in any additional capacity available.

In addition, SEPA has considered the philosophical issue as to whether the new preference customers should be in a higher priority position because they have not received Federal power in the past, or whether all preference customers (both existing and new) should be in an equal position for any new resources, or whether the existing customers should be in a higher priority position because of their long-term involvement in the Federal hydropower program. SEPA believes that good arguments can be made for all three positions. SEPA in the past has chosen to treat all eligible preference customers equally when allocating new resources. In light of the fact that existing customer's allocations constitute a decreasing percentage of their load due to the overall load growth, and the fact that they have relied on their SEPA allocations in their power planning, it is appropriate to permit them to share in the newly-available capacity, especially since some energy is being withdrawn from them. SEPA can see no reason to adopt the suggestion based on the present circumstances. Therefore, SEPA will allocate the available new capacity to all eligible customers and will withdraw only the amount of energy from existing customers necessary to make the capacity viable.

6. *Objection.* SEPA should not dilute the power by such widespread use as to be inconsistent with sound business principles. Some of the comments stated that the power should not be diluted to the point where the power is no longer a significant portion of the system's power supply.

*Response.* SEPA has considered whether the dilution being considered makes Kerr-Philpott power so insignificant in relation to the total power used by the customers that it no longer provides a meaningful contribution to the customers' systems. Unfortunately, because of a very limited and finite resource, SEPA is able to serve only a small portion of the capacity of the existing customers and an even smaller portion of the load of the new customers. These portions will almost certainly decrease as loads grow unless construction of more Federal hydro resources are initiated. SEPA feels that any additional increase beyond the proposed marketing area would dilute the available power to the point where the value of the power would approach insignificance.

7. *Objection.* SEPA should consider 20 years as an appropriate contract term in that the long lead time to plan new power plants and transmission capabilities would make a 20-year term more consistent with today's generation market.

*Response.* Although power supply arrangements are by nature long term, SEPA's experience has been that changing conditions dictate that all parties to the contract be given an opportunity to make necessary changes after a reasonable period of time. Contracts can always be extended if acceptable by the parties. For the Final Power Marketing Policy for the Kerr-Philpott System of Projects, SEPA considers the 10-year term to be appropriate.

8. *Objection.* SEPA should reconsider its determination not to market capacity without energy.

*Response.* In the past, for a number and variety of reasons, it was not possible to develop arrangements whereby preference customers could physically and economically utilize all of SEPA's peaking capacity, resulting in the sale of a portion of the capacity, essentially without energy, to some of the private utilities. Because of changed or changing circumstances in the power industry, SEPA's proposed Policy issued July 3, 1980, and SEPA's revised

proposed Policy issued June 25, 1982, set the goal of selling all available SEPA power to preference entities. This goal was accomplished and is currently being carried out with the contracts implementing the interim policy. Under the proposed Policy issued July 3, 1980, only capacity without energy would have been available to new preference customers. Because of SEPA's concern that whatever Policy was to be the final Policy should be one that could be reasonably assure of being implemented through subsequent contractual arrangements, SEPA sought on several occasions to determine the implementation feasibility of this Policy. Based upon conferences with representatives of both VEPCO and CP&L, as well as information received from Appalachian Power Company (APCO), SEPA concluded that the capacity without energy concept could not be contractually implemented. Furthermore, the Final Policy is based upon the premise that the preference customers will receive credit for the power as generated at the projects to fit the peak load conditions of the preference customers systems. SEPA preference customers now will experience the variation in energy availability as dictated by water conditions. However, the dependable capacity of the system, less reserves and losses, will be credited to the preference customers each month regardless of the energy available. The concept of capacity without energy is not, in SEPA's opinion, a viable concept where only a peaking resource is involved and therefore is not included in the Final Power Marketing Policy for the Kerr-Philpott System of Projects.

9. *Objection.* Allocations of capacity and energy to existing preference customers should not be reduced, and existing preference customers should have an equitable share with new customers of the capacity previously sold to nonpreference customers.

*Response.* The existing preference customers in the Kerr-Philpott marketing area were the only preference entities who elected to purchase power from the Kerr-Philpott System of Projects at the time power first became available. These preference customers are understandably concerned about the proposed withdrawal of certain quantities of energy to be utilized in supporting capacity allocations to new preference customers in the new customers' share of the capacity previously sold to the companies. They contend that the proposed allocations will adversely impact them, both product and benefitwise, the extent depending upon the allocation of capacity and energy to the new preference customers. In the Final Power Marketing Policy for the Kerr-Philpott System of Projects, with respect to the capacity sold to the existing preference customers prior to contracts executed to implement the interim policy, each existing preference customer within the VEPCO service area will be allowed to retain its individual share of the 65 megawatts of delivered capacity, and each existing preference customer within the CP&L service area will be allowed to retain its individual share of the 30 megawatts of delivered capacity.

Both new and existing preference customers within the VEPCO and APCO service areas and those within the CP&L service area will be eligible to share equitably in the available capacity remaining after reductions for reserves, losses and capacity retained by the existing customers; provided that preference customers in the APCO area will be limited to the available capacity output of the Philpott Project, less reserves and losses. Allocations of capacity to a particular preference customer within a particular utility service area will be based on the relationship of such customer's maximum 1980 demand to the sum of the 1980 maximum demands of all preference customers in a given utility service area sharing such power.

Capacity allocated to serve new preference customers will be accompanied by energy equal to the firm energy available from the projects (approximately 650 kilowatt-hours per kilowatt per year). The remainder of the energy available from the projects shall be allocated to existing preference customers in the respective service areas based on their capacity allocations. The benefits from the new capacity allocation which the existing customers will receive under the Final Power Marketing Policy will to a degree offset the diminution of benefits related to the energy withdrawals.

Therefore, a carefully selected withdrawal of energy, offset by increased capacity allocations, is appropriate under the circumstances for the Final Power Marketing Policy. SEPA believes the inclusion of new preference customers in the marketing area furthers the "widespread use" provision to the degree that the limited resource allows within the intent of the Flood Control Act. A carefully balanced overall Policy carrying out in a responsible manner SEPA's marketing responsibilities is the goal being sought. The allocations selected in the final Policy effectively accomplish this goal.

10. *Objection.* Preference customers want to be assured that SEPA will establish procedures to enable full preference customer input in SEPA's negotiations with area generation and transmission systems.

*Response.* SEPA's proposed Policy provides for such input. The concern is that vital decisions by SEPA might be made before preference customers are actually involved, foreclosing proper consideration of preference customer positions. To make SEPA's intent clear that the timely, meaningful input of preference customers is desired, the Final Marketing Policy contains language to the effect that individual preferred entities directly affected by the negotiations shall stand in an advisory role to SEPA and shall be kept currently advised as to the status and progress and negotiations. The opportunity for the preference customers to consult and offer advice to SEPA throughout the negotiations is the intent of the Policy.

11. *Objection.* Virginia Polytechnic Institute (VPI) is an agency of the Commonwealth of Virginia and thus is a public body and a preference agency.

*Response.* In the written comments of January 17, 1983, on behalf of VPI and the APCO area municipalities it is stated: "VPI . . . is the only university in the United States that operates its own utility system and distributes power to retail customers, in this case the City of Blacksburg, Virginia, and various departments of the University pursuant to approved tariffs." SEPA has consistently denied an allocation of power to universities, municipalities, and state or Federal governmental agencies sought substantially for the purpose of consumptive use. Additionally, since VPI markets power in the City of Blacksburg pursuant to approved tariffs, it appears that VPI is a seller for profit of power in the City of Blacksburg with the profit being for the University rather than for the citizens of Blacksburg. Since VPI is primarily: (1) A consumer of electricity and (2) a seller for profit of electric power, SEPA, in view of its limited power resource, has determined that better utilization of the power could be made in the selected marketing area and has therefore omitted VPI as a potential recipient of power from the Kerr-Philpott System of Projects.

12. *Objection.* SEPA should reallocate existing preference customers existing capacity based upon load growth.

*Response.* One of the comments stated that the capacity and energy that

the existing customers have received should be reallocated according to current loads because some of the existing preference customers loads have grown and therefore more power is needed. As stated in response to Objection 5, there are good arguments for using many different allocation methods. If SEPA were to reallocate existing preference customers' capacity, it would be taking capacity from some existing preference customers and giving it to other existing preference customers. In like respect, potential new customers would and have presented the view that all capacity should be reallocated according to current load levels.

SEPA believes that the most equitable solution is to allow existing prference customers to retain their pre-1983 capacity allocations while providing a viable arrangement for both new and existing preference customers to share in any additonal capacity available for marketing. Therefore, SEPA will not reallocate capacity which was formerly sold to existing preference customers.

13. *Objection:* SEPA's proposed policy should remove the adverse competitive impact caused by uneven allocations of power to cooperative preference entities and municipal preference entities.

*Response:* This contention is, in itself, supportive of the proposition to reallocate all power available to SEPA proportionately among all preference entities within a given marketing area or the entire SEPA marketing area. SEPA is aware that because of circumstances influencing the evolution of its marketing programs, an uneven distribution of power among preference entities has resulted. With respect to the power from the Kerr-Philpott System of Projects, an uneven distribution of power to preference entities arises due to the fact that a number of municipalities in the APCO, CP&L, and VEPCO service areas elected not to purchase SEPA power previously offered to them. It goes without saying, however, that preference entity participation at any point in time was voluntary and beyond SEPA's control. Additionally, because geographical limits to marketing areas resulted from the decision process, preference entities immediately beyond the peripheries were affected.

Nevertheless, within selected marketing areas, evenhanded treatment has always been afforded partricipating preference entities as power became available. Toward that goal, the Final Power Marketing Policy for the Kerr-Philpott System of Projects states that preference entities not now served in the designated marketing area will be eligible to share equitably in the additional capacity available to preference entities accompanied by energy equal to the firm energy available from the projects.

SEPA's responsibility is to dispose of surplus hydropower from designated Corps of Engineers reservoir projects in accordance with statutory authority, and it has no utility responsibility respecting any customer within the 10-state area or other specified area in which it is authorized to market power. The impact of SEPA power is something of which SEPA is conscious, but the impacts are a natural consequence of its marketing program. The Congress has not required SEPA to specifically take this matter into consideration as it has required of certain other agencies of a regulatory nature. Furthermore, SEPA does not believe that the relatively small percentage of SEPA power which goes to its preference customers would constitute such an advantage as to be the determining factor in attracting customers to particular systems.

*Changes or Revisions in the Revised Proposed Marketing Policy*

The changes or revisions in the Revised Proposed Marketing Policy are very minor clarification changes resulting in no significant or substantive changes to the Final Power Marketing Policy for the Kerr-Philpott System of Projects.

**Final Power Marketing Policy Kerr-Philpott System of Projects**

*General.* The projects and power subject to this policy are:

| Projects | Capacity (kw) (name-plate) | Energy (mwh) (average annual) |
|---|---|---|
| John H. Kerr | 204,000 | 440,000 |
| Philpott | 14,000 | 25,000 |

The Final Marketing Policy for the Kerr-Philpott System of Projects will replace the interim policy and will be implemented as soon as contracts negotiated pursuant to the interim policy can be replaced.

The Final Marketing Policy will be implemented through negotiated contracts for terms not to exceed 10 years.

Transmission facilities owned by Virginia Electric and Power Company (VEPCO), Carolina Power & Light Company (CP&L) and Appalachian Power Company (APCO) will be used for all necessary purposes including transmitting power to load centers. Deliveries may be made at the projects, at utility interconnections or at customer substations, as determined by SEPA. The projects will be hydraulically, electrically and financially intergrated and will be operated to make maximum contribution to the respective utility areas. Preference in the sale of the power will be given to public bodies and cooperatives.

*Marketing Area.* The SEPA marketing are shall be a combination of the following areas: (1) That area within the VEPCO service area in both Virginia and North Carolina within a radius of 150 miles of the Kerr Project; (2) that area within the CP&L service area in North Carolina and South Carolina within a radius of 165 miles of a point on the Virginia-North Carolinia state line where CP&L's Kerr Dam-Henderson line interconnects with the VEPCO System; and (3) that area within the APCO service area within a radius of 100 miles of the Philpott Project. The combined SEPA marketing area of approximately 65,000 square miles contains 89 eligible public bodies and cooperatives, as listed on Appendix A attached hereto.

*Allocations of Power.* Approximately the output of the Philpott Project and approximately two-thirds of the output of the Kerr Project will be allocated on a long-term basis to customers located in the SEPA served portion (Virginia and North Carolina) of the VEPCO service area and to customers located in the SEPA served portion of the APCO service area and the remainder of the output of the Kerr Project will be allocated to customers located in the SEPA served portion of the CP&L area. Except where duplication of allocation would result, each public body and cooperative within the marketing area as shown on Appendix A will be eligible for an allocation of power as hereinafter provided.

It is SEPA's goal to allocate all available and usable system power (that power remaining after provision for reserves and losses) to preference customers including capacity which, prior to the interim policy, was sold to VEPCO and CP&L.

As to the capacity sold to the existing preference customers prior to contracts executed to implement the interim policy, each existing preference customer within the VEPCO service area will be allowed to retain its individual share of the 65 megawatts of delivered capacity, and each existing preference customer within the CP&L service area will be allowed to retain its individual share of the 30 megawatts of delivered capacity.

Both new and existing preference customers within the VEPCO and APCO service areas and those within the CP&L service area will be eligible to share

equitably in the available capacity remaining after reductions for reserves, losses and capacity retained by the existing customers; provided that preference customers in the APCO area will be limited to the available capacity output of the Philpott Project, less reserves and losses. Allocations of capacity to a particular preference customer within a particular utility services area will be based on the relationship of such customer's maximum 1980 demand to the sum of the 1980 maximum demands of all preference customers in a given utility service are a sharing such power. SEPA recognizes that Washington and Greenville, North Carolina, which were previously served by the VEPCO system are now served by the CP&L system; however, for allocation purposes, they will be treated as if served through the VEPCO system.

Capacity allocated to serve new preference customers will be accompanied by energy equal to the firm energy available from the projects (approximately 650 kilowatt-hours per kilowatt per year). The remainder of the energy available from the projects shall be allocated to existing preference customers in the respective service areas based on their capacity allocations.

*Utilization of Utility Systems.* In the absence of transmission facilities of its own, SEPA will use area generation and transmission systems to integrate the Government's projects, provide firming, wheeling, exchange and backup service and such other functions as may be necessary to dispose of system power under reasonable and acceptable marketing arrangements. Utility systems providing such services shall be entitled to adequate compensation. Specific terms and conditions of such arrangements shall be the subject of negotiations between SEPA and the generation and transmission utilities providing the services. Individual preference agencies directly affected by the negotiations shall stand in an advisory role to SEPA and shall be kept currently advised as to the status and progress of negotiations.

*Wholesale Rates.* Rate schedules shall be drawn so as to recover all costs associated with producing and transmitting the power in accordance with then current repayment criteria. Production costs will be determined on a system basis and rate schedules will be related to the integrated output of the projects. Rates schedules may be revised periodically.

*Resale Rates.* Resale rate provisions requiring the benefits of SEPA power to be passed on to the ultimate consumer will be included in each SEPA customer contract which provides for SEPA to supply more than 25 percent of the customers' total power requirements during the term of the contract.

*Conservation Measures.* Each customer purchasing SEPA power shall agree to take reasonable measures to encourage the conservation of energy by ultimate consumers.

**Appendix A—Preference Agenices in the Kerr-Philpott System Area**

Preference agencies served by CP&L:

**North Carolina**

| | |
|---|---|
| Brunswick EMC* | Pee Dee EMC* |
| Carteret-Craven EMC* | Piedmont EMC* |
| Central EMC* | Pitt & Greene EMC* |
| Four County EMC* | Randolph EMC* |
| Halifax EMC* | South River EMC* |
| Harker's Island EMC | Tideland EMC* |
| Jones-Onslow EMC* | Tri-County EMC* |
| Lumbee River EMC* | Wake EMC* |

| | |
|---|---|
| Apex | Louisburg* |
| Ayden | Lumberton |
| Benson | New Bern |
| Clayton | Pikeville |
| Farmville | Red Springs |
| Fayetteville | Rocky Mount |
| Fremont | Selma |
| Hookerton | Smithfield |
| Kinston | Wake Forest |
| LaGrange | Wilson |
| Laurinburg | |

**South Carolina**

Bennettsville

Preference agencies served by VEPCO:

**North Carolina**

| | |
|---|---|
| Albemarle EMC* | Halifax EMC* |
| Edgecombe-Martin County EMC* | Roanoke EMC* |
| | Tideland EMC* |

| | |
|---|---|
| Belhaven | Hobgood |
| Edenton | Robersonville |
| Elizabeth City | Scotland Neck |
| Enfield | Tarboro |
| Greenville | Washington |
| Hamilton | Windsor |
| Hertford | |

**Virginia**

| | |
|---|---|
| B-A-R-C EC* | Prince George EC* |
| Central Virginia EC* | Prince William EC* |
| Community EC* | Rappahannock EC* |
| Craig-Botetourt EC* | Shenandoah Valley EC* |
| Mecklenburg EC* | Southside EC* |
| Northern Neck EC* | |

| | |
|---|---|
| Blackstone | Harrisonburg |
| Culpeper | Iron Gate |
| Elkton | Wakefield |
| Franklin | |

Preference agencies served by utilities other than CP&L or VEPCO:

| *City* | *Served by* |
|---|---|
| Black Creek | Wilson |
| Fountain | Wilson |
| Lucama | Wilson |
| Macclesfield | Wilson |
| Oak City | Edgecombe-Martin County EMC |
| Pinetops | Wilson |
| Princeville | Tarboro |
| Sharpsburg | Rocky Mt. |
| Stantonsburg | Wilson |
| Walstonburg | Wilson |
| Winterville | Greenville |

Preference agencies served by APCO:

| | |
|---|---|
| Bedford | Radford |
| Danville | Richlands |
| Martinsville | Salem |

*Existing Customers

[FR Doc. 85-17863 Filed 7-26-85; 8:45 am]
BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-2869-6]

### Agency Information Collection Activities Under OMB Review

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

**ACTION:** Notice.

**SUMMARY:** Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

**FOR FURTHER INFORMATION CONTACT:** Nanette Liepman, 202-382-2741 or FTS 382-2742.

**SUPPLEMENTARY INFORMATION:**

**Office of Research and Development**

• Title: Milk Cow and Population Survey (EPA #1221). (This is an extension of an existing collection.)

Abstract: The information collected provides a directory of the location of farms and ranches around the Nevada Test Site where milk is produced for local use or commercial distribution. The directory is used to identify sources of samples to assess radiological contamination from the Nevada Test Site. Information is updated alternate summers.

Respondents: Owners of milk cows and/or goats in eastern California, all of Nevada, southern Idaho, and western Utah.

**Office of Air and Radiation**

• Title: Compliance Demonstation by Importers of Non-Complying Motor Vehicles and Engines (EPA #0010). (This is an extension of an existing collection.)

Abstract: Commercial importers and individuals who import vehicles must comply with the emissions requirements of the Clean Air Act. Documents showing either that the vehicle has passed a laboratory emissions test or that the vehicle has been modified according to manufacturer's instructions are submitted for EPA approval.

Respondents: Commercial importers and individuals who import vehicles.

**Agency PRA Clearance Request Completed by OMB**

EPA #1119, Administrative Controls for Blending and Burning of Hazardous Waste and Used Oil Fuels, was approved 7/3/85 (OMB #2050-0047; expires 7/13/88).

Comments on all parts of this notice may be sent to:

Nanette Liepman (PM-23), Office of Standards and Regulations, Regulation and Information Management Division, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

and

Rick Otis (ICR #1221) or Wayne Leiss (ICR #0010), Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office, Building (Room 3228), 726 Jackson Place NW., Washington, D.C. 20503

Dated: July 22, 1985.

**Daniel J. Fiorino,**

*Acting Director, Regulation and Information Management Division.*

[FR Doc. 85-17763 Filed 7-26-85; 8:45 am]

BILLING CODE 6560-50-M

---

[AS-FRL-2871-3]

**Privacy Act of 1974, Notification of Deletion of System of Records**

**SUMMARY:** The Environmental Protection Agency is deleting a system of records, Statements of Known Financial Interests (EPA-12), that is no longer in use.

**DATE:** Effective July 29, 1985.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donnell Nantkes, Grants, Contracts, and General Law Division, Office of General Counsel (LE-132G), Washington, D.C. 20460, telephone (202) 382-4550.

**SUPPLEMENTARY INFORMATION:** On September 8, 1978, and pursuant to the provisions of the Privacy Act of 1974, there was published in the **Federal Register** (43 FR 40057) a notice of the system of records, Statements of Known Financial Interests (EPA-12). Section 207(c) of the Ethics in Government Act (Pub. L. 95-521) superseded the requirement for this report. Accordingly, this notice formally deletes this system of records.

Dated: July 22, 1985.

**Seymour D. Greenstone,**

*Acting Assistant Administrator for Administration and Resources Management.*

[FR Doc. 85-17786 Filed 7-26-85; 8:45 am]

BILLING CODE 6560-50-M

---

[WH-FRL 2870-5]

**Transfer of Data To Contractor**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of transfer of data and request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) will transfer to its contractor, Development Planning & Research Association (DPRA) of Manhattan, KS, information which has been, or will be, submitted to EPA under section 3007 of the Resource Conservation and Recovery Act (RCRA). Some of the information may have a claim of business confidentiality. This firm is conducting economic analyses associated with the promulgation of hazardous waste listings for the petroleum refining, inorganic chemicals, coke by-products, wood preserving, pesticides, and plastics manufacturing industries, and will need access to this information.

**DATE:** The transfer of the confidential data submitted to EPA will occur no sooner than August 5, 1985.

**ADDRESSES:** Comments should be sent to the Document Control Officer, Office of Solid Waste, Characterization and Assessment Division (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Comments should be identified as "Transfer of Confidential Data."

**FOR FURTHER INFORMATION CONTACT:** Dina Villari, Document Control Officer, Characterization and Assessment Division (WH-562B), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 475-8551. For technical information contact Mr. Robert Scarberry, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-4761.

**SUPPLEMENTARY INFORMATION:** .

I. Transfer of Data

The U.S. Environmental Protection Agency is conducting a program to characterize waste and assess waste management practices within the petroleum refining, inorganic chemicals, coke by-products, wood preserving, pesticides, and plastics manufacturing industries. The Agency will use the results to identify and list hazardous waste under authority of section 3001 of the Resource Conservation and Recovery Act (RCRA), and to develop appropriate waste management standards under section 3004.

Under EPA Contract No. 68-01-3565, DPRA, of Manhattan, KS, will assist the Waste Identification Branch of the Office of Solid Waste in conducting economic analyses associated with the petroleum refining, inorganic chemicals, coke by-products, wood preserving, pesticides, and plastics manufacturing industries.

The information being transferred to DPRA was previously, or is currently being, collected by other agency contractors, who conducted, or are currently conducting, waste characterization studies within these industries. Some of the information may have a claim of business confidentiality.

In accordance with 40 CFR 2.305(h), EPA has determined that DPRA employees may require access to confidential business information (CBI) submitted to EPA under section 3007 of RCRA to perform work satisfactorily under the above-noted contract. EPA is issuing this notice to inform all submitters of information under section 3007 of RCRA that EPA may transfer to this firm, on a need-to-know basis, confidential business information specific to the petroleum refining, inorganic chemicals, coke by-products, wood preserving, pesticides, and plastics manufacturing industries. Upon completing their review of materials submitted for these industries, DPRA will return all such materials to EPA "Contractors Requirements for the Control and Security of RCRA

DPRA has been authorized to have access to RCRA CBI under the EPA "Confidential Business Information" security manual. EPA has approved the security plan of its contractors and will inspect the facility and approve it prior to RCRA CBI being transmitted to the contractors. Personnel from this firm will be required to sign a non-disclosure agreement and be briefed on appropriate security procedures before they are permitted access to confidential information, in accordance with the "RCRA Confidential business Information Security Manual" and the Contract Requirements Manual.

**II. List of Subjects in 40 CFR Part 2**

Administrative practice and procedure, Freedom of information, Confidential Business information.

Dated: July 16, 1985.

**Jack W. McGraw,**

*Acting Assistant Administrator.*

[FR Doc. 85-17878 Filed 7-26-85; 8:45 am]

BILLING CODE 6560-50-M

---

[A-4-FRL-2864-6]

## Standards of Performance for New Stationary Sources; National Emission Standards for Hazardous Air Pollutants Delegation of Additional Standards to Kentucky

*Correction*

In FR Doc. 85-16846 beginning on page 28840 in the issue of Tuesday, July 16, 1985, make the following correction:

1. On page 28841, second column, in the thirtieth line, "not" should read "now".

BILLING CODE 1505-01-M

---

## EQUAL EMPLOYMENT OPPORTUNTIY COMMISSION

### Agency Report Forms Under OMB Review

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. The proposed report form under review is listed below.

**DATE:** Comments must be received on or before September 12, 1985. If you anticipate commenting on a report form, but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Liaison Officer of your intent as early as possible.

**ADDRESS:** Copies of the proposed report form, the request for clearance, (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Liaison Officer and the OMB Reviewer.

**FOR FURTHER INFORMATION CONTACT:** EEOC Agency Liaison Officer: Margaret P. Ulmer, Financial and Resource Management Services, Room 386, 2401 E. Street, NW, Washington, DC 20507; Telephone (202) 634-1932.

*OMB Reviewer:* James Mason, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503; Telephone (202) 395-6880.

Type of Request: Extension (No change)
Title: Employer Information Report EEO-1
Form Number: Standard Form 100
Frequency of Report: Annually
Type of Respondent: Private employers with 100 or more employees and certain Federal government contractors with 50 or more employees
Standard Industrial Classification (SIC) Code: Multiple
Description of Affected Public: IND/HHID and Farms adn Business/INST
Responses: 126,700
Reporting Hours: 633,500
Federal Cost: $476,000
Applicable under Section 3504(h) of Public Law 96-511: Not applicable
Number of Forms: 1

Abstract-Needs/Users: EEO-1 data are used by EEOC to investigate charges of discrimination against employers in private industry. Data are shared with several Federal government agencies, particularly the Office of Federal Contact Compliance Programs (OFCCP), U.S. Department of Labor. Under section 709(d) of Title VII of the Civil Rights Act of 1964, as amended, EEO-1 data are also shared with approximately 127 State and local FEPC agencies.

Dated: July 19, 1985.

For the Commission.

**John Seal,**

*Management Director, Equal Employment Opportunity Commission.*

[FR Doc. 85-17904 Filed 7-26-85; 8:45 am]

BILLING CODE 6570-06-M

---

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0139.
Title: Flooded Property Purchase Program.
Abstract: Data collectors will perform on-site surveys of potential reconstitution sites in order to confirm, upgrade, or expand information now stored in FEMA's data base on Federal Regional Reconstitution Areas.
Type of Respondents: State or Local Governments, Businesses or Other For-Profit, Federal Agencies or Employees, Non-Profit Institutions.
Number of Respondents: 2,500.
Burden Hours: 2,500.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C. Street, SW., Washington, DC 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, DC 20503.

Dated: July 22, 1985.

**Walter A. Girstantas,**

*Director, Administrative Support.*

[FR Doc. 85-17841 Filed 7-26-85; 8:45 am]

BILLING CODE 6718-01-M

---

### Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: New.
Title: Radiological Instrumentation, Maintenance and Calibration.
Abstract: Maintenance of a radiological instrument inventory data base is required to assist Federal and State Government to maintain the existing FEMA radiological instrument inventory of 4.3 million instruments, granted and dispersed to Federal, State, and local users. The inventory is maintained and calibrated by FEMA supported State radiological instrument maintenance facilities.
Type of Respondents: State or Local Governments.
Number of Respondents: 50.
Burden Hours: 100.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C. Street, SW., Washington, DC 20472.

Comments should be directed to Mike Weinstein, Desk Office for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, DC 20503.

Dated: July 22, 1985.

**Walter A. Girstantas,**

*Director, Administrative Support.*

[FR Doc. 85-17842 Filed 7-26-85; 8:45 am]

BILLING CODE 6718-01-M

### Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Existing Collection in Use Without An OMB Control Number.

Title: Community Volunteer Fire Prevention Program—Partnerships Against Fire.

Abstract: A grant program with 3 grants in 20 states awarded to assist communities develop their own fire prevention programs. Grantees must complete a budget form and narrative of program plans. Program is managed by National Governors Association who receive applications submitted through the Governors offices of the participating states.

Type of Respondents: State or Local Governments, Non-Profit Institutions.

Number of Respondents: 100.

Burden Hours: 200.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street, SW., Washington, DC 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, DC 20503.

Dated: July 22, 1985.

**Walter A. Girstantas,**

*Director, Administrative Support.*

[FR Doc. 85-17843 Filed 7-26-85; 8:45 am]

BILLING CODE 6718-01-M

### Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0103.

Title: FEMA Nuclear Power Plant Alerting and Notification System: Public Telephone Survey.

Abstract: FEMA with its technical support contractor, International Energy Associates Limited, shall randomly telephone survey the residents within the Emergency Planning Zone of 40 nuclear power plants as stipulated in Appendix 3 of NUREG-0654/FEMA-REP-1, Rev. 1. From an approximate sample of 2,500 housholds, between 250 and 385 residences will be voluntarily surveyed.

Type of Respondents: Individuals or Households.

Number of Respondents: 12,200.

Burden Hours: 586.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street, SW., Washington, DC 20472.

Comments should be directed to Mike Wenistein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, DC 20503.

Dated: July 22, 1985.

**Walter A. Girstantas,**

*Director, Administrative Support.*

[FR Doc. 85-17844 Filed 7-26-85; 8:45 am]

BILLING CODE 6718-01-M

## FEDERAL HOME LOAN BANK BOARD

### Sunrise Savings and Loan Association; Boynton Beach, FL; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act, as amended, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Sunrise Savings and Loan Association, Boynton Beach, Florida, on July 18, 1985.

Dated: July 24, 1985.

**Jeff Sconyers,**

*Secretary.*

[FR Doc. 85-17903 Filed 7-26-85; 8:45 am]

BILLING CODE 6720-01-M

## FEDERAL MARITIME COMMISSION

The Federal Maritime Commission hereby gives notice of the filing of the agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 204-010064-007

Title: U.S. Gulf/Colombia Equal Access Agreement

Parties: Lykes Bros. Steamship Co., Inc., Flota Mercante Grancolombiana, S.A., Coordinated Caribbean Transport, CTMT, Inc.

Synopsis: The proposed amendment would add CTMT, Inc., as a party to the agreement.

Agreement No.: 204-010066-007

Title: U.S. Atlantic and Pacific/Colombia Trade Equal Access Agreement

Parties: Flota Mercante Grancolombiana, S.A., United States Lines, Inc., Coordinated Caribbean Transport, Inc., CTMT, Inc.

Synopsis: The proposed amendment would add CTMT, Inc., as a party to the agreement.

Agreement No.: 207-010737-001

Title: Italia/Transatlantica Joint Service Agreement

Parties: "Italia" Di Navigazione, S.p.A., Compania Trasatlantic Espanola, S.A.

Synopsis: The proposed amendment would modify the agreement to: (1) Adjust the shares for the distribution of profits and losses to the parties; (2) authorize the parties to establish management commitees; (3) provide for the admission of additional parties to the agreement only upon unanimous agreement of the existing parties; and (4) make certain changes to amend the semantics of the agreement to provide for the possibility of more than two parties and to specify that the agreement shall continue in force for so long as it has a minimum of two participants.

Dated: July 24, 1985.

By Order of the Federal Maritime Commission.

**Mary F. Whitmore,**

*Assistant to the Secretary.*

[FR Doc. 85-17920 Filed 7-26-85; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Bank of Montreal, et al.; Application To Engage de Novo in 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. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be acompanied 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.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 22, 1985.

A. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Bank of Montreal*, Montreal, Canada, and *Harris Bankcorp*, Chicago, Illinois: to engage through their wholly owned subsidiary, Harris Futures Corporation, Chicago, Illinois, in the execution and clearance on futures contracts of stock index futures and municipal bond index products. This application may be inspected at the Federal Reserve Bank of Chicago. These activities have been approved by Board Order as permissible for bank holding companies. *J.P. Morgan & Company, Inc.*, 68 Federal Reserve Bulletin 514 (1982); *Bankers Trust New York Corporation*, 68 Federal Reserve Bulletin 651 (1982).

Board of Governors of the Federal Reserve System, July 23, 1985.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 85-17846 Filed 7-26-85; 8:45 am]

BILLING CODE 6210-01-M

### F&M National Corp.; Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and §225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than August 19, 1985.

A. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *F & M National Corporation*, Winchester, Virginia: to acquire 100 percent of the voting shares of Albemarle Bank and Trust Company, Charlottesville, Virginia.

Board of Governors of the Federal Reserve System, July 23, 1985.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 85-17847 Filed 7-26-85; 8:45 am]

BILLING CODE 6210-01-M

## FEDERAL TRADE COMMISSION

### Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules; Collins Foods International, Inc., et al.

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

| Transaction | Waiting period terminated effective |
|---|---|
| (1) 85-0717—Collins Foods International, Inc.'s proposed acquisition of voting securities of Tenly Enterprises, Inc. | July 2, 1985. |
| (2) 85-0726—Allied Stores Corporation's proposed acquisition of assets of The Power Dry Goods Company Division (Associated Dry Goods Corporation, UPE). | July 3, 1985. |
| (3) 85-0732—Price Communications Corporation's proposed acquisition of assets of New York Law Publishing Company (Warburg, Pincus Company, UPE). | Do. |
| (4) 85-0745—David Barclay's proposed acquisition of voting securities of Gulf Resources and Chemical Corporation. | Do. |
| (5) 85-0746—Frederick Barclay's proposed acquisition of voting securities of Gulf Resources and Chemical Corporation. | Do. |
| (6) 85-0748—Universal Foods Corporation's proposed acquisition of voting securities of Idaho Frozen Foods Corporation (Sara Lee Corporation, UPE). | Do. |
| (7) 85-0749—Wetterau Incorporated's proposed acquisition of voting securities of Cressey Dockham & Company, Inc. | Do. |

| Transaction | Waiting period terminated effective |
|---|---|
| (8) 85-0760—Chariot Holdings, Ltd.'s (Richard E. Gray, UPE) proposed acquisition of assets of Eastmet Industrial Products Group (Eastmet Corporation, UPE). | Do. |
| (9) 85-0767—Bell Canada Enterprises, Inc.'s proposed acquisition of assets of Great Lakes Press Corporation, (Clifford N. Lovenheim, UPE). | Do. |
| (10) 85-0768—Bell Canada Enterprises, Inc.'s proposed acquisition of assets of Great Lakes Press Corporation (Andrew S. Lovenheim, UPE). | Do. |
| (11) 85-0773—The Rouse Company's proposed acquisition of voting securities of Howard Research and Development Company (CIGNA Corporation, UPE). | Do. |
| (12) 85-0764—Sandgate Corporation's proposed acquisition of voting securities of Anglo American Auto Auction, Inc. (The British Car Auction Group, PLC, UPE). | July 8, 1985. |
| (13) 85-0765—The British Car Auction Group PLC's proposed acquisition of voting securities of Sandgate Corporation. | Do. |
| (14) 85-0801—Societe Generale de Surveillance Holding S.A.'s proposed acquisition of voting securities of GAB Business Services, Inc. (UAL, Inc., UPE). | July 9, 1985. |
| (15) 85-0744—Akzo N.V.'s proposed acquisition of assets of Warner Lambert's diagnostics products business (Warner Lambert Company, UPE). | July 10, 1985. |
| (16) 85-0783—Carter-Wallace, Inc.'s (Mr. & Mrs. Henry H. Hoyt, Sr., UPE) of assets of John C. MacFarlane and assets of the Young Companies. | Do. |
| (17) 85-0789—The Burmah Oil plc's proposed acquisition of voting securities of Advance Process Supply Company. | Do. |
| (18) 85-0794—Murphy Oil Corporation's proposed acquisition of assets of Salen Energy AB. | Do. |
| (19) 85-0796—McDonnell Douglas' proposed acquisition of voting securities of Republic Health Corporation. | Do. |
| (20) 85-0797—McDonnell Douglas' proposed acquisition of voting securities of Republic Health Corporation. | Do. |
| (21) 85-0809—The New York Times Company's (The Ochs Trust, UPE) proposed acquisition of assets of Santa Barbara (CA) News-Press and Palos Verdes (News-Press Publishing Company) (Estate of Robert McLean, UPE). | Do. |
| (22) 85-0753—Ryder System, Inc.'s proposed acquisition of voting securities of Fleet Transportation Services, Inc. (F.C. Equipment Leasing Corp.) (Ralph J. MacDonald, UPE). | July 11, 1985. |
| (23) 85-0766—Allied Corporation's proposed acquisition of voting securities of Baron-Blakeslee, Inc., (Purex Industries, Inc., UPE). | Do. |
| (24) 85-0723—Akzo N.V.'s proposed acquisition of voting securities of Litton Industries, Inc. | July 12, 1985. |
| (25) 85-0743—Super Valu Stores, Inc.'s proposed acquisition of voting securities of West Coast Grocery Company. | Do. |
| (26) 85-0772—Sun Company, Inc.'s proposed acquisition of assets of CalMat Co. | Do. |
| (27) 85-0774—Harris Wholesale Company, (Seth B. Harris, UPE) proposed acquisition of voting securities of Providence Wholesale Drug Company. | Do. |
| (28) 85-0775—Metropolitan Life Insurance Company's proposed acquisition of voting securities of Crossland Capital Corp., Crossland Property Management, Inc. and Crossland Insurance Agency, Inc. (Crossland Savings, FSB, UPE). | Do. |
| (29) 85-0811—Kysor Industrial Corporation's proposed acquisition of Westran Corporation. | Do. |
| (30) 85-0819—Apache Petroleum Company's proposed acquisition of assets of Davis Oil Company. | Do. |
| (31) 85-0822—Tenneco, Inc.'s proposed acquisition of assets of Crown Central Petroleum Corporation. | Do. |
| (32) 85-0742—Procordia AB's proposed acquisition of voting securities of The Pinkerton Tobacco Company (Grand Metropolitan PLC, UPE). | July 15, 1985. |
| (33) 85-0800—Leonard N. Stern's proposed acquisition of assets of The Village Voice (The News Corporation, Limited, UPE). | Do. |
| (34) 85-0804—The Penn Central Corporation's proposed acquisition of voting securities of Holden Energy Corporation (Harold H. Holden, UPE). | Do. |
| (35) 85-0805—Harold H. Holden's proposed acquisition of voting securities of Gulf Energy Producing Company (The Penn Central Corporation, UPE). | Do. |
| (36) 85-0820—Sara Lee Corporation's proposed acquisition of assets of Coach Leatherware Company (Miles and Lillian Cahn, UPE's). | Do. |
| (37) 85-0824—Wickes Companies, Inc.'s proposed acquisition of voting securities of Consumer and Industrial Products Group (Gulf & Western Industries, UPE). | Do. |
| (38) 85-0825—Robert J. Tomsich's proposed acquisition of assets of White Consolidated Industries, Inc. and voting securities of five subsidiaries of White Consolidated Industries, Inc. | Do. |

**FOR FURTHER INFORMATION CONTACT:** Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

**Emily H. Rock,**

*Secretary.*

[FR Doc. 85-17838 Filed 7-26-85; 8:45 am]

**BILLING CODE 6750-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control

### Request for Nominations of Candidates To Serve on the Mine Health Research Advisory Committee

The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), is soliciting nominations for membership on the Mine Health Research Advisory Committee (MHRAC). On December 24, 1985, three vacancies will occur. The MHRAC, which is authorized by the Federal Mine Safety and Health Act of 1977, advises the Department of Health and Human Services on matters related to intramural and extramural health research for the nation's miners. The direction, scope, and scientific quality of the NIOSH mine health research program are considered by the Committee.

A range of disciplines is represented on the Committee, including occupational medicine, industrial hygiene, pulmonary medicine, radiology, pathology, epidemiology, biostatistics, and public health. Mining experience is desirable, but it is not necessary for every position on the Committee. Emphasis is placed on scientific credentials.

The following information is requested: name, affiliation, address, telephone number, and a recent curriculum vital. Nominations should be sent by August 16, 1985, to: Mr. Robert E. Glenn, Executive Secretary, MHRAC, NIOSH, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505-2888, Telephones: FTS: 923-4474, Commercial: 304/291-4474.

Dated: July 22, 1985.

**Elvin Hilyer,**

*Associate Director for Policy Coordination, Centers for Disease Control.*

[FR Doc. 85-17892 Filed 7-26-85; 8:45 am]

**BILLING CODE 4160-19-M**

## Food and Drug Administration

### Consumer Participation; Open Meeting

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting:

Minneapolis District Office, chaired by John Feldman, District Director. The topics to be discussed are Color Additives in Foods, Health Claims for Food, and Nonnutritive Sweeteners.

**DATE:** Tuesday, August 6, 1985, 1:30 p.m. to 3:30 p.m.

**ADDRESS:** United Way of Dane County, 2059 Atwood Ave., Madison, WI.

**FOR FURTHER INFORMATION CONTACT:** Donald W. Aird, Jr., Public Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612-349-3906.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: July 23, 1985.

Mervin H. Shumate,

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 85-17890 Filed 7-26-85; 8:45 am]

BILLING CODE 4160-01-M

## National Institutes of Health

### National Cancer Institute; Board of Scientific Counselors, Division of Cancer Etiology; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Etiology on October 17-18, 1985, Building 31, C Wing, Conference Room 6, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. The meeting will be open to the public from 1:00 p.m. to recess on October 17, and from 9:00 a.m. to adjournment on October 18, for discussion and review of the Division budget and review of concepts for grants and contracts. Attendance by the public will be limited to space available.

The Board of Scientific Counselors meeting will be closed to the public from 9:00 a.m. to approximately 1:00 p.m. on October 17, 1985, in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual programs and projects conducted by the Division of Cancer Etiology. These programs, projects, and discussions could reveal personal information concerning individuals associated with the programs and projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary of the Board of Scientific Counselors, Division of Cancer Etiology, National Cancer Institute, Building 31, Room 11A06, National Institutes of Health, Bethesda Maryland 20205 (301/496-6927) will furnish substantive program information.

Dated: July 18, 1985.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 85-17855 Filed 7-26-85; 8:45 am]

BILLING CODE 4140-01-M

### National Cancer Institute; Cancer Center Support Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Support Review Committee, National Cancer Institute, National Institutes of Health, August 1-2, 1985, Holiday Inn Crown Plaza, 1750 Rockville Pike, Rockville, Maryland 20852. This meeting will be open to the public on August 1, from 8:30 a.m. to 9:30 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on August 1 from approximately 9:30 a.m. to recess; and on August 2 from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. John Abrell, Executive Secretary, Cancer Center Support Review Committee, National Cancer Institute, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205 (301/496-9767) will furnish substantive program information.

This notice is being published less than 15 days prior to the meeting because of the difficulty of coordinating the attendance of the members due to their conflicting commitments.

Dated: July 17, 1985.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 85-17859 Filed 7-26-85; 8:45 am]

BILLING CODE 4140-01-M

### National Cancer Institute; Cancer Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, National Institutes of Health, September 26-27, 1985, Building 31C, Conference Room 8, Bethesda, Maryland 20205. This meeting will be open to the public on September 26, from 8:30 a.m. to 9:00 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on September 26 from approximately 9:00 a.m. to recess; and on September 27 from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Leon J. Niemiec, Executive Secretary, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, Room 832 National Institutes of Health, Bethesda, Maryland 20205 (301/496-7978) will furnish substantive program information.

Dated: July 17, 1985.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 85-17858 Filed 7-26-85; 8:45 am]

BILLING CODE 4140-01-M

### National Heart, Lung, and Blood Institute; Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Epidemiology and Clinical Application National Heart, Lung, and Blood Institute, National Institutes of Health, October 2-3, 1985. The meeting will be held in Conference Room B119, Federa Building, 7550 Wisconsin Avenue, Bethesda, Maryland 20205.

This meeting will be open to the public on October 2 from 9:00 a.m. to recess and from 8:30 a.m. to

adjournment on October 3 to discuss new initiatives, program policies and issues. Attendance by the public is limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide a summary of the meeting and a roster of committee members upon request. Dr. William Friedewald, Executive Secretary of the Committee Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: July 23, 1985.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 85–17854 Filed 7–26–85; 8:45 am]

BILLING CODE 4140–01–M

## National Heart, Lung, and Blood Institute; Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health on November 3–4, 1985, at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

This meeting will be open to the public on November 3, 1985, from 8:00 p.m. until recess, to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 4, 1985, from 8:00 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

Dr. Fred P. Heydrick, Executive Secretary, NHLBI, Westwood Building, Room 548, Bethesda, Maryland 20205, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Reserch; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: July 17, 1985.

**Betty J. Beveridge,**

*NIH Committee Management Officer.*

[FR Doc. 85–17857 Filed 7–26–85; 8:45 am]

BILLING CODE 4140–01–M

## National Institute of Neurological and Communicative Disorders and Stroke; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, on October 16–18, 1985, Conference Room 1B–07, Building 36, Bethesda, Maryland

This meeting will be open to the public from (9:00 A.M. to 5:00 P.M. on October 17 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 7:00 P.M. until 10:00 P.M. on October 16 and from 9:00 A.M. to adjournment on October 18 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performances, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordinator, Mr. Edward M. Donohue, Federal Building, Room 1004, 7550 Wisconsin Avenue, Bethesda, Maryland, 20205, telephone (301) 496–9231, will furnish a summary of the meeting and roster of committee members upon request.

The Executive Secretary from whom substantive program information may be obtained is Dr. Irwin J. Kopin, Director, Intramural Research Program, NINCDS, Building 10, Room 5N214, NIH, Bethesda, Maryland, 20205, telephone (301) 496–4297.

(Catalog of Federal Domestic Assistance Program No. 13.854, Clinical Basis Research; No. 13.854, Biological Basis Research)

Dated: July 18, 1985.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 85–17856 Filed 7–26–85; 8:45 am]

BILLING CODE 4140–01–M

## Recombinant DNA Advisory Committee Working Group on Toxins; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee Working Group on Toxins at the National Institutes of Health, Building 31A, Conference Room 4, 9000 Rockville Pike, Bethesda, Maryland 20205, on August 16, 1985, from approximately 9:00 a.m. to adjournment at approximately 5:00 p.m. to discuss serveral proposals involving the cloning of genes coding for toxins. This meeting will be open to the public. Attendance by the public will be limited to space available.

Further information may be obtained from Dr. Elizabeth Milewski, Executive Secretary, Recombinant DNA Advisory Committee Working Group on Toxins, National Institutes of Health, Building 31, Room 3B10, Bethesda, Maryland, telephone (301) 496–6051.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require sereral additional pages. In addtion, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guildelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above whether individual programs listed in the *Catalog of*

*Federal Domestic Assistance* are affected.

Dated: July 22, 1985.

**Betty J. Beveridge,**

*Committee Mangement Officer, NIH.*

[FR Doc. 85-17860 Filed 7-26-85; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### Plan for the Use and Distribution of the Shoshone-Bannock Tribes of Fort Hall Reservation Indians Judgment Funds in Docket 326-C-2 Before the United States Claims Court

July 16, 1985.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian Tribe. Funds were appropriated on July 19, 1984, in satisfaction of the award granted to the Shoshone-Bannock Tribes of Fort Hall Reservation before the United States Claims Court in Docket 326-C-2. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated February 15, 1985 and was received (as recorded in the *Congressional Record*) by the Senate on February 27, 1985, and by the House of Representatives on February 26, 1985. The plan became effective on May 19, 1985 as provided by the 1973 Act, as amended by Pub. L. 97-458 since a joint resolution disapproving it was not enacted. The plan reads as follows:

#### Plan

*For the Use and Distribution of Funds Awarded to the Shoshone-Bannock Tribes of Fort Hall Reservation in Docket 326-C-2 Before the United States Claims Court*

The funds appropriated July 19, 1984, in satisfaction of the judgment granted in Docket 326-C-2 to the Shoshone-Bannock Tribes before the United States Claims Court, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

#### Per Capita Aspect

Eighty (80) percent of the funds shall be distributed in the form of per capita payments, in sums as equal as possible, to all tribal members born on or prior to and living on the effective date of this plan.

#### Programing Aspect

Twenty (20) percent of the funds, and any amounts remaining from the per capita payment provided above, shall be invested by the Secretary of the Interior, and the principal and interest and investment income accrued shall be utilized by the tribal governing body on a budgetary basis, subject to the approval of the Secretary, for a tribal land acquisition program and water rights litigation.

#### General Provisions

The per capita shares of living, competent adults shall be paid directly to them by the Shoshone-Bannock Tribes in accordance with the Act of August 2, 1983, 97 Stat. 365.

The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR Part 4, Subpart D. Per capita shares of legal incompetents and minors shall be handled as provided in the Act of October 19, 1973, 87 Stat. 466, as amended January 12, 1983, 96 Stat. 2512.

None of the funds distributed per capita or made available under this plan for programing shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita shares in excess of $2,000, any Federal or federally assisted programs.

**John W. Fritz,**

*Deputy Assistant Secretary, Indian Affairs.*

[FR Doc. 85-17865 Filed 7-26-85; 8:45 am]

BILLING CODE 4310-02-M

### Minerals Management Service

### Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the Availability of Environmental Documents Prepared for OCS Mineral Exploration and Production Proposals on the Gulf of Mexico OCS.

**SUMMARY:** The Minerals Management Service (MMS), in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related Environmental Assessments (EAs) and Findings of No Significant Impact (FONSIs), prepared by the MMS for the following oil and gas exploration and production activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which FONSIs were prepared by the Gulf of Mexico OCS in the three month period preceding this Notice.

| Activity/operator | Location | Date |
|---|---|---|
| Shell Offshore Inc., revised exploratory well, OCS-G 6417; SEA No. R-1390 | Destin Dome Block 160; 55 miles southwest of Panama City, Florida | Apr. 23, 1985. |
| Texaco U.S.A. six exploratory wells, OCS-G 6429; SEA No. N-2041 | Destin Dome Block 265; 48 miles south-southeast of Fort Walton Beach, Florida | Apr. 11, 1985. |
| Conoco Inc., three exploratory wells, OCS-G 6432 and 6436; SEA No. N-2074 | Destin Dome Blocks 375 and 419; 57 miles southwest of Panama City, Florida | May 1, 1985. |
| Mobil Oil Exploration & Producing Southeast Inc., three exploratory wells, OCS-G 6418; SEA No. N-2082 | Destin Dome Block 161; 54 miles southwest of Panama City, Florida | May 3, 1985. |
| Amoco Production Company, two exploratory wells, OCS-G-6423; SEA No. N-2084. | Destin Dome Block 160; 55 miles southwest of Panama City, Florida | May 8, 1985. |
| Amoco Production Company, revised exploratory well, OCS-G 6422; SEA No. R-1392. | Destin Dome Block 204; 56 miles southwest of Panama City, Florida | Mar. 28, 1985. |
| Fairfield Industries, Geophysical Exploration for Mineral Resources; SEA No. L85-68. | Mississippi River Delta area, Offshore Louisiana contiguous with the Federal/State Three Geographic Mile Boundary. | Apr. 25, 1985. |
| Southland Royalty Company, 4.34 miles of 6-inch pipeline; SEA No. P-7563 | Vermilion Blocks 75, 76 and 86; Offshore Louisiana | Apr. 17, 1985. |
| Kerr-McGee Pipeline Corporation, 3.45 miles of 8-inch pipeline; SEA No. P-7573 | Vermilion Blocks 114 and 129; Offshore Louisiana | Apr. 23, 1985. |
| ARCO Oil and Gas Company, 0.27 mile of 8-inch Pipeline; SEA No. P-7577 | Main Pass Block 151; Offshore Louisiana | Apr. 25, 1985. |
| Shell Pipe Line Corporation, 2.49 miles of 6-inch pipeline; SEA No. P-7582 | Grand Isle Block 33 to Grand Isle Block 30; Offshore Louisiana | Do. |
| Texas Gas Transmission Corporation, 7.41 miles of 8-inch pipeline; SEA No. P-7568. | High Island Area, East Addition, Blocks A-247, A-242, A-243, and A-244; Offshore Texas | May 2, 1985. |

| Activity/operator | Location | Date |
|---|---|---|
| Walter Oil and GAs Corporation, 0.755 mile and 0.622 mile of 6-inch and 4-inch pipeline, respectively; SEA No. P-7579. | Eugene Island Blocks 44 and 51; Offshore Louisiana | Do. |
| Natural Gas Pipeline Company of America, 1.73 miles of 10-inch pipeline; SEA No. P-7567. | West Cameron Blocks 170, 169, and 148; Offshore Louisiana | May 9, 1985. |
| Tennessee Gas Pipeline Company, 1.3 miles of 3.5-inch pipeline; SEA No. P-7587 | West Delta Blocks 61 and 62; Offshore Louisiana | May 28, 1985. |
| Texaco U.S.A., 2.3 miles of 6-inch pipeline; SEA No. P-7565 | West Cameron Blocks 201 and 202; Offshore Louisiana | May 31, 1985. |
| Mark Producing, 3.9 miles of 10-inch pipeline; SEA No. P-7570 | High Island Area, South Addition, Blocks A-487, A-476, A-475, and A-462; Offshore Texas. | Do. |
| InterNorth, Inc., 6.9 miles of 8-inch pipeline; SEA No. P-7574 | High Island Blocks 172, 171, 199, and 200; Offshore Texas | June 21, 1985. |
| Tennessee Gas Pipeline Company, 1.3 miles of 10-inch pipeline; SEA No. P-7575 | East Cameron Block 65 and West Cameron Block 177; Offshore Louisiana | May 16, 1985. |
| Tennessee Gas Pipeline Company, 0.43 mile of 10-inch pipeline; SEA No. P-7576 | Ship Shoal Block 198; Offshore Louisiana | May 31, 1985. |
| ANR Pipeline Company, 2.74 miles of 8-inch pipeline; SEA No. P-7584 | Eugene Island Blocks 207 and 208; Offshore Louisiana | June 12, 1985. |
| ANR Pipeline Company, 7.6 miles of 6-inch pipeline; SEA No. P-7585 | Eugene Island Blocks 42, 41, 40, 33, and 34; Offshore Louisiana | July 12, 1985. |
| Seagull Interstate Corporation, 5.62 miles of 16-inch pipeline; SEA No. P-7583 | Matagorda Island Blocks 526, 527, 556, and 555; Offshore Texas | July 10, 1985. |
| Seagull Interstate Corporation, 3.08 miles of 6-inch pipeline; SEA No. P-7580 | Galveston Blocks 213 and 214; Offshore Texas | May 31, 1985. |
| Tenneco Oil Exploration and Production, 7.41 miles of 6-inch pipeline; SEA No. P-7581. | Galveston Blocks 424, 389, 390, and 391; Offshore Texas | May 10, 1985. |
| TXP Operating Company, 3.92 miles of 20-inch pipeline; SEA No. P-7586 | West Cameron Area, South Addition Block 556 and East Cameron Area, South Addition, Blocks 298 and 281; Offshore Louisiana. | July 10, 1985. |
| Chandeleur Pipe Line Company, 11.32 miles of 12-inch pipeline; SEA No. P-7588 | Mobile Block 861 to Mobile Block 902; Offshore Mississippi | June 14, 1985. |
| TXP Operating Company, 8.1 miles of 30-inch pipeline; SEA No. P-7589 | West Cameron Area, South Addition Blocks 556, 533, 534, 531, and 510; Offshore Louisiana. | July 8, 1985. |
| Chevron U.S.A. Inc., 2.55 miles of 8-inch pipeline; SEA No. P-7592 | Grand Isle Block 86 to South Timbalier Block 130; Offshore Louisiana | June 21, 1985 |
| Chevron U.S.A. Inc., 2.55 miles of 4-inch pipeline; SEA No. P-7593 | Grand Isle Block 86 to South Timbalier Block 130; Offshore Louisiana | June 25, 1985 |
| Trunkline Gas Company, 1.72 miles of 4-inch pipeline; SEA No. P-8039 | Ship Shoal Blocks 165 to 162; Offshore Louisiana | July 12, 1985. |
| Marathon Oil Company, Geophysical Exploration for Mineral Resources; SEA No. L85-95. | South Pass Blocks 88 and 89; 14 miles southeast of Plaquemine Parish, Louisiana | May 30, 1985. |
| Mobil Oil Exploration & Producing Southeast Inc., 2.20 miles of 4-inch pipeline; SEA No. P-7591. | Grand Isle Block 20 Field, Blocks 20, 19, and 18; Offshore Louisiana | June 17, 1985. |
| Mobil Oil Exploration & Producing Southeast Inc., 4.34 miles of 4-inch pipeline; SEA No. P-7590. | Grand Isle Block 20 Field, Blocks 20, 21, 18 and 17; Offshore Louisiana; | June 14, 1985. |
| Transcontinental Pipe Line Corporation, 6.47 miles of 24-inch pipeline; SEA No. P-8040. | Ship Shoal Area, South Addition, Block 332 to South Timbalier Area, South Addition, Blocks 315 and 300. | July 10, 1985. |
| Tennessee Gas Pipeline, 1.29 miles of 16-inch pipeline; SEA No. P-8047 | East Cameron Block 33; Offshore Louisiana | Do. |
| CNG Producing Company, 2.03 miles of 6-inch pipeline; SEA No. P-7594 | Eugene Island Area, South Addition, Block 314; Offshore Louisiana | July 9, 1985. |
| Trunkline Gas Company, 1.33 miles of 6-inch pipeline; SEA No. P-8041 | South Timbalier Area, Blocks 100 and 111; Offshore Louisiana | July 12, 1985. |

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

**FOR FURTHER INFORMATION CONTACT:** Regional Supervisor, Leasing and Environment (LE), Gulf of Mexico OCS Region, Minerals Management Service, Post Office Box 7944, Metairie, Louisiana 70010, Telephone (504) 838-0755.

**SUPPLEMENTARY INFORMATION:** The MMS prepares EAs and FONSIs for proposals which relates to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: July 19, 1985.

**John L. Rankin,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-17874 Filed 7-26-85; 8:45 am]

BILLING CODE 4310-MR-M

## U.S DEPARTMENT OF THE INTERIOR

### National Park Service

### Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:30 p.m., CST, on September 12, 1985, at the Jefferson Parish East Bank Council Chamber, 3330 North Causeway Boulevard, Metairie, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 95-265, section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, and in the development and implementation of a general plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The matters to be discussed at this meeting include:

—Big Oak Island Cooperative Agreement
—Acadian Culture Center
—Surface Water Management
—Barataria Unit
—Status of Development
—Status of Planning

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, U.S. Customs House, 423 Canal Street, Room 206, New Orleans, Louisiana 70130, telephone 504/589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: July 16, 1985.

**Robert I. Kerr,**

*Regional Director, Southwest Region.*

[FR Doc. 85-17943 Filed 7-26-85; 8:45 am]

BILLING CODE 4310-70-M

## INTERSTATE COMMERCE COMMISSION

### Release of Waybill Data for Use by IIT Research Institute

The Commission has received a request from IIT Research Institute (IITRI) on behalf of its client, Commonwealth Edison, for permission to use the 1974 to 1984 Carload Waybill Sample to update its prior study on the probability of a munition's train exploding near the Braidwood Nuclear Power Plant located south of Joliet, Illinois. Commonwealth Edison, which is now applying to the Nuclear Regulatory Commission for an operating license, has requested that IITRI update the 1974 probability study to reflect current traffic conditions.

Specifically, IITRI seeks waybill data which will enable them to estimate the number of trains carrying explosives, the type of explosives (e.g., bulk or finished product), the train-miles of explosives shipped, and any other waybill information which would be helpful in determining the probability of an accident occurring.

The Commission requires rail carriers to file waybill sample information if in any of the past three years, they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of properietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifially, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Certain requirements designed to protect the data's confidentiality are agreed to by the requesting party and (2) public notice is provided so affected parties have an opportunity to object. (48 FR 40328, September 6, 1983).

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Commission's Director of the Office of Transportation Analysis will consider these ogjections in determining whether to release the requested waybill data. Any parties who filed objections will be timely notified of the Director's decision.

Contact: Elaine K. Kaiser, (202) 275–0907.

**James H. Bayne,**

*Secretary.*

[FR Doc. 85–17895 Filed 7–26–85; 8:45 am]

BILLING CODE 7035–01–M

## DEPARTMENT OF JUSTICE

### Lodging of Proposed Consent Decree Pursuant to the Clean Air Act; Hygrade Food Products Corp.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on June 21, 1985, a proposed consent decree in *United States* v. *Hygrade Food Products Corporation*, Civil Action C85–551T, was lodged with the United States District Court for the Western District of Washington.

The complaint filed by the United States alleged violations of the Clean Air Act by Hygrade Food Products Corporation at its Tacoma, Washington prepared meats plant. The complaint sought injunctive relief requiring defendant to comply with the Clean Air Act and civil penalties for past violations. The proposed consent decree requires defendant to pay a $5,300 civil penalty for past violations and to make certain process modifications, according to a schedule specified in the decree, designed to eliminate the possibility of future violations. Pursuant to the decree, the process modifications are to have been completed by June 22, 1985.

The Department of Justice will receive for a period of thirty (30) days following the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Hygrade Food Products Corporation*, DJ Ref. 90–5–2–1–796.

The proposed consent decree may be examined at the Office of the United States Attorney, 3600 Sea-First 5th Avenue Plaza, 800 5th Avenue, Seattle, Washington 98104; and at the Environmental Enforcement Section, land and Natural Resources Division of the Department of Justice, Room 1515, 9th Street and Pennsylvania Avenue, NW., Washington, DC 20530. 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 the case and decree and enclose a check for the amount of $2.40 (10 per page reproduction costs) payable to the Treasurer of the United Staates.

**F. Henry Habicht II,**

*Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 85–17872 Filed 7–26–85; 8:45 am]

BILLING CODE 4410–01–M

### Lodging of Partial Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; Carolawn Co.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 1, 1985, a proposed Partial Consent Decree in *United States v. Carolawn Co., Inc., et al.*, Civil Action No. 83–2162–0, was lodged with the United States District Court for the District of South Carolina. The amended complaint file conetmporaneously by the United States alleges that the defendants are liable under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 *et seq.* The amended complaint named owners and operators of a hazardous waste site located near Fort Lawn, South Carolina, as well as generators of hazardous substances shipped to that site. The government sought to recover money expended by the federal government to clean up the site as well as implementation of groundwater studies and other appropriate remedial action. The Partial Consent Decree provides that certain of the defendants will fund and perform a Remedial Investigation Feasibility Study ("FI/FS") at the Fort Lawn site to determine the nature and extent of groundwater contamination, if any.

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 decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Carolawn Co.*, D.J. Ref. 90–11–3–5.

The proposed Partial Consent Decree may be examined at the Office of the United States Attorney, 1100 Laurel Street, Columbia, S.C. 29202 and at the Regional IV Office of the Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. Copies of the Patial Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of

Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Partial 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 enclose a check in the amount of $4.00 (10 cents per page reproduction cost) payable to the Treasurer of the United Staates.

**F. Henry Habicht II,**

*Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 85-17873 Filed 7-26-85; 8:45 am]

BILLING CODE 4410-01-M

## Drug Enforcement Administration

### Manufacturer of Controlled Substances; Western Fher Laboratories, Inc., Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 12, 1985, Western Fher Laboratories, Inc., Carretera 132, KM. 25.3, P.O. Box 7468, Ponce, Puerto Rico 00732, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Phenmetrazine (1631).

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than August 28, 1985.

Dated: July 17, 1985.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 85-17893 Filed 7-26-85; 8:45 am]

BILLING CODE 4410-09-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Institute of Museum Services; General Operating Support Program

**AGENCY:** Institute of Museum Services, NFAH.

**ACTION:** Grant Application Notice for Fiscal Year 1986.

*This grant application announcement applies only to the General Operating Support Program (GOS).*

Applications are invited by the Institute of Museum Services (IMS) for General Operating Support (GOS) awards under 45 CFR Part 1180 for Fiscal Year 1986.

**Nature of Program**

IMS makes awards under the GOS Program to museums to maintain, increase, or imporve museum services. The purpose of these awards is to ease the financial burden bone by museums as a result of their increased use by the public and to help them carry out their educational role, as well as other functions. Section 206 of the Museum Services Act, Title II of Pub. L. 94-462, as amended, contains authority for this program. (20 U.S.C. 965)

**Deadline Date for Transmittal of Applications**

An application for a new grant must be mailed or hand-delivered by November 15, 1985.

**Applications Delivered by Mail**

An application sent by mail must be addressed to the Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Room 609, Washington, D.C. 20506.

An applicant must be prepared to show one of the following as proof of timely mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other dated proof of mailing acceptable to the Director of IMS.

If any application is mailed thorugh the U.S. Postal Service, the Director does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not date-canceled by the U.S. Postal Service.

**Application Delivered by Hand**

An application that is hand-delivered must be taken to the Institute of Museum Services, Old Post Office Building, 1100 Pennsylvania Avenue, NW., Room 609, Washington, D.C. 20506.

IMS will accept a hand-delivered application between 9:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the deadline date.

**Program Information**

Program information is contained in the following: final regulations published on June 17, 1983 in **Federal Register** Vol. 48, No. 118, pages 27727-27734; amendments published on April 10, 1984 **Federal Register** Vol. 49, No. 70, pages 14108-14111; on June 15, 1984 **Federal Register** Vol. 49, No. 117, pages 24731-24733; and on July 5, 1985 **Federal Register** Vol. 50, No. 129, pages 27586-27589; and in the application forms and accompanying instructions in the Application Package. See paragraph on *Application Form.*

**Available Funds**

It is anticipated that no museum will receive more than $75,000 under the Act for Fiscal Year 1986 and that most museums which are funded will receive a smaller amount (45 CFR 1180.9). In addition, IMS normally does not make grants for more than 10 percent of a museum's most recently completed fiscal year's actual non-federal operating income.

(see 45 CFR 1180.16(b))

This program is subject to the availability of appropriations.

**Application Forms**

IMS is mailing application forms and program information in an Application Packet to museums that have previously applied to IMS and other institutions on its mailing list. Applicants may obtain Application Packets by writing to the Institute of Museum Services, 1100 Pennslyvania Avenue, NW., Room 609, Washington, D.C. 20506.

**Applicable Regulations**

Final regulations for the General Operating Support grant program were published in the **Federal Register** on June 17, 1983 FR Vol. 48, No. 118, pages 27727-27734. Amendments to these regulations were published in the **Federal Register** on April 10, 1984 FR Vol. 49, No. 70, pages 14108-14111; on June 15, 1984 FR Vol. 49, No. 117 pages 24731-24733; and on July 5, 1985 FR Vol. 50, No. 129 pages 27586-27589.

The regulations as amended implement the Museum Services Act.

The amendments make technical and other changes in the eligibility conditions and other terms for the administration of the General Operating Support and Museum Assessment programs for museums and remove unneeded provisions. As revised, the regulations published on June 17, 1983 will apply to the award of grants for Fiscal Year 1986.

**Further Information**

For further information contact Kristine K. Ramaekers, Museum Program Officer, Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Room 609, Washington, D.C. 20506. Telephone: (202) 786-0539.

(Catalog of Federal Domestic Assistance No. 45.301 Institute of Museum Services)

Dated: July 25, 1985.

**Susan E. Phillips,**

*Director, Institute of Museum Services.*

[FR Doc. 85-17925- Filed 7-26-85; 8:45 am]

BILLING CODE 7036-01-M

## NATIONAL SCIENCE FOUNDATION

### Joint Meeting of the Advisory Committees for Civil and Environmental Engineering and Earthquake Hazard Mitigation; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committees for Civil and Environmental Engineering and Earthquake Hazard Mitigation.

Place: Rooms 540, 1242-A, 1242-B, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Date: August 13, 1985—9:00 a.m. to 5:00 p.m.; August 14, 1985—9:00 a.m. to 12:00 Noon.

Type of Meeting: Open.

Contact Person: Dr. Arthur A. Ezra,Director, Division of Fundamental Research for Emerging and Critical Engineering Systems, The National Science Foundation, Room 1132, 1800 G Street, NW., Washington, D.C. 20550. Telephone: 202/357-9545.

Purpose of Meeting: To provide advice and recommendations concerning fundamental research in emerging and critical engineering systems.

Summary Minutes: May be obtained from the contact person at the above stated address.

**Agenda**

*Tuesday, August 13, Room 540*

9:00 a.m.—Welcome and Introduction, Nam P. Suh
9:15 a.m.—Overview, Arthur A. Ezra
9:30 a.m.—Earthquake Engineering, Michael P. Gaus
10:15 a.m.—Coffee Break
10:45 a.m.—Biotechnology, Jerome S. Schultz
11:30 a.m.—Environmental Engineering, Edward H. Bryan
12:15 p.m.—Lunch
1:30 p.m.—Lightwave Technology, T.K. Gustafon
2:15 p.m.—Bioengineering and research to aid the Handicapped, William Freedman
3:00 p.m. Coffee Break
3:30 p.m.—Systems Engineering for Large Structures, John B. Scalzi
4:15 p.m.—Natural and Man-Made Hazard Mitigation, Michael P. Gaus
5:00 p.m.—Adjourn

*Wednesday, August 14, Rooms 1242-A and 1242-B*

9:00 a.m.-12 Noon—Emerging Engineering Systems Committee Room 1242-A
9:00 a.m.-12 Noon—Critical Engineering Systems Committee, Room 1241-B
12 Noon—Lunch
1:30 p.m.—Continuation of Morning Discussions
5:00 p.m.—Adjourn

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 85-17835 Field 7-26-85; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on August 8-10, 1985, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on July 23, 1985.

The agenda for the subject meeting will be as follows:

**Thursday, August 8, 1985**

*8:30 A.M.—8:45 A.M.: Report of ACRS Chairman* (Open)—The ACRS Chairman will report briefly regarding items of current interest to the Committee.

*8:45 A.M.—12:00 Noon: General Electric Standard Safety Analysis Report (GESSAR II)* (Open/Closed)—Members of the Committee will hear and discuss the report of the cognizant ACRS Subcommittee regarding the review of this project for a FDA. Members of the NRC Staff and representatives of the applicant will make presentations and participate in the discussion.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this project and detailed information regarding security provisions for this type of nuclear steam supply system.

*1:00 P.M.—2:00 P.M.: NRC Long Range Plan* (Open)—The Committee will hear the report of its subcommittee on proposed ACRS comments regarding a long range plan for NRC regulatory activities. Members of the NRC Staff and invited experts will participate as appropriate.

*2:00 P.M.—5:00 P.M.: Seismic Qualification of Equipment in Operating Nuclear Power Plants* (Open)—The Committee members will hear and discuss the report of its subcommittee regarding proposed methodology for seismic qualification of equipment in nuclear power plants. Representatives of the NRC Staff and the nuclear industry will participate as appropriate.

*5:00 P.M.—6:00 P.M.: NRC Maintenance and Surveillance Program Plan* (Open)—The members will hear the report of its subcommittee regarding the proposed NRC program plan for maintenance and surveillance of nuclear power plants. Members of the NRC Staff will participate as appropriate.

*6:00 P.M.—6:30 P.M.: Future ACRS Activities* (Open)—The members of the Committee will discuss anticipated ACRS Subcommittee activity and items proposed for consideration by the full Committee.

**Friday, August 9, 1985**

*8:30 A.M.—11:30 A.M.: San Onofre Nuclear Plant Unit 1* (Open)—The members will hear and discuss the report of its subcommittee on the SEP review of this nuclear plant. Representatives of the NRC Staff and the licensee will make presentations and participate in the discussion.

*11:30 A.M.—12:30 P.M.: Indian Point Nuclear Power Station* (Open)—The members of the Committee will discuss proposed ACRS comments regarding implementation of the results of the PRA of the Indian Point Nuclear Station.

*1:30 P.M.—2:30 P.M.: Management and Disposal of Radioactive Wastes* (Open)—The members of the Committee will hear the report of its subcommittee regarding proposed ACRS activities in support of the NRC regulatory program for handling and disposal of radioactive wastes. Representatives of the NRC Staff and the Department of Energy will participate as appropriate.

*2:30 P.M.—6:30 P.M.: Alvin W. Vogtle Nuclear Plant, Units 1 and 2 (Open/Closed)*—The members will hear and discuss the report of its subcommittee regarding the request for an operating license for this nuclear plant. Members of the NRC Staff and representatives of the applicant will make presentations and participate in the discussion as appropriate.

Portions of this session will be closed as necessary to discuss Proprietary Information and detailed security arrangements for this plant.

**Saturday, August 10, 1985**

*8:30 A.M.—12:00 Noon: ACRS Reports to NRC* (Open/Closed)—This portion of the meeting will be to discuss proposed ACRS reports to the NRC regarding items considered during this meeting.

Portions of this session will be closed to discuss Proprietary Information applicable to the matters being considered and detailed security arrangements for the projects being reviewed.

*1:00 P.M.—3:00 P.M.: ACRS Subcommittee Activities* (Open)—The members will hear and discuss the reports of designated subcommittees regarding ongoing activities including ECC systems evaluation, ACRS procedures and practices, scram system reliability, the radiation protection program of INPO, and the source term used in accident evaluation.

*3:00 P.M.—3:30 P.M.: Activities of ACRS Members* (Open/Closed)—The Committee will discuss proposed activities of individual ACRS members as nongovernment employees.

Portions of this session will be closed as necessary to discuss information the release of which would represent an unwarranted invasion of personal privacy.

Procedures for the conduct of a participation in ACRS meetings were published in the **Federal Register** on October 3, 1984 (49 FR 193). In accordance with these procedures, oral or written statements may be presented by members of the public, 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 Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R.F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information [5 U.S.C. 552b(c)(4)], detailed security information [5 U.S.C. 552b(c)(3)], to discuss information that will be involved in an adjudicatory proceeding [5 U.S.C. 552b(c)(10)], and to discuss information the release of which would represent an unwarranted invasion of personal privacy [5 U.S.C. 552b(c)(6)]

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 can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated July 24, 1985.

**Samuel J. Chilk,**

*Acting Advisory Committee Management Officer.*

[FR Doc. 85-17923 Filed 7-26-85; 8:45 am]

BILLING CODE 7590-01-M

## Advisory Committee on Reactor Safeguards; Subcommittees on Waste Management and Procedures and Administration; Revised Agenda

The **Federal Register** published on Monday, July 22, 1985 (50 FR 29775) contained notice of a joint meeting of the ARCS Subcommittees on Waste Management, and Procedures and Administration to be held on Tuesday, July 30, 1985, 8:30 a.m., Room 1046, 1717 H Street, NW., Washington, DC. In addition to the ACRS Role in the Civilain High-Level Radoiactive Waste Management Program, the following items have been added to the agenda:

(1) ACRS Annual Report to Congress on the NRC Safety Research Program and Budget—discuss scope and detail of this report.

(2) Appointment of ACRS Subcommittee to consider risk perspective in regulatory requirements.

(3) ACRS consideration of proposed changes in NRC Standard Review Plan—discuss applicable procedures.

(4) Testing of NRC Operator Candidates—procedures for ACRS consideration of natural ability testing.

(5) ACRS activities—discuss ACRS action regarding items carried over from earlier ACRS assignments.

The meeting will, for the most part, be open to public attendance. However, portions of the meeting may be closed for the discussion of individuals as potential consultants to the Waste Management Subcommittee. All other items remain the same as previously announced.

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. Owen S. Merrill (telephone 202/634-1414) or Mr. R.F. Fraley (202/634-3265) 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 July 23, 1985.

**John C. McKinley,**

*Chief, Project Review Branch No. 1.*

[FR Doc. 85-17922 Filed 7-26-85; 8:45 am]

BILLING CODE 7590-01-M

## Kerr-McGee Chemical Corp; Hearing

July 23, 1985.

Before Administrative Judges: John H Frye III, Chairman, Dr. James H. Carpenter, Dr. Peter A. Morris.

In the Matter of Kerr-McGee Chemical Corporation (West Chicago Rare Earths Facility) Docket No. 40-2061-ML, ASLBP No. 83-495-01-ML; and Kerr-McGee Chemical Corporation (Kress Creek Decontamination) Docket No. 40-2061-SC, ASLBP No. 84-502-01-SC.

Please take notice that prehearing conferences in these proceedings will be held on September 11 and 12, 1985, at the NRC hearing room, fifth floor, 4350 East-West Highway, Bethesda, Maryland. The conference in the West Chicago proceeding will begin at 9:30 A.M. on September 11 and will be followed by the conference in the Kress Creek proceeding.

The purpose of the conferences is to hear argument of the parties regarding discovery disputes.

**John H Frye III,**

*Chairman, Administrative Judge.*

July 23, 1985.

[FR Doc. 85-17921 Filed 7-26-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

## Florida Power Corp., et al. (Crystal River Unit No. 3 Nuclear Generating Plant); Exemption

I

The Florida Power Corporation (the licensee) and eleven other co-owners are the holders of Facility Operating License No. DPR-72 which authorizes operation of Crystal River Unit No. 3 Nuclear Generating Plant (the facility) at steady state reactor power levels not in excess of 2544 megawatts thermal. The facility comprises one pressurized water reactor at the licensee's site located in Citrus County, Florida. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR Part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised Section 50.48 and Appendix R became effective on February 17, 1981. Section III. of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these fifteen subsections, III. G., which requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage, is the subject of this exemption.

The specific areas in which exemptions from the requirements of Section III.G. have been requested are as follows.

Fire exemption requests concern separation of redundant equipment within a fire area:

1. Intermediate Building Redundant Emergency Feedwater System Pumps and Valves (Fire Area IB-95-200);

2. Auxiliary Building Seawater Pump Room (Fire Area AB-95-3);

3. Auxiliary Building Redundant Makeup Pumps (Fire Area AB-95-3);

4. Auxiliary Building Redundant Makeup System Valves (Fire Area AB-95-3);

5. Reactor Building Penetration Assemblies (Fire Area IB-119-201).

One exemption request concerns the fixed suppression system for a fire area:

*1. Control Complex HVAC Equipment Room (Fire Area CC-164-121)*

Six additional exemption requests concern fire area boundaries, the acceptance criteria for which are called out in Appendix A to Branch Technical Position (BTP) APCSB 9.5-1. Deviations from these fire area boundary guidelines do not require exemption and are accordingly not addressed herein.

III

By letters dated September 24, 1984 and October 5, 1984, and superseded by letter dated December 11, 1984, the licensee requested an exemption from requirements specified in Section III.G of Appendix R of 10 CFR Part 50. The specific requests and the acceptability of the exemption are addresed below.

**(A) Exemptions From Section III.G.2**

Subsection III.G.2 of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistence equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits or redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

The licensee requests exemption from Section III.G.2 of Appendix R to the extent that it requires separation of redundant safe shutdown components by 3-hour fire rated barriers for fire areas as follows:

*(1) Redundant Emergency Feedwater System Pumps and Valves (Fire Area IB-95-200)*

This fire area is located on the 95 foot elevation of the Intermediate Building. It is bounded by 3-hour fire rated walls on all sides. The ceiling and floor are reinforced concrete.

This area contains the A-train motor driven and the B-train turbine driven emergency feedwater system pumps. One of the pumps is required for safe shutdown.

The pumps are separated by a partial height concrete wall. Pipes and conduits traverse the open areas above and beyond the end of the wall and an open trench passes under the wall.

Two A-train valves and cables for an A-train valve located in another fire area are exposed by the B-train pump. One of the exposed valves has a redundant valve located in another fire area.

The fuel load of oil, grease, and cable insulation corresponds to an equivalent fire severity of approximately 25 minutes.

Existing fire protection includes an area-wide ionization detection system, portable extinguishers, and one hose station.

The licensee proposes: (1) To rotate the exposed A-train valve so that its motor operator will be located behind the partial height wall with respect to the turbine driven pump; (2) to enclose the valve within a 1-hour fire rated enclosure; (3) to install automatic sprinklers throughout the fire area, except in the tendon access gallery; (3) to protect one train of redundant cables with 1-hour fire rated barriers; (4) to modify all cables traversing the space between the pumps to eliminate them as intervening combustibles; and (5) to install a steel plate across the drain trench to prevent flame propagation through the trench.

The technical requirements of Section III.G.2 are not met because redundant shutdown components are not separated by 3-hour fire rated barriers.

The concern was that a fire would damage both emergency feedwater systems. However, the area-wide detection system provides reasonable assurance that a fire anywhere in the fire area would be detected in its early stages and extinguished by the plant fire brigade before damage to redundant safe shutdown equipment occurs.

If rapid fire growth occurs prior to brigade arrival, the automatic sprinklers would operate and control or extinguish the fire.

The partial height wall separating the pumps, the valve enclosure, and the cable protection would provide passive protection and would prevent damage to these systems by flame impingement and radiant heat energy until the fire brigade arrives or the sprinkler system operates. Therefore, we have reasonable assurance that one emergency feedwater system train will be available for safe shutdown after a fire in this area.

The tendon access gallery contains negligible combustibles. Therefore, sprinkler protection is not required in this area.

Based on our evaluation, we conclude that the existing fire protection with the proposed modifications provides reasonable assurance that one train of the emergency feedwater system will be available for safe shutdown after a fire. Therefore, the exemption in Fire Area IB–95–200 is granted.

*(2) Auxiliary Building Seawater Pump Room (Fire Area AB–95–3)*

This fire area is located on the 95 foot elevation of the Auxiliary Building. The Seawater Pump Room is located within this fire area. The room is bounded by reinforced concrete walls, floor, and ceiling. The room has open doorways to the reactor coolant pump seal injection filter room and the nuclear service booster pump room.

Redundant shutdown equipment in the room includes the emergency nuclear services and decay heat closed cycle cooling water system pumps, the emergency nuclear services and decay heat service seawater pumps, and their associated circuits. The minimum separation distance between redundant pumps is approximately 10 feet.

Combustible materials consists of oil, grease, cable insulation, and a negligible amount of ordinary combustibles. The estimated fire severity is less than 12 minutes.

Existing fire protection consists of an ionization detection system, portable extinguishers, and one hose station.

The licensee proposes to install sprinkler protection throughout the room, except in the heat exchanger area, and to enclose one train of redundant cables in 1-hour fire rated barriers.

The technical requirements of Section III.G.2 are not met because redundant safe shutdown equipment is not separated by 3-hour fire rated barriers.

The concern was that a fire would damage redundant safe shutdown components resulting in loss of safe shutdown capability.

The detection system provides reasonable assurance that a fire in the fire area would be detected before significant flame propagation or temperature rise occurs. The fire brigade would then extinguish the fire using available equipment before redundant equipment in the Seawater Pump Room is damaged.

If fire brigade response is delayed or rapid fire growth occurs, the automatic sprinkler system would operate, resulting in fire control, reduced room temperatures, and protection of redundant equipment. The 1-hour fire rated cable protection will provide passive protection and provide reasonable assurance that one train of redundant ciruits will be maintained free of damage until the fire is extinguished.

The combustible loading in the heat exchanger area is negligible. Therefore, the absence of automatic sprinklers in this area is acceptable.

Based on our evaluation, we conclude that the existing fire protection with the proposed modifications provides reasonable assurance that one train of safe shutdown components located in the Seawater Pump Room will be available following a fire. Therefore, the licensee's request for exemption in the Seawater Pump Room is granted.

*(3) Auxiliary Building Redundant Makeup Pumps (Fire Area AB–95–3)*

This fire area is located on the 95 foot elevation of the Auxiliary Building. The makeup pump area is located in this area and is enclosed by reinforced concrete walls with offset open doorways at the northeast to southeast corners. The pump area is divided into three cubicles by two reinforced concete walls. The cubicles are connected by an open 3-foot wide corridor. There are ventilation exhaust ducts in the dividing walls. One cable tray traverses all three cubicles.

The ceiling in each end cubicle is 3-hour fire rated. The ceiling in the center cubicle is reinforced concrete with penetrations to the floor above.

Each cubicle contains one makeup pump and its supporting lube oil and gear oil pumps. One end pump is powered and controlled by A-train circuits, the other end pump by B-train circuits and the center pump by either A-or B-train circuits.

The equivalent fire severity per cubicle is approximately 5 minutes.

Existing fire protection consists of hose stations and portable extinguishers located adjacent to the cubicles.

The licensee propose: (1) To install ionization detectors in the makeup pump area; (2) to install automatic sprinklers in the corridor that connects the pump cubicles; (3) to seal all ceiling penetrations; (4) to install 3-hour fire rated dampers in the exhaust ducts in the dividing walls; and (5) to seal the cable tray penetrations in the dividing walls.

The technical reqirements of Section III.G.2 are not met because redundant safe shutdown components are not separated by 3-hour fire rated barriers.

We were concerned that a fire originating either outside of or within the makeup pump area would result in loss of safe shutdown capability. However, because the fuel load is low, we do not expect a fire of significant magnitude or duration to occur in the makeup area. If a fire occurs anywhere in the fire area, it would be detected by the ionization detectors and extinguished by the plant fire brigade before spreading into the makeup pump area or from the cubicle of origin.

If rapid fire growth occurs in the fire area, the cubicle walls, penetration seals, duct dampers, and corridor sprinklers provide reasonable assurance that fire damage would be limited to no more than one cubicle.

In our opinion, under these conditions, any fire would, at most, cause damage to one shutdown system, but would not propagate horizontally and damage either of the two adjacent pumps before self-extinguishing or being extinguished by the plant fire brigade.

Based on our evaluation, we conclude that the existing fire protection with the proposed modifications provides an equivalent level of safety to that achieved by compliance with Section III.G. Therefore, the licensee's request for exemption in the makeup pump cubicles is granted.

*(4) Auxiliary Building Redundant Makeup System Valves (Fire Area AB–95–3)*

This fire area is located on the 95 foot evaluation of the Auxiliary Building. Three redundant makeup system block valves are located in a hallway in this area. The hallway is bounded on the west by the Reactor Building and on the east by a reinforced concrete wall. There are open doorways to the north, northeast, and south. The floor and ceiling are reinforced concrete. Two small penetrations to the 119 foot elevation will be sealed.

One A-train makeup system block valve is located between and within 20 feet of two B-train valves. The fuel load in the hallway corresponds to an eqivalent fire severity of less than 2 minutes.

Existing fire protection consists of one hose station adjacent to the hallway and two portable extinguishers in the hallway.

The licensee proposes to install ionization detectors and automatic sprinklers in the hallway and to protect the A-train valve cables with 1-hour fire rated barriers.

The technical reqirements of Section III.G.2. are not met because redundant shutdown equipment is not separated by 3-hour fire rated barriers.

Our concern was that a fire would damage the redundant makeup system block valves. Because the fuel load is

low, we do not expect a fire of significant magnitude or duration to occur. If a fire does occur, it would be detected by the ionization detectors and extinguished by the plant fire brigade before damaging the redundant valves. If rapid fire growth occurs, the sprinkler system will operate and control or extinguish the fire. Moreover, the 1-hour fire rated cable protection will protect the A-train valve cables until the fire brigade arrived or the sprinkler system operates. Therefore, we have reasonable assurance that loss of shutdown capability would not occur.

Based on our evaluation, we conclude that the existing fire protection with the proposed modifications provides a level of protection equivalent to the requirements of Section III.G. Therefore, the exemption for the hallway containing the makeup system valves is granted.

*(5) Reactor Building Penetration Assemblies (Quadrants I and IV) (Fire Area IB–119–201)*

This fire area is the 119 foot elevation of the Intermediate Building. It is bounded on all sides by 3-hour fire rated walls. The ceiling is formed by the building roof and has open vents to the outside. The floor is partially basemat and is partially over Fire Area IB–95–200.

The fire area contains Reactor Building penetration assemblies in Quadrant I that are redundant to penetration assemblies in Quadrant IV. The penetration assemblies are separated by less than 20 feet with intervening combustible cable insulation between them.

The fuel load consists of approximately 70,000 pounds of cable insulation, 3,000 pounds of Class A combustibles, and 600 pounds of plastic. This corresponds to an equivalent fire severity of approximately 60 minutes.

Existing fire protection includes area-wide ionization detectors, two hose stations, and portable extinguishers.

The licensee proposes: (1) To install automatic sprinklers throughout the fire area; (2) to enclose one train of redundant cables in the fire area in 1-hour fire rated barriers where redundant assemblies exist within the same quadrant.

The technical requirements of Section III.G.2 are not met because redundant safe shutdown equipment is not separated by 3-hour fire rated barriers.

We were concerned that an undetected, unsuppressed fire in this fire area would result in damage to redundant safe shutdown components. However, we expect he ionization detectors to detect any potential fire before significant flame propagation or temperature rise occurs, and the 1-hour fire rated barriers to provide passive protection until the fire brigade extinguishes the fire.

If rapid fire growth occurs prior to fire brigade arrival, we expect the automatic sprinklers to operate, control fire spread, and prevent damage to redundant systems.

We also expect smoke and hot gases to vent through the large open roof vents, further reducing the potential for damage to more than one shutdown division.

Based on our evaluation, we conclude that the existing fire protection with the proposed modifications provides reasonable assurance that loss of shutdown capability will not occur. Therefore, the licensee's request for exemption for the Reactor Building Penetration Assemblies, Quadrants I and IV, is granted.

**(B) Exemptions from Section III.G.3**

If the requirements of Section III.G.2 are not met, Section III.G.3 requires that there be an alternative shutdown capability independent of the fire area of concern. It also requires that a fixed suppression system be installed in the fire area of concern if it contains a large concentration of cables or other combustibles.

*(1) The Licensee Requests Exemption From Section III.G.3 of Appendix R to the Extent That it Requires the Installation of a Fixed Fire Suppression System in the Control Complex HVAC Equipment Room (Fire Area CC–164–121)*

This fire area is located in the 164 foot (upper) elevation of the Control Complex. The HVAC Equipment Room is located in this fire area and is bounded by 3-hour fire rated or exterior walls. The floor is 3-hour fire rated. There is no safe shutdown equipment on the roof.

The fire area contains the HVAC equipment required to maintain the air temperature in the control room, cable spreading room, essential switchgear rooms, battery rooms, and inverter rooms within acceptable limits for safe plant shutdown.

Cumbustible materials consist primarily of charcoal in the charcoal filters. There are minor quantities of cable insulation, oil, and miscellaneous combustibles. The total fuel load of approximately 80,000 BTU/ft$^2$ yields an equivalent fire severity of 1 hour.

Existing fire protection includes an area-wide ionization detection system, portable extinguishers, and automatic water spray systems for the charcoal filter banks.

To ensure that the areas within the Control Complex containing safe shutdown equipment will be cooled adequately if this existing HVAC system is disabled by fire, a separate dedicated system is being provided. This system will be located in another fire area.

The technical requirements of Section III.G.3 are not met in this fire area because of the lack of a complete fixed fire suppression system.

We were concerned that a fire would disable the HVAC system, resulting in loss of cooling to safe shutdown equipment in the Control Complex such that safe shutdown could not be achieved and maintained.

The principal fire hazards are the charcoal filters. Each filter bank is protected by an automatic water spray system consistent with the requirements of Regulatory Guide 1.52. Therefore, we expect any fire in the filters to be controlled by these systems. The water flow alarm will initiate fire brigade response resulting in extinguishment before the fire spreads from the filter involved.

We also expect any fire originating outside of the filters to be detected during its early stages by the area-wide detection system and extinguished by the fire brigade before damage to redundant equipment occurs.

If any fire disables the Control Complex HVAC system, the alternate ventilation cooling system will be used to cool the safe shutdown equipment located in the Control Complex that is required to achieve and maintain safe shutdown.

Based on our evaluation, we conclude that the existing fire protection with the proposed modifications provides an equivalent level of safety to that achieved by compliance with Section III.G. Therefore, the licensee's request for exemption in the Control Complex HVAC Room is granted.

**IV**

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or common defense and security and is otherwise in the public interest and hereby grants an exemption from the requirements of Sections III.G.2 and III.G.3 of Appendix R to 10 CFR Part 50 to the extent discussed in Section III above.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no

significant impact on the environment (50 FR 29005).

Dated at Bethesda, Maryland this 18th day of July 1985.

For the Nuclear Regulatory Commission.

**Hugh L. Thompson, Jr.,**

*Director, Division of Licensing Office of Nuclear Reactor Regulation.*

[FR Doc. 85-17924-Filed 7-26-85; 8:45 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

**[File No. 22-13458]**

### Application and Opportunity for Hearing; ITT Financial Corp.

July 23, 1985

Notice is Hereby Given that ITT Financial Corporation (the "Company") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of BankAmerican Trust Company of New York under an Indenture of the Company dated as of July 1, 1983, which was heretofore qualified under the Act, relating to debt securities to be issued thereunder by the Company from time to time, and a supplement thereto dated November 15, 1984 (as supplemented, the "Shelf Indenture"), under which the Company issued its 11-⅜% Senior Notes due November 15, 1987 (the "Notes"), and Indenture dated as of June 15, 1976 between the Company and Manufacturers Hanover Trust Company ("MHT"), which was heretofore qualified under the Act, relating to the Company's 9-⅝% Senior Debentures Due June 15, 1996 (the "Debentures") for which BATNY accepted the successor trusteeship from MHT on December 28, 1983 ("1976 Indenture"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify BATNY from acting as Trustee under the Shelf Indenture and the 1976 Indenture (collectively, the "Indentures").

Section 310(b) of the Act, the provisions of which are among the provisions of the Indentures, provides in part if a trustee under an indenture qualified under the Act has or shall acquire any conflicing interest (as defined in such section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is a trustee under another indenture under which any other securities, or certificates of interest, or participation in any other securities of the same issuer are outstanding. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or other indentures under which other securities of such obligor are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any such indentures.

The effect of the proviso contained in clause (ii) of section 310(b)(1) of the Act on the matter of the present application is such that the Shelf Indenture may be excluded from the operation of Section 310(b)(1) of the Act with respect to the 1976 Indenture if the Company shall have sustained the burden of proving by application of the Commission and after opportunity for hearing thereon, that the trusteeship of BATNY under the Shelf Indenture and under the 1976 indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest of for the protection of investors to disqualify BATNY from acting as trustee thereunder.

The Company alleges that:

(1) As of October 31, 1984, the Company had outstanding $43,719,000 aggregate principal amount of Debentures. The Debentures were registered under the Securities Act of 1933 (Registration No. 2-56275) and the indenture was qualified under the Trust Indenture Act of 1939 with MHT as trustee.

(2) Effective December 28, 1983, MHT resigned as trustee under the 1976 Indenture and BATNY became trustee;

(3) To date, no debt securities other than the Notes have been issued under the Shelf Indenture;

(4) The Notes and other debt securities issued or to be issued from time to time under the Shelf Indenture were registered under the Securities Act of 1933 (Registration No. 2-85022) and the Shelf Indenture was qualified under the Trust Indenture Act of 1939;

(5) The Shelf Indenture and the 1976 Indenture are wholly unsecured, and rank *pari passu inter se;*

(6) The Company's obligation to maker payments on the Notes and other debt securities issued or issuable under the Shelf Indenture is not or will not be superior or inferior in right of payment to the Company's obligation to make payments on the Debentures;

(7) The Company is not in default under the Shelf Indenture or the Notes;

*(8) The Company is not indefault under 1976 Indenture or the Debentures; and;

(9) Such differences as exist between the Shelf Indenture and the 1976 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify BATNY from acting as trustee thereunder.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, File No. 22-13458, which is on file in the offices of the Commission's Public Reference Section, 450 5th Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than August 19, 1985, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by the application which he desires to controvert or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: John Wheeler, Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest, or in the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

**John Wheeler,**

*Secretary.*

[FR Doc. 85-17926 Filed 7-26-85; 8:45 am]

BILLING CODE 8010-01-M

**Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.**

July 23, 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:

Monarch Capital Corporation
Common Stock, $1.00 Par Value (File No. 7-8517)
Intelogic Trace, Inc.
Common Stock, No Par Value (File No. 7-8518)
Castle Industries, Inc.
Common Stock, $0.10 Par Value (File No. 7-8519)
Direct Action Marketing
Common Stock, $0.01 Par Value (File No. 7-8520)
Superior Surgical Manufacturing Company
Common Stock $1.00 Par Value (File No. 7-8521)

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 August 14, 1985, written data, views and agruments concerning the above-referenced applications. Persons desiring to make written comments should file three copies therefor with the Secretary of the Securities and Exchange Commission, Washington, DC 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.

**John Wheeler,**

*Secretary.*

[FR Doc. 85-17927 Filed 7-26-85; 8:45 am]

BILLING CODE 8010-01-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

**Notice of Section 22 Tobacco Investigation Decision**

On February 15, 1985, the International Trade Commission (USITC) submitted a report to the President on its investigation of certain tobacco under section 22 of the Agricultural Adjustment Act of 1933, as amended. The USITC found that tobacco imports did not materially interfere with the price support and production adjustment assistance programs of the U.S. Department of Agriculture (USDA). Therefore, the USITC report does not provide a basis for finding that import restrictions should be imposed under section 22 of the Agricultural Adjustment Act.

The USITC tobacco investigation was instituted on September 10, 1984, to determine whether flue-, fire-, and dark air-cured tobacco, in unmanufactured form, provided for in items 170.20, 170.25, 170.32, 170.35, 170.40, 170.45, 170.50, 170.60, and 170.80 of the Tariff Schedules of the United States, are practically certain to be imported under such conditions and in such quantities as to materially interfere with the tobacco price support and production adjustment programs administered by the USDA.

In view of the investigation and report by USITC, the Administration will take no further action regarding the Section 22 investigation of tobacco imports.

**C. Michael Hathaway,**

*Deputy General Counsel.*

[FR Doc. 85-17839 Filed 7-26-85; 8:45 am]

BILLING CODE 3190-01-M

## DEPARTMENT OF STATE

[CM-8-870]

**Shipping Coordinating Committee; Committee on Ocean Dumping; Meeting**

The Commitee on Ocean Dumping, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Tuesday, August 13, 1985, in room 2409 (Mall) Waterside Mall, Environmental Protection Agency, 401 M Street SW., Washington, D.C.

The purpose of the meeting is to review and discuss the agenda and related U.S. positions for the Ninth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter (London Dumping Convention), to be held in London on September 23-27, 1985.

For further information contact Ms. Norma Hughes, Executive Secretary, Committee on Ocean Dumping (WH-556M), Environmental Protection Agency, Washington, D.C. 20460. Telephone: (202) 755-2927.

The Chairman will entertain comments from the public as time permits.

**Samuel V. Smith,**

*Executive Secretary Shipping Coordinating Committee.*

July 25, 1985.

[FR Doc. 85-18016 Filed 7-26-85; 8:45 am]

BILLING CODE 4710-09-M

## DEPARTMENT OF TRANSPORTATION

**Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits (See, 14 CFR 302.1701 et. seq.) Week Ended July 19, 1985**

**Subpart Q Applications**

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period dot may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further procedings.

| Date filed | Docket No. | Description |
|---|---|---|
| July 17, 1985 | 43283 | P.T. Garuda Indonesian Airways, c/o Peter M. Kreindler, Hughes Hubbard & Reed, 1201 Pennsylvania Avenue, NW., Washington, DC 20004. Application of P.T. Garuda Indonesian Airways pursuant to Section 402 of the Act and Subpart Q of the Regulations applies for a foreign air carrier permit authorizing it to conduct scheduled air transportation of passengers, cargo and mail between Denpasar (bali), Indonesia and Guam. Answers may be filed by August 14, 1985. |

**Phyllis T. Kaylor,**
*Chief, Documentary Services Division.*
[FR Doc. 85-17917 Filed 7-26-85; 8:45 am]
BILLING CODE 4910-62-M

## Federal Aviation Administration

### Radio Technical Commission for Aeronautics (RTCA); Special Committee 157—User-Selectable Navigational Data Base; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 157 on User-Selectable Navigational Data Base to be held On August 14-16, 1985 in the RTCA Conference Room, One McPherson Square, 1425, K Street, NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Meeting Held on March 19-21, 1985; (3) Review Draft Report of Working Group on Processing and Documentation; (4) Review Draft Report of Working Group on Source Enhancements; (5) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on July 17, 1985.

**Karl F. Bierach,**
*Designated Officer.*

[FR Doc. 85-17932 Filed 7-26-85; 8:45 am]
BILLING CODE 4910-13-M

**[Summary Notice No. PE-85-19]**

### Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATE:** Comments on petitions received must identify the petition docket number involved and must be received on or before: August 19, 1985.

**ADDRESS:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION:** The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 22, 1985.

**John H. Cassady,**
*Assistant Chief Counsel, Regulations and Enforcement Division.*

PETITIONS FOR EXEMPTION

| Docket No. | Petitioner | Regulations affected | Description of relief sought |
|---|---|---|---|
| 24644 | Federal Express Corporation | 14 CFR 121.623 and 121.643 | To allow petitioner to operate under domestic air carrier rules regarding alternate airport requirements and fuel reserves. |
| 24658 | Midstate Airlines | 14 CFR 135.293 and 135.297 | To allow petitioner to use an approved Line Oriented Flight Training Program instead of the specified Part 135 requirements. |
| 21397 | Flight Safety International | 14 CFR 135.303 and 135.337(a)(3) | To allow petitioner to use approved petitioner's motion base visual simulators instead of aircraft to evaluate the check pilot status described. |
| 24662 | Albuquerque International Balloon Fiesta, Inc. | 14 CFR 61.3 and 91.27 | To allow certain pilots and foreign balloons to participate in the 14th Annual Albuquerque International Balloon Fiesta during the period of October 5-13, 1985, without complying with the pilot certification and airworthiness requirement of these sections. |
| 12638 | Air Transport Association of America | 14 CFR 121.99 and 121.351(a) | Renewal of exemption to allow petitioner, Eastern Airlines and Pan American World Airways to dispatch, with single HF, on certain oceanic routes between the northeastern United States and the San Juan, P.R., ARTCC. |
| 24708 | Avco Lycoming, Williamsport Division | 14 CFR 21.181 | To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. |
| 24691 | Hilton Hotels Corp. | 14 CFR 21.181 | To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. |
| 24698 | Warner-Lambert Co. | 14 CFR 21.181 | To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. |

PETITIONS FOR EXEMPTION—Continued

| Docket No. | Petitioner | Regulations affected | Description of relief sought |
|---|---|---|---|
| 23644 | Dow Chemical U.S.A. | 14 CFR 21.181 | To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. |
| 24682 | Consolidated Gas Transmission Corp. | 14 CFR 21.181 | To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list. |
| 24649 | Interstate Airlines | 14 CFR 121.407(c)(1) | To allow petitioner to use a Simulator Training, Inc. Lockheed Electra (L-188) training device for certain training and checking maneuvers and procedures allowed under the Non-Visual Simulator Classification of Appendices "E" and "F" |
| 24647 | Basler Flight Service, Inc. | 14 CFR 121.9 | To allow petitioner to operate under, SFAR 38-2 and Part 121 of the FAR, certain DC-3 non-transport category airplanes having a maximum payload capacity of 7,500 pounds or less. |
| 22416 | Empire Airlines, Inc. | 14 CFR 121.371(a) and 121.378 | Renewal of exemption to allow Braathens S.A.F.E. to perform maintenance and alterations outside of the U.S. on petitioner's aircraft. |

DISPOSITIONS OF PETITIONS FOR EXEMPTION

| Docket No. | Petitioner | Regulations affected | Description of relief sought disposition |
|---|---|---|---|
| 24145-1 | Dominicana de Aviaction C. POR A. | 14 CFR 91.303 | To allow petitioner to operate one Stage 1 Boeing 707-300 aircraft until hush kits are installed. *Granted 7/3/85.* |
| 24579 | Dallah AVCO Trans Arabia | 14 CFR 91.303 | To allow petitioner to operate a Stage 1 Boeing 707-123B aircraft for a brief time of no more than four weeks duration sometime during the period June through September 1985. *Denied 7/1/85.* |
| 24333-1 | ZAS Airline of Egypt | 14 CFR 91.303 | To allow petitioner to operate one Stage one Boeing 707-300 aircraft at U.S. airports. *Denied 7/1/85.* |
| 24580 | Balair AG | 14 CFR 91.303 | To allow petitioner to operate a Stage 1 DC-8-63 aircraft at Stewart International Airport for a flight on or about November 1, 1985, and December 6, 1985. *Denied 7/1/85.* |
| 24244-1 | Transbrasil S.A. Linhas Aereas | 14 CFR 91.303 | To exempt petitioner from the January 1, 1985, noise level compliance date. *denied 7/1/85.* |
| 23883 | Florida Express, Inc. | 14 CFR 91.307 | To amend Exemption No. 3116b to add 1 aircraft. The present exemption allows operation in the United States, under a service to small communities exemption, of specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988 BAC 1-11: N1543, N1544, N1545, N1549, N1548, N1135J, N1136J. *Granted 6/21/85.* |
| 24326-1 | Hawaiian Airlines | 14 CFR 91.303 | To exempt petitioner from the January 1, 1985, noise level compliance date. *Partial Grant 6/28/85.* |
| 23996-1 | Zantop | 14 CFR 91.303 | To exempt petitioner from the January 1, 1985, noise level compliance date. *Granted 7/8/85.* |
| 24421-1 | Samoa Airlines | 14 CFR 91.303 | To exempt petitioner from the January 1, 1985, noise compliance date. *Denied 7/11/85.* |
| 24372-1 | Lan-Chile | 14 CFR 91.303 | To exempt petitioner from the January 1, 1985, noise level compliance date. *Denied 7/11/85.* |

[FRDoc. 85-17936 Filed 7-26-85; 8:45 am]
BILLING CODE 4910-13-M

## Updated Report of the Fleet Status and Compliance Plans of U.S. Domestic Aircraft Operators

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**SUMMARY:** The table below summarizes the U.S. fleet noise compliance status as of January 1, 1977 approximately the date the noise compliance regulation was issued), the status as of April 1, 1980, January 1, 1981, January 1, 1982, January 1, 1983 and July 1, 1985. When the regulation was issued, slightly over 20 percent of the U.S. fleet met the FAA noise standards. As of July 1, 1985, 88.7 percent of the fleet complies.

Discussion: In December 1976, the FAA issued Subpart E of Part 91 of the Federal Aviation Regulations (14 CFR Part 91) which prescribes noise limits for U.S. registered, civil subsonic turbojet airplanes with maximum weights over 75,000 pounds and having standard airworthiness certificates. These requirements prohibit domestic operation in the United States of affected airplanes after specified dates, with full compliance required by January 1, 1985.

In November 1980, the FAA issued a final rule (adopting Title III of the Aviation Safety and Noise Abatement Act of 1979) to extend these same noise compliance requirements to all operators of affected aircraft in the United States, whether U.S. or foreign registered. This rule also provided for exemptions to extend the compliance deadline for two-engine airplanes (DC-9, Boeing 737, BAC 1-11 and SE-210) to January 1, 1985 (for over 100 seats) or to January 1, 1988 (for 100 or fewer seats) as protection for small community service.

To ensure that all domestic operators took appropriate steps to meet the noise compliance requirements, the FAA amended 14 CFR Part 91 in December 1979 to require the operators of affected turbojet airplanes to provide the current status of their fleets and their plans for achieving timely and continuing compliance. The first summary report on Fleet Noise Compliance was published on July 17, 1980 (45 FR 48011), the second on August 6, 1981 (46 FR 40126), the third on July 8, 1982 (47 FR 29754), and the fourth on May 12, 1983 (48 FR 21408). This report is an update to that publication.

Since January 1, 1985, non-noise compliant airplanes in the U.S. are operating under one of the following exemptions. As of July 1, 1985, small community service exemptions for 278 U.S. registered two-engine airplanes are in effect. The small communities exemptions for two-engine airplanes extend the compliance date to January 1, 1988. Under the Aviation Safety and Noise Abatement Act of 1979, general exemptions have been issued to operators, both foreign and U.S., that meet certain criteria. Also, section 124 of Pub. L. 98-473 exempts certain operators to operate on international flights out of Miami International and Bangor International Airports. Both of these types of exemptions are also time limited and have certain other restrictions placed on them, such as

number of aircraft and number of operations. The exempted aircraft are specified by registration and serial number and their exemptions expire on the scheduled date of "hush kit" installation.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, AEE-110, Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 755-9027.

Issued in Washington, D.C., on July 22, 1985.

**John E. Wesler,**

*Director of Environment and Energy.*

U.S. FLEET NOISE COMPLIANCE STATUS

| Airplane type | Jan. 1, 1977 | | Apr. 1, 1980 | | Jan. 1, 1981 | | Jan. 1, 1982 | | Jan. 1, 1983 | | July 1, 1985 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total airplanes | Number comply | Total airplanes | Number comply | Total airplanes | Number comply | Total airplanes | Number comply | Total airplanes | Number comply | Total airplanes | Number comply |
| A300 | 0 | 0 | 14 | 14 | 19 | 19 | 25 | 25 | 30 | 30 | 38 | 38 |
| BAC 1-11 | 33 | 0 | 44 | 0 | 44 | 0 | 57 | 0 | 51 | 0 | 48 | 6 |
| B707 | 277 | 0 | 190 | 0 | 147 | 0 | 84 | 0 | 80 | 0 | 23 | 2 |
| B720 | 21 | 0 | 12 | 0 | 11 | 0 | 9 | 0 | 5 | 0 | 2 | 0 |
| B727 | 842 | 166 | 1,082 | 540 | 1,076 | 648 | 1,138 | 764 | 1,073 | 1,067 | 1,172 | 1,172 |
| B737 | 150 | 7 | 224 | 71 | 229 | 82 | 247 | 109 | 281 | 140 | 394 | 384 |
| B747 | 112 | 35 | 141 | 121 | 146 | 132 | 151 | 150 | 148 | 148 | 146 | 146 |
| Convair | 25 | 0 | 8 | 0 | 8 | 0 | 8 | 0 | 4 | 0 | 1 | 0 |
| DC-8 | 224 | 0 | 164 | 0 | 161 | 0 | 143 | 2 | 133 | 21 | 100 | 72 |
| DC-9 | 367 | 32 | 400 | 74 | 405 | 83 | 476 | 111 | 509 | 186 | 598 | 373 |
| DC-10 | 124 | 124 | 146 | 146 | 152 | 152 | 162 | 162 | 165 | 165 | 190 | 190 |
| L1011 | 81 | 81 | 91 | 91 | 93 | 93 | 110 | 110 | 117 | 117 | 104 | 104 |
| SE210 | 0 | 0 | 6 | 0 | 6 | 0 | 4 | 0 | 2 | 0 | 1 | 0 |
| B757 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 23 | 23 |
| B767 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 54 | 54 |
| BA146 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 |
| Total | 2,256 | 465 | 2,522 | 1,057 | 2,497 | 1,209 | 2,614 | 1,433 | 2,619 | 1,895 | 2,913 | 2,583 |
| Percent | 20.6 | | 41.9 | | 48.4 | | 54.8 | | 72.4 | | 88.7 | |

[FR Doc. 85-17935 Filed 7-26-85; 8:45 am]

BILLING CODE 4910-13-M

## National Highway Traffic Safety Administration

**[Docket No. IP85-12; Notice 1]**

### Sumitomo Rubber Industries, Ltd.; Receipt of Petition for Determination of Inconsequential Noncompliance

Sumitomo Rubber Industries, Ltd., of Kobe, Japan, has petitioned 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 571.109, Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires—Passenger Cars." The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph § 4.3(e) of Standard No. 109 requires that the sidewall of each tire be labeled with the actual number of plies in the sidewall and the actual number of plies in the tread area, if different. Sumitomo produced 6,821 SC675 White Slim Line passenger car tires, size designation P215/75R14, where the actual number of plies in the tread area was mistakenly labeled as "4" plies instead of "6" plies. The incorrect labeling indicates "TREAD 4 PLIES 2 POLYESTER +2 STEEL +2 NYLON" whereas the correct labeling should indicate "TREAD 6 PLIES 2 POLYESTER +2 STEEL +2 NYLON". The tires were manufactured during the period from October 16, 1983 through June 9, 1985.

Sumitomo has impounded 509 of the tires in its possession and all recovered tires were rebranded with the correct information of "6 PLIES". Of the remaining tires, 5,860 were shipped to the United States, 216 to Puerto Rico, and 236 to Canada. Therefore, this petition affects 6,076 passenger car tires shipped to jurisdictions covered by the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*).

Sumitomo argues that the noncompliance is inconsequential because the failure to label properly has no impact on motor vehicle safety and the tires otherwise comply with Standard No. 109.

Interested persons are invited to submit written data, views and arguments on the petition of Sumitomo Rubber Industries, Ltd., described above. Comments should refer to the docket number and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Casanova and Taylor Vinson, respectively.

Comment closing date: August 28, 1985.

(Section 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 July 24, 1985.

**Barry Felrice,**

*Associate Administrator for Rulemaking.*

[FR Doc. 85-17918 Filed 7-26-85; 8:45 am]

BILLING CODE 4910-59-M

## VETERANS ADMINISTRATION

### Agency Form Under OMB Review

**AGENCY:** Veterans Administration.

**ACTION:** Notice.

The Veterans Administration 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. Ch. 35). This document contains a revision 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 form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395–7316.

**DATES:** Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: July 17, 1985.

By direction of the Administrator.

**Everett Alvarez, Jr.,**

*Deputy Administrator.*

**Revision**

1. Department of Veterans Benefits.
2. Manufactured Home Loan Claim Under Loan Guaranty (Manufactured Home Unit Only).
3. VA Form 26–8629.
4. On occasion.
5. Individuals or households; Businesses or other for-profit.
6. 3,450 respones.
7. 1,150 hours.
8. Not applicable.

[FR Doc. 85–17804 Filed 7–26–85; 8:45 am]

BILLING CODE 8320-01-M

## Privacy Act of 1974; Report of New Matching Program

**AGENCY:** Veterans Administration.

**ACTION:** Notice of Matching Program—Veterans Administration Records of Physicians and Dentists/Federal, State, Local and Private Income and Payment Records.

**SUMMARY:** The Veterans Administration (VA) is providing notice that the Office of Inspector General (OIG) will conduct a series of computer matches of VA records of physicians and dentists with Federal, State, local and private income and payment records.

The goal of these matches is to identify full-time physicians and dentists who may have engaged in unauthorized outside professional activities, or received unreported remuneration for their outside professional activities.

**DATES:** It is anticipated the matches will commence in July 1985.

**ADDRESS:** Interested individuals may comment on the proposed matches by writing to the Assistant Inspector General for Policy, Planning and Resources (53) Veterans Administration, 810 Vermont Avenue NW, Washington, DC 20420.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jack H. Kroll, Assistant Inspector General for Policy, Planning and Resources (53), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–5297.

**SUPPLEMENTARY INFORMATION:** Further information regarding the matching program is provided below. This information is required by paragraph 5.f.(1) of the Revised Supplemental Guidance for Conducting Matching Programs, issued by the Office of Management and Budget (47 FR 21656, May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Approved: July 19, 1985.

By Direction of the Administrator.

**Everett Alvarez, Jr.,**

*Deputy Administrator.*

**Report of Matching Program**

Veterans Administration Records of Physicians and Dentists/Federal, State, Local and Private Income and Payment Records.

*a. Authority*

The Inspector General Act of 1978, Public Law 95–452.

*b. Program Description*

(1) *Purpose:* Title 38, United States Code, section 4108, restricts the outside professional activities of physicians and dentists employed full-time by the Veterans Administration (VA). These employees are required to obtain VA approval before assuming responsibility for the care of non-VA patients, teaching or providing consultative or professional service to communities. It is VA policy that remuneration for permitted outside professional activities must be reported annually. (Department of Medicine and Surgery Supplement to VA Manual MP–5, Part II, Chapter 13.)

(2) *Procedures:* The VA Office of Inspector General (OIG) plans to match the social security number of physicians and dentists who are employed full-time by the VA, with the records of the following:

(i) Payment records of the Office of Civilian Health and Medical Programs of the Unified Services (CHAMPUS), Department of Defense.

(ii) State and local employment security, wage or tax records.

(iii) Payment records of independent insurance carriers (private, commercial organizations processing medical claims).

It is planned that the OIG will initially match VA records with the employment security (unemployment compensation), wage or tax records of the States of Pennsylvania and Maryland. Subsequent matches with other States or local agencies will be conducted as resources and approval by the agencies concerned permit. For the purpose of this matching program, the term "State" also includes the District of Columbia and the Commonwealth of Puerto Rico.

If the match with CHAMPUS records demonstrates the effectiveness of matching VA records with other Federal programs to detect unauthorized activities, the Inspector General may direct that additional matches with other Federal agencies be conducted under this program.

These matches will be performed by the VA OIG and may be cyclical or may be repeated periodically. In certain instances when the laws of a particular jurisdiction preclude an organization from providing automated records to the OIG for matching purposes, the OIG will provide a copy of VA records containing only social security numbers to the organization concerned to conduct the match.

In the event of a "hit", i.e., the determination through a computer match that an organization may have information that indicates a full-time VA physician or dentist has engaged in outside professional activities or has received remuneration for outside professional activities, the identity of the individual will be confirmed and the OIG may request further information. When necessary for this purpose, the OIG may release additional identifying data from VA records to the organization holding the matching records. This additional identifying data may consist of name, date of birth, place of birth, sex, etc. The OIG will confirm the identity of individuals whom the matches indicate have engaged in unauthorized outside professional activities or have accepted

remuneration which has not been reported. Information from the matches which has been verified will be reported to the Chief Medical Director of the VA for consideration of follow-up action. Where there are reasonable grounds to believe there has been a violation of criminal law, the matter will be investigated and referred for prosecutive consideration.

*c. Records to be Matched*

Lists extracted from the following system of records will be matched with Federal, State, local and private income and payment records:

Personnel and Accounting Pay System—VA (27VA047) (Private Act Issuances, 1982/83 Comp., Vol. V, pp. 1159–1160).

The disclosure of information from this system of records for the purpose of computer matching programs is permitted by a published routine use.

*d. Period of Match*

Intermittently from approximately July 1985.

*e. Safeguards*

Records used in the matches and data generated as a result, will be safeguarded from unauthorized disclosure. Access will be limited to those persons who have a need for the information in order to conduct the matches or follow-up actions. All of the material will be stored in locked containers when not in use. Prior to releasing any information from the VA system of records to a State or local agency or to an independent insurance carrier, the OIG will obtain a written agreement from the matching organization specifying that the matching file will remain the property of the VA and will be returned to the OIG or destroyed upon completion of the match, as appropriate; that it will be used and accessed only to match the files previously agreed to; that it will not be used to extract information concerning "non-hit" individuals for any purpose; and that it will not be duplicated or disseminated within or outside the matching organization unless authorized by the VA OIG.

*f. Retention and Disposition*

Records not resulting in "hits" will be destroyed by burning, shredding or electronic erasing within 6 months of the completion of the individual match. Records resulting in "hits" will be retained by either the OIG or the Department of Medicine and Surgery until the completion of any necessary administrative or legal action and will then be disposed of in accordance with approved records control schedules and/or approved disposition authority from the Archivist of the United States.

[FR Doc. 85–17900 Filed 7–26–85; 8:45 am]

BILLING CODE 8320-01-M

# Sunshine Act Meetings

Federal Register
Vol. 50, No. 145
Monday, July 29, 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, July 31, 1985.

**LOCATION:** Third Floor Hearing Room, 1111–18th Street, NW., Washington, D.C.

**STATUS:**

**MATTERS TO BE CONSIDERED:**

*Open to the Public*

1. Fire Toxicity: Status

The staff will brief the Commission on the status of the priority project on Fire Combustion Toxicity.

*Closed to the Public*

2. Enforcement Matter OS# 4665

The Commission and staff will discuss Enforcement Matter OS# 4665.

**FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL:** (301) 492–5709.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, (301) 492–6800.

**Sheldon D. Butts,**

*Deputy Secretary.*

July 25, 1985.

[FR Doc. 85–17991 Filed 7–25–85; 12:38 pm]

BILLING CODE 6355-01-M

2

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given at 7:00 p.m. on Tuesday, July 23, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to:

(A)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in the First National Bank of Onaga, Onaga, Kansas, which was closed by the Acting Comptroller of the Currency on Tuesday, July 23, 1985; (2) accept the bid for the transaction submitted by First National Bank of Onaga, Onaga, Kansas, a *de nova* bank; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction; and

(B)(1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in First National Bank of Glenrock, Glenrock, Wyoming, which was closed by the Acting Comptroller of the Currency on Tuesday, July 23, 1985; (2) accept the bid for the transaction submitted by National Bank of Glenrock, Glenrock, Wyoming, a *de nova* bank; (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director H. Joe Selby (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: July 24, 1985.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 85–17975 Filed 7–25–85; 10:56 am]

BILLING CODE 6714-01-M

3

**FEDERAL HOME LOAN BANK BOARD**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** Vol No. 50, Page No.—29794. Date Published—Monday, July 22, 1985.

**PLACE:** In the Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

**STATUS:** Open Meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Ms. Gravlee (202–377–6679).

**CHANGES IN THE MEETING:** The meeting scheduled for Thursday, July 25, 1985, at 2:00 p.m. has been cancelled.

**Jeff Sconyers,**

*Secretary.*

No. 18, July 25, 1985.

[FR Doc. 85–18006 Filed 7–25–85; 2:38 pm]

BILLING CODE 6720-01-M

4

**SYNTHETIC FUELS CORPORATION**

Board of Directors

**SUMMARY:** Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of section 116(f)(1) of the Energy Security Act (94 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on Public Access to Board meetings.

**MATTERS TO BE CONSIDERED:** .

*Open Session*

I. Call to Order
II. Board Minutes
III. Consideration of Award of Financial Assistance to the Great Plains Project

**TIME AND DATE:** 3:15 p.m., July 30, 1985.

**PLACE:** 2121 K Street, NW. Room 503 Washington, D.C. 20586.

**PERSON TO CONTACT FOR MORE INFORMATION:** If you have any questions regarding this meeting, please contact Ms. Karen Hutchison, Director-Media Relations, at (202) 822–6455.

United States Synthetic Fuels Corporation.

**March Coleman,**

*Assistant General Counsel Corporate & Litigation.*

July 25, 1985.

[FR Doc. 85–17992 Filed 7–25–85; 12:49 pm]

BILLING CODE 0000-00-M

5

**INTERSTATE COMMERCE COMMISSION.**

**TIME AND DATE:** Time time of the conference has been changeg from 2:00 p.m., to 10:00 a.m., the date will remain the same, Wednesday, July 31, 1985.

**PLACE:** Hearing Room A, Interstate Commerce Commission 12th & Constitution Avenue, NW. Washington, D.C. 20423.

**STATUS:** Open Special Conference.

**MATTER TO BE DISCUSSED:** Ex Parte 320 (Sub-No. 3)—Product and Geographic Competition.

**CONTACT PERSON FOR MORE INFORMATION:** Robert R. Dahlgren, Office of Public Affairs, Telephone: (202) 275–7252.

James H. Bayne,
*Secretary.*

[FR Doc. 85–18071 Filed 7–26–85; 8:45 am]
BILLING CODE 7035-01-M

Federal Register

Monday
July 29, 1985

Part II

# Environmental Protection Agency

Water Quality Criteria; Availability of Documents; Notice

## ENVIRONMENTAL PROTECTION AGENCY

[OW-FRL-2871-6]

### Water Quality Criteria; Availability of Documents

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final ambient water quality criteria documents.

**SUMMARY:** EPA announces the availability and provides summaries of nine ambient water quality criteria documents and national guidelines for criteria development. These criteria are published pursuant to section 304(a)(1) of the Clean Water Act. These water quality criteria may form the basis for enforceable standards.

Availability of documents: This notice contains: (1) Summaries of nine documents containing final ambient water quality criteria for the protection of aquatic organisms and their uses, (2) a summary of changes in the document entitled "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" (which is an updated and revised version of the Guidelines previously published at 45 FR 79341; November 28, 1980), and (3) responses to public comments on the Guidelines. Copies of the complete criteria documents and the revised Guidelines may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161 (phone number ((703) 487–4650). A list of the NTIS publication order numbers for all 10 documents is published below. These documents are also available for public inspection and copying during normal business hours at: Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2404 (rear), 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of these documents are also available for review in the EPA Regional Office libraries. Copies of the documents are *not* available from the EPA office listed below. Requests sent to that office will be forwarded to NTIS or returned to the sender.

1. Ambient Water Quality Criteria for Ammonia—EPA 440/5–84–001; NTIS Number PB85–227114
2. Ambient Water Quality Criteria for Arsenic—EPA 440/5–84–033; NTIS Number PB85–227445
3. Ambient Water Quality Criteria for Cadmium—EPA 440/5–84–032; NTIS Number PB85–227031
4. Ambient Water Quality Criteria for Chlorine—EPA 440/5–84–030; NTIS Number PB85–227429
5. Ambient Water Quality Criteria for Chromium—EPA 440/5–84–029; NTIS Number PB85–227478
6. Ambient Water Quality Criteria for Copper—EPA 440/5–84–031; NTIS Number PB85–227023
7. Ambient Water Quality Criteria for Cyanide—EPA 440/5–84–028; NTIS Number PB85–227460
8. Ambient Water Quality Criteria for Lead—EPA 440/5–84–027; NTIS Number PB85–227437
9. Ambient Water Quality Criteria for Mercury—EPA 440/5–84–026; NTIS Number PB85–227452
10. Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses. NTIS Number PB85–227049.

**FOR FURTHER INFORMATION CONTACT:** Dr. Frank Gostomski, Criteria and Standards Division (WH–585), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 245–3030.

**SUPPLEMENTARY INFORMATION:**

### Background

Section 304(a)(1) of the Clean Water Act (33 U.S.C. 1314(a)(1)) requires EPA to publish and periodically update ambient water quality criteria. These criteria are to reflect the latest scientific knowledge on the identifiable effects of pollutants on public health and welfare, aquatic life, and recreation.

EPA has periodically issued ambient water quality criteria, beginning in 1973 with publication of the "Blue Book" (Water Quality Criteria 1972). In 1976, the "Red Book" (Quality Criteria for Water) was published. On November 28, 1980 (45 FR 79318) and February 15, 1984 (49 FR 5831), EPA announced the publication of 65 individual ambient water quality criteria documents for pollutants listed as toxic under section 307(a)(1) of the Clean Water Act.

Today EPA is announcing the availability of nine individual water quality criteria documents which update and revise certain criteria previously published in the "Red Book" and in the 1980 ambient water quality criteria documents. The criteria documents for ammonia and chlorine replace criteria previously published in the 1976 "Red Book." The criteria documents for arsenic, cadmium, chromium, copper, cyanide, lead, and mercury replace the aquatic life criteria previously published in the 1980 ambient water quality criteria documents. Draft criteria documents were made available for public comment on February 7, 1984 (49 FR 4551). These final criteria have been derived after consideration of all comments received.

Dated: July 19, 1985.

**Edwin C. Johnson,**

*Acting Assistant Administrator for Water.*

### Appendix A—Summary of Water Quality Criteria

*1. Ammonia*

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of ammonia does not exceed the recommended criterion more than once every three years on the average and if the one-hour average concentration does not exceed the recommended criterion more than once every three years on the average.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to ammonia exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

To protect freshwater aquatic life, the criteria for ammonia (in mg/liter un-ionized $NH_3$) are based upon ambient water temperature and pH with one-hour and four-day average concentrations provided. Criterion concentratons for the pH range 6.5 to 9.0 and the temperature range 0 °C to 30 °C are provided in the following tables. Total ammonia concentrations equivalent to each un-ionized ammonia concentration are also provided in these tables. There is limited data on the effect of temperature on chronic toxicity. EPA will be conducting additional research on the effects of temperature on ammonia toxicity in order to fill perceived data gaps. Because of this uncertainty, additional site-specific information should be developed before these criteria are used in wasteload allocation modelling. For example, the chronic criteria tabulated for non-salmonids at temperatures much below

20 °C are less certain than those tabulated at temperatures near 20 °C. Where the treatment levels needed to meet these criteria below 20 °C may be substantial, use of site-specific criteria is strongly suggested. Development of such criteria should be based upon site-specific toxicity tests.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the critierion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. The Agency acknowledges that the CCC stream flow averaging period used for steady-state wasteload allocation modelling may be as long a 30 days in situations involving POTWs designed to remove ammonia where limited variability of effluent pollutant concentration and resultant concentrations in receiving waters can be demonstrated.

In cases where low variability can be demonstrated, longer averaging periods for the ammonia CCC (e.g., 30-day averaging periods) would be acceptable because the magnitude and duration of exceedences above the CCC would be sufficiently limited. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

(1) One-Hour Average Concentrations for Ammonia*

| pH | 0 C | 5 C | 10 C | 15 C | 20 C | 25 C | 30 C |
|---|---|---|---|---|---|---|---|
| *A. Salmonids or Other Sensitive Coldwater Species Present* | | | | | | | |
| Un-ionized Ammonia (mg/liter $NH_3$) | | | | | | | |
| 6.50 | 0.0091 | 0.0129 | 0.0182 | 0.026 | 0.036 | 0.036 | 0.036 |
| 6.75 | 0.0149 | 0.021 | 0.030 | 0.042 | 0.059 | 0.059 | 0.059 |
| 7.00 | 0.023 | 0.033 | 0.046 | 0.066 | 0.093 | 0.093 | 0.093 |
| 7.25 | 0.034 | 0.048 | 0.068 | 0.095 | 0.135 | 0.135 | 0.135 |
| 7.50 | 0.045 | 0.064 | 0.091 | 0.128 | 0.181 | 0.181 | 0.181 |
| 7.75 | 0.056 | 0.080 | 0.113 | 0.159 | 0.22 | 0.22 | 0.22 |
| 8.00 | 0.065 | 0.092 | 0.130 | 0.184 | 0.26 | 0.26 | 0.26 |
| 8.25 | 0.065 | 0.092 | 0.130 | 0.184 | 0.26 | 0.26 | 0.26 |
| 8.50 | 0.065 | 0.092 | 0.130 | 0.184 | 0.26 | 0.26 | 0.26 |
| 8.75 | 0.065 | 0.092 | 0.130 | 0.184 | 0.26 | 0.26 | 0.26 |
| 9.00 | 0.065 | 0.092 | 0.130 | 0.184 | 0.26 | 0.26 | 0.26 |
| Total Ammonia (mg/liter $NH_3$) | | | | | | | |
| 6.50 | 35 | 33 | 31 | 30 | 29 | 20 | 14.3 |
| 6.75 | 32 | 30 | 28 | 27 | 27 | 18.6 | 13.2 |
| 7.00 | 28 | 26 | 25 | 24 | 23 | 16.4 | 11.6 |
| 7.25 | 23 | 22 | 20 | 19.7 | 19.2 | 13.4 | 9.5 |
| 7.50 | 17.4 | 16.3 | 15.5 | 14.9 | 14.6 | 10.2 | 7.3 |
| 7.75 | 12.2 | 11.4 | 10.9 | 10.5 | 10.3 | 7.2 | 5.2 |
| 8.00 | 8.0 | 7.5 | 7.1 | 6.9 | 6.8 | 4.8 | 3.5 |
| 8.25 | 4.5 | 4.2 | 4.1 | 4.0 | 3.9 | 2.8 | 2.1 |
| 8.50 | 2.6 | 2.4 | 2.3 | 2.3 | 2.3 | 1.71 | 1.28 |
| 8.75 | 1.47 | 1.40 | 1.37 | 1.38 | 1.42 | 1.07 | 0.83 |
| 9.00 | 0.86 | 0.83 | 0.83 | 0.86 | 0.91 | 0.72 | 0.58 |
| *B. Salmonids and Other Sensitive Coldwater Species Absent* | | | | | | | |
| Un-ionized Ammonia (mg/liter $NH_3$) | | | | | | | |
| 6.50 | 0.0091 | 0.0129 | 0.0182 | 0.026 | 0.036 | 0.051 | 0.051 |
| 6.75 | 0.0149 | 0.021 | 0.030 | 0.042 | 0.059 | 0.084 | 0.084 |
| 7.00 | 0.023 | 0.033 | 0.046 | 0.066 | 0.093 | 0.131 | 0.131 |
| 7.25 | 0.034 | 0.048 | 0.068 | 0.095 | 0.135 | 0.190 | 0.190 |
| 7.50 | 0.045 | 0.064 | 0.091 | 0.128 | 0.181 | 0.26 | 0.26 |
| 7.75 | 0.056 | 0.080 | 0.113 | 0.159 | 0.22 | 0.32 | 0.32 |
| 8.00 | 0.065 | 0.092 | 0.130 | 0.184 | 0.26 | 0.37 | 0.37 |
| 8.25 | 0.065 | 0.092 | 0.130 | 0.184 | 0.26 | 0.37 | 0.37 |
| 8.50 | 0.065 | 0.092 | 0.130 | 0.184 | 0.26 | 0.37 | 0.37 |
| 8.75 | 0.065 | 0.092 | 0.130 | 0.184 | 0.26 | 0.37 | 0.37 |
| 9.00 | 0.065 | 0.092 | 0.130 | 0.184 | 0.26 | 0.37 | 0.37 |
| Total Ammonia (mg/liter $NH_3$) | | | | | | | |
| 6.50 | 35 | 33 | 31 | 30 | 29 | 29 | 20 |
| 6.75 | 32 | 30 | 28 | 27 | 27 | 26 | 18.6 |
| 7.00 | 28 | 26 | 25 | 24 | 23 | 23 | 16.4 |
| 7.25 | 23 | 22 | 20 | 19.7 | 19.2 | 19.0 | 13.5 |
| 7.50 | 17.4 | 16.3 | 15.5 | 14.9 | 14.6 | 14.5 | 10.3 |
| 7.75 | 12.2 | 11.4 | 10.9 | 10.5 | 10.3 | 10.2 | 7.3 |
| 8.00 | 8.0 | 7.5 | 7.1 | 6.9 | 6.8 | 6.8 | 4.9 |
| 8.25 | 4.5 | 4.2 | 4.1 | 4.0 | 3.9 | 4.0 | 2.9 |
| 8.50 | 2.6 | 2.4 | 2.3 | 2.3 | 2.3 | 2.4 | 1.81 |
| 8.75 | 1.47 | 1.40 | 1.37 | 1.38 | 1.42 | 1.52 | 1.18 |
| 9.00 | 0.86 | 0.83 | 0.83 | 0.86 | 0.91 | 1.01 | 0.82 |

*To convert these values to mg/liter N, multiply by 0.822.

(2) 4-Day Average Concentrations for Ammonia [1]

| pH | 0 C | 5 C | 10 C | 15 C | 20 C | 25 C | 30 C |
|---|---|---|---|---|---|---|---|
| A. Salmonids or Other Sensitive Coldwater Species Present | | | | | | | |
| Un-ionized Ammonia (mg/liter $NH_3$) | | | | | | | |
| 6.50 | 0.0007 | 0.0009 | 0.0013 | 0.0019 | 0.0019 | 0.0019 | 0.0019 |
| 6.75 | 0.0012 | 0.0017 | 0.0023 | 0.0033 | 0.0033 | 0.0033 | 0.0033 |
| 7.00 | 0.0021 | 0.0029 | 0.0042 | 0.0059 | 0.0059 | 0.0059 | 0.0059 |
| 7.25 | 0.0037 | 0.0052 | 0.0074 | 0.0105 | 0.0105 | 0.0105 | 0.0105 |
| 7.50 | 0.0066 | 0.0093 | 0.0132 | 0.0186 | 0.0186 | 0.0186 | 0.0186 |
| 7.75 | 0.0109 | 0.0153 | 0.022 | 0.031 | 0.031 | 0.031 | 0.031 |
| 8.00 | 0.0126 | 0.0177 | 0.025 | 0.035 | 0.033 | 0.035 | 0.035 |
| 8.25 | 0.0126 | 0.0177 | 0.025 | 0.035 | 0.035 | 0.035 | 0.035 |
| 8.50 | 0.0126 | 0.0177 | 0.025 | 0.035 | 0.035 | 0.035 | 0.035 |
| 8.75 | 0.0126 | 0.0177 | 0.025 | 0.035 | 0.035 | 0.035 | 0.035 |
| 9.00 | 0.0126 | 0.0177 | 0.025 | 0.035 | 0.035 | 0.035 | 0.035 |
| Total Ammonia (mg/liter $NH_3$) | | | | | | | |
| 6.50 | 2.5 | 2.4 | 2.2 | 2.2 | 1.49 | 1.04 | 0.73 |
| 6.75 | 2.5 | 2.4 | 2.2 | 2.2 | 1.49 | 1.04 | 0.73 |
| 7.00 | 2.5 | 2.4 | 2.2 | 2.2 | 1.49 | 1.04 | 0.74 |
| 7.25 | 2.5 | 2.4 | 2.2 | 2.2 | 1.50 | 1.04 | 0.74 |
| 7.50 | 2.5 | 2.4 | 2.2 | 2.2 | 1.50 | 1.05 | 0.74 |
| 7.75 | 2.3 | 2.2 | 2.1 | 2.0 | 1.40 | 0.99 | 0.71 |
| 8.00 | 1.53 | 1.44 | 1.37 | 1.33 | 0.93 | 0.66 | 0.47 |
| 8.25 | 0.87 | 0.82 | 0.78 | 0.76 | 0.54 | 0.39 | 0.26 |
| 8.50 | 0.49 | 0.47 | 0.45 | 0.44 | 0.32 | 0.23 | 0.17 |
| 8.75 | 0.28 | 0.27 | 0.26 | 0.27 | 0.19 | 0.15 | 0.11 |
| 9.00 | 0.16 | 0.16 | 0.16 | 0.16 | 0.13 | 0.10 | 0.08 |
| B. Salmonds and Other Sensitive Coldwater Species Absent | | | | | | | |
| Un-ionized Ammonia (mg/liter $NH_3$) | | | | | | | |
| 6.50 | 0.0007 | 0.0009 | 0.0013 | 0.0019 | 0.0026 | 0.0026 | 0.0026 |
| 6.75 | 0.0012 | 0.0017 | 0.0023 | 0.0033 | 0.0047 | 0.0047 | 0.0047 |
| 7.00 | 0.0021 | 0.0029 | 0.0042 | 0.0059 | 0.0083 | 0.0083 | 0.0083 |
| 7.25 | 0.0037 | 0.0052 | 0.0074 | 0.0105 | 0.0148 | 0.0148 | 0.0148 |
| 7.50 | 0.0066 | 0.0093 | 0.0132 | 0.0186 | 0.026 | 0.026 | 0.026 |
| 7.75 | 0.0109 | 0.0153 | 0.022 | 0.031 | 0.043 | 0.043 | 0.043 |
| 8.00 | 0.0126 | 0.0177 | 0.025 | 0.035 | 0.050 | 0.050 | 0.050 |
| 8.25 | 0.0126 | 0.0177 | 0.025 | 0.035 | 0.050 | 0.050 | 0.050 |
| 8.50 | 0.0126 | 0.0177 | 0.025 | 0.035 | 0.050 | 0.050 | 0.050 |
| 8.75 | 0.0126 | 0.0177 | 0.025 | 0.035 | 0.050 | 0.050 | 0.050 |
| 9.00 | 0.0126 | 0.0177 | 0.025 | 0.035 | 0.050 | 0.050 | 0.050 |
| Total Ammonia (mg/liter $NH_3$) | | | | | | | |
| 6.50 | 2.5 | 2.4 | 2.2 | 2.2 | 2.1 | 1.46 | 1.03 |
| 6.75 | 2.5 | 2.4 | 2.2 | 2.2 | 2.1 | 1.47 | 1.04 |
| 7.00 | 2.5 | 2.4 | 2.2 | 2.2 | 2.1 | 1.47 | 1.04 |
| 7.25 | 2.5 | 2.4 | 2.2 | 2.2 | 2.1 | 1.48 | 1.05 |
| 7.50 | 2.5 | 2.4 | 2.2 | 2.2 | 2.1 | 1.49 | 1.06 |
| 7.75 | 2.3 | 2.2 | 2.1 | 2.0 | 1.98 | 1.39 | 1.00 |
| 8.00 | 1.53 | 1.44 | 1.37 | 1.33 | 1.31 | 0.93 | 0.67 |
| 8.25 | 0.87 | 0.82 | 0.78 | 0.76 | 0.76 | 0.54 | 0.40 |
| 8.50 | 0.49 | 0.47 | 0.45 | 0.44 | 0.45 | 0.33 | 0.25 |
| 8.75 | 0.28 | 0.27 | 0.26 | 0.27 | 0.27 | 0.21 | 0.16 |
| 9.00 | 0.16 | 0.16 | 0.16 | 0.16 | 0.17 | 0.14 | 0.11 |

* To convert these values to mg/liter N, multiply by 0.822.
[1] Site-specific criteria development is strongly suggested at temperatures above 20°C because of the limited data available to generate the criteria recommendation, and at temperatures below 20°C because of the limited data and because small changes in the criteria may have significant impact on the level of treatment required in meeting the recommended criteria.

Saltwater Aquatic Life

Data available for saltwater species are insufficient to derive a criterion for saltwater.

*2. Arsenic*

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of arsenic(III) does not exceed 190 μg/1 more than once every three years on the average and if the one-hour average concentration does not exceed 360 μg/1 more than once every three years on the average.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to arsenic(III) exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

Not enough data are available to allow derivation of numerical national water quality criteria for freshwater aquatic life for inorganic arsenic(V) or any organic arsenic compound. Inorganic arsenic(V) is acutely toxic to freshwater aquatic animals at concentrations as low as 850 μg/1, and an acute-chronic ratio of 28 was obtained with the fathead minnow. Arsenic(V) affected freshwater aquatic plants at concentrations as low as 48 μg/1. Monosodium methanearsenate (MSMA) is acutely toxic to aquatic animals at concentrations as low as 1,900 μg/1 but no data are available concerning chronic toxicity to animals or toxicity to plants.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 ro 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical

National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, saltwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of arsenic(III) does not exceed 36 μg/1 more than once every three years on the average and if the one-hour average concentration does not exceed 69 μg/1 more than once very three years on the average.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to arsenic(III) exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

Very few data are available concerning the toxicity of any form of arsenic other than inorganic arsenic(III) to saltwater aquatic life. The available data do show that inorganic arsenic(V) is acutely toxic to saltwater animals at concentrations as low as 2,319 μg/l and affected some saltwater plants at 13 to 56 μg/l. No data are available concerning the chronic toxicity of any form of arsenic other than inorganic arsenic(III) to saltwater aquatic life.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steadystate models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

*3. Cadmium*

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration (in μg/l) of cadmium does not exceed the numerical value given by $e^{(0.7852[\ln(\text{hardness})]-3.490)}$ more than once every three years on the average and if the one-hour average concentration in (μg/l) does not exceed the numerical value given by $e^{(1.128[\ln(\text{hardness})]-3.828)}$ more than once every three years on the average. For example, at hardnesses of 50, 100 and 200 mg/l as $CaCo_3$ the four-day average concentrations of cadmium are 0.66, 1.1 and 2.0 μg/l, respectively, and the one-hour average concentrations are 1.8, 3.9 and 8.6 μg/l. If brook trout, brown trout, and striped bass are as sensitive as some of the data indicate they might not be protected by this criterion.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to cadmium exceeds the criteria. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Based Toxics Control (U.S. EPA, 1985).

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, saltwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of cadmium does not exceed 9.3 μg/L more than once every three years on the average and if the one-hour average concentration does not exceed 43 μg/L more than once every three years on the average. The little information that is available concerning the sensitivity of the American lobster to cadmium indicates that this important species might not be protected by this criterion.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a

measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to cadmium exceeds the criteria. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxic Control (U.S. EPA, 1985).

*4. Chlorine*

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of total residual chlorine does not exceed 11 μg/1 more than once every three years on the average and if the one-hour average concentration does not exceed 19 μg/1 more than once every three years on the average.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to chlorine exceeds the criteria. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that saltwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of chlorine-produced oxidants does not exceed 7.5 μg/1 more than once every three years on the average and if the one-hour average concentration does not exceed 13 μg/1 more than once every three years on the average.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to chlorine exceeds the criteria. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

*5. Chromium*

Freshwater Aquatic Life

Chromium (III). The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly when a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration (in μg/l) of chromium (III) does not exceed the numerical value given by $e^{(0.8190[\ln(\text{Hardness})]+1.561)}$ more than once every three years on the average and if the one-hour average concentration (in μg/l) does not exceed the numerical value given by $e^{(0.8190[\text{hardness}])+3.688}$ more than once every three years on the average. For example, at hardnesses of 50, 100, and 200 mg/1 as $CaCo_3$ the four-day average concentrations of chromium(III) are 120, 210, and 370 μg/l and the one-hour average concentrations are 980, 1,700, and 3,100 μg/l.

*Chromium(VI).* The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species in very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of chromium(VI) does not exceed 11 μg/l more than once every three years on the average and if the one-hour average concentration does not exceed 16 μg/l more than once every three years on the average.

EPA believes that the measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory

programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to chromium exceeds the criteria. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

Saltwater Aquatic Life

*Chromium(III).* No saltwater criterion can be derived for chromium(III), but 10,300 μg/l is the EC50 for eastern oyster embryos, whereas 50,400 μg/l did not affect a polychaete worm in a life-cycle test.

*Chromium(VI).* The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, saltwater aquatic organisms should not be affected unacceptably if the four-day average concentration of chromium(VI) does not exceed 50 μg/L more than once every three years on the average, and if the one-hour average concentration does not exceed 1,100 μg/L more than once every three years on the average. Data suggest that the acute toxicity of chromium(VI) is salinity dependent; therefore, the one-hour average concentration may be underprotective at low salinities.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to chromium exceeds the criteria. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

*6. Copper*

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possible where a locally important species in very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration (in μg/l) of copper does not exceed the numerical value given by $e^{(0.8545[\ln(\text{hardness})]-1.465)}$ more than once every three years on the average and if the one-hour average concentration (in μg/l) does not exceed the numerical value given by $e^{(0.9422[\ln(\text{hardness})]-1.464)}$ than once every three years on the average. For example, at hardness of 50, 100, and 200 mg/l as $CaCO_3$ the four-day average concentrations of copper are 6.5, 12, and 21 μg/l respectively, and the one-hour average concentrations are 9.2, 18 and 34 μg/l.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to copper exceeds the criteria. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload

allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where locally important species is very sensitive, saltwater aquatic organisms and their uses should not be affected unacceptably if the one-hour average concentration of copper does not exceed 2.9 μg/l more than once every three years on the average.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to copper exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

*7. Cyanide*

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of cyanide does not exceed 5.2 μg/l more than once every three years on the average and if the one-hour average concentration does not exceed 22 μg/l more than once every three years on the average.

EPA believes that a measure such a free cyanide would provide a more scientifically correct basis upon which to establish criteria for cyanide. The criteria were developed on this basis. However, at this time, no EPA approved methods for free cyanide are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for free cyanide. Until available, however, EPA recommends applying the criteria using the total cyanide method. These criteria may be overly protective when based on the total cyanide method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which cyanide exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, saltwater aquatic organisms and their uses should not be affected unacceptably if the one-hour average concentration of cyanide does not exceed 1.0 μg/L more than once three years on the average.

EPA believes that a measurement such as free cyanide would provide a more scientifically correct basis upon which to establish criteria for cyanide. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a method are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as free cyanide. Until available, however, EPA recommends applying the criteria using the total cyanide method. These criteria may be overly protective when based on the total cyanide method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to cyanide exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

*8. Lead*

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration (in μg/l) of lead does not exceed the numerical value given by $e^{(1.266[\ln(\text{hardness})]-4.661)}$ more than once every three years on the average and if the one-hour average concentration (in μg/l) does not exceed the numerical value given by $e^{(1.266[\ln(\text{hardness})]-1.416)}$ more than once every three years on the average. For example, at hardnesses of 50, 100, and 200 mg/l as $CaCO_3$ the 4-day average concentrations of lead are 1.3, 3.2, and 7.7 μg/l, respectively, and the one-hour average concentrations are 34, 83, and 200 μg/l.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as acid-soluble. Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method cannot distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to lead exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, saltwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of lead does not exceed 5.6 μg/l more than once every three years on the average and if the one-hour average concentration does not exceed 140 μg/l more than once every three years on the average.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as acid-soluble. Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to lead exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

*9. Mercury*

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of mercury does not exceed 0.012 μg/l more than once every three years on the average and if the one-year average concentration does not exceed 2.4 μg/l more than once every three years on the average. If the four-day average concentration exceeds 0.012 μg/l more than once in a three year period, the edible portion of consumed species should be analyzed to determine whether the concentration of

methylmercury exceeds the FDA action level.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to mercury exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, saltwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of mercury does not exceed 0.025 μg/l more than once every three years on the average and if the one-hour average concentration does not exceed 2.1 μg/l more than once every three years on the average. If the four-day average concentration exceeds 0.025 μg/l more than once in a three-year period, the edible portion of consumed species should be analyzed to determine whether the concentration of methylmercury exceeds the FDA action level.

EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved methods for such a measurement are available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method does not distinguish between individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

The recommended exceedence frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed system to recover from a pollution event in which exposure to mercury exceeds the criterion. Stressed systems, for example one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resilience of ecosystems and their ability to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

The use of criteria in designing waste treatment facilities requires the selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other factors may make their use impractical, in which case one should rely on a steady-state model. The Agency recommends the interim use of 1Q5 or 1Q10 for criterion maximum concentration (CMC) design flow and 7Q5 or 7Q10 for the criterion continuous concentration (CCC) design flow in steady-state models for unstressed and stressed systems respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality Based Toxics Control (U.S. EPA, 1985).

*10. Summary of Revisions to "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses"*

This revised version of the National Guidelines provides clarifications, additional details, technical and editorial changes from the guidelines published at 45 FR 79341–79347, November 28, 1980. These modifications are the result of comments received on the previous Guidelines and also reflect advances in aquatic toxicology and related fields. The major technical changes are:

1. The acute data required for freshwater animals has been changed to include more tests with invertebrate species.

2. The Final Acute Value is now defined in terms of Genus Mean Acute Values rather than Species Mean Acute Values previously defined. A Genus Mean Acute Value is the geometric mean of all the Species Mean Acute Values available for species in the genus. On the average, species within a genus are toxicologically much more similar than species in different genera, and so the use of Genus Mean Acute Values will prevent data sets from being biased by an overabundance of species in one or a few genera.

3. The Final Acute Value is now calculated using a method that is not subject to the bias encountered with the previous method.

4. The criterion now consists of two numbers—The criterion continuous concentration (CCC) and the criterion maximum concentration (CMC).

a. The criterion continuous concentration is now used as a four-day average, rather than as a 24-hour average.

b. The criterion maximum concentration is now used as a one hour average, rather than a "not-to-be-exceeded" value.

c. Neither of these values should be exceeded more than once every three years on the average.

d. Instead of being equal to the Final Acute Value, the criterion maximum concentration is now obtained by dividing the Final Acute Value by 2. The Final Acute Value is intended to protect 95 percent of a group of diverse species, unless an important species is more sensitive. However, a concentration that would severely harm 50 percent of the

fifth percentile or 50 percent of a sensitive important species cannot be considered to be protective of that percentile or that species. Dividing the Final Acute Value by 2 is intended to result in a concentration that will not severely adversely affect too many of the organisms.

5. When available, 96-hour EC50, based on the percentage of organisms immobilized plus the percentage of organisms killed are used instead of 96-hour LC50, for fish; comparable EC50 values are used instead of LC50, for other species.

6. The requirements for using the results of tests with aquatic plants have been made more stringent.

Two appendices (Appendix 1 and 2) were added as part of the guidance. Appendix 1 was added to aid in determining whether a species should be considered resident in North America and its taxonomic classification. Appendix 2 provides guidance for calculating a Final Acute Value.

**Appendix B—Response to Comments on "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses"**

*Introduction—Most "Comments" Listed Below Are Summaries of Individual Comments Which Expressed Similar Points of View*

1. Comment—Criteria should only apply outside the mixing zone, not at the end of the pipe or within the mixing zone.

Response—EPA is issuing guidance on mixing zones in the Technical Support Document for Water Quality-based Toxics Control (Office of Water, 1985), hereafter referred to as the TSD. Because one of the two concentrations in each criterion is based on acute toxicity, it might be appropriate to use this concentration from a national or a site-specific criterion when establishing mixing zone standards.

2. Comment—Derivation of water quality criteria for the protection of aquatic organisms and their uses should adequately take into account such things as the precision and accuracy of available methods for measuring concentrations of pollutants, economic and social considerations, etc.

Response—These criteria are intended to be the best scientific judgment of exposures that can be tolerated by aquatic organisms and their uses. Other considerations can be used in the establishment of standards, permits, etc., where permitted by law. The criteria themselves must be based solely on biological, ecological, and toxicological data concerning the sensitivities of the organisms and their uses. Technological and economic feasibility are not considered in derivation of water quality criteria.

3. Comment—Laboratory data cannot replace experience in the real world.

Response—EPA certainly agrees. Unfortunately few field data are good enough to be useful in deriving national water quality criteria. It is more likely that field data can be used on a site-specific basis to demonstrate whether a criterion, standard, or permit is underprotective. However, in order for field data to be useful, the studies must be designed and executed appropriately. Too many field studies have limited utility because one or more important aspects were not dealt with in a manner that was appropriate to the specific situation of concern.

4. Comment—These Guidelines are incomplete because they do not include protection of human health.

Response—Water quality criteria can be derived to protect a variety of uses and subuses. These Guidelines are only intended to deal with protection of aquatic organisms and their uses. The Guidelines are intended to ensure that the use of aquatic organisms is not subject to restrictions because of exceedence of FDA action levels. Protection of human health is the subject of "Guidelines and Methodology Used in the Preparation of Health Effect Assessment Chapters of the Consent Decree Water Criteria Documents" (U.S. EPA, FR 45: 79347–79357, November 28, 1980).

5. Comment—EPA should provide implementation guidance concerning such things as mixing zones, wasteload allocation, and compliance monitoring.

Response—EPA is providing such guidance in the TSD.

6. Comment—The criteria do not adequately deal with fluctuating concentrations.

Response—EPA has examined the question of fluctuating concentrations and has revised the expression of the criteria to take into account the data that are available concerning relative effects caused by constant and fluctuating concentrations.

7. Comment—The Guidelines do not deal with simultaneous exposure to more than one pollutant.

Response—This is true and is because (a) few useful data are available, (b) the data that are available do not allow the development of useful principles, and (c) there are so many possible combinations of two or more pollutants and each can be present at a variety of concentrations. To deal with such situations, EPA has developed the toxicity based (whole effluent) approach described in the TSD.

8. Comment—EPA should develop warmwater and coldwater criteria, regional criteria, etc.

Response—EPA knows of no way to geographically subdivide aquatic species so that derivation of criteria for special circumstances would be worth the effort. Community composition changes gradually from area to area. Also, the distinction between warmwater and coldwater species is only reasonably useful because of all the coolwater species. Even the distinction between fresh water and salt water is vague because the waters and their respective fauna mix in upper estuaries. EPA does allow the derivation of site-specific criteria so that pertinent differences between waters, ecosystems, etc., can be appropriately taken into account.

9. Comment—All criteria issued in 1980 should be revised using the new Guidelines.

Response—EPA is selecting pollutants for which criteria should be derived using the new Guidelines. All the pollutants included in the Red Book and in the 1980 criteria documents, as well as other pollutants, are being considered. How many new or revised criteria are derived will depend on the availability of data and resources.

10. Comment—The criteria do not deal with the effects of pH, dissolved oxygen, dissolved solids, temperature, etc., on toxicity and bioaccumulation.

Response—If data are available to demonstrate that a criterion can be quantitatively related to such a factor, then the criterion should be related to that factor. Thus criteria for some metals are hardness-dependent and the criterion for ammonia is both pH and temperature-dependent. All criteria are subject to site-specific modification so that as many factors as desired can be appropriately taken into account.

11. Comment—Criteria do not deal with uptake from food.

Response—This is a potential weakness for all pollutants, but it is particularly of concern for those that are or could be limited by FDA action levels or effects on wildlife predators. When this is a potential problem for an existing discharge, the most pertinent information can be obtained by analyzing edible tissue of appropriate exposed species for the pollutant of concern.

12. Comment—EPA should make available its rationale for selecting pollutants for which criteria are to be derived.

Response—EPA is developing a process that appropriately takes into account factors relating to both exposure and effects in the selection of chemicals.

13. Comment—The available data are biased to a few families and toward northern and eastern species.

Response—Although EPA desires more data from tests with southern and western species, EPA knows of no reason to believe that such species would be more or less sensitive to specific pollutants or to pollutants in general. Some of the species for which data are available are widely distributed. The requirement that acute values be available for aquatic animals in at least eight different families ensures that there is a reasonable amount of diversity in the data set.

14. Comment—Use of Family Mean Acute Values will lower criteria.

Response—When EPA calculated the Final Acute Value (FAV) from Species Mean Acute Values, some commentors felt that EPA was allowing the criteria to be unfairly influenced because data were available for numerous species in some sensitive families. When EPA proposed to use Family Mean Acute Values, some commentors felt that EPA was inappropriately causing the criteria to be higher by reducing the number of MAVs available. EPA has decided to calculate the FAV from Genus Mean Acute Values because species within a genus appear to be toxicologically indistinguishable. This decision also reduces the impact of having data available for numerous species in the same family, but does not reduce the number of MAVs as much as would the use of Famly Mean Acute Values.

15. Comment—Alternative methods of calculating the FAV should be examined.

Response—EPA did consider all the potentially useful methods, and then studied in detail the methods that appeared promising. The method selected has several desirable properties, such as (1) the FAV generally rises as the number of MAVs increases, and (2) the FAV is rarely very far below the lowest MAV even when only eight or nine MAVs are available. The most serious defect is that calculation of confidence limits does not seem possible. On the other hand, methods that would allow calculation of the FAV and confidence limits have worse defects.

16. Comment—Elimination of some nonlethal endpoints from acute toxicity data was good.

Response—The oyster shell deposition test was eliminated because the effect was not considered to be a severe adverse effect.

17. Comment—Eight MAVs only provide a rough estimate of the fifth percentile.

Response—EPA certainly prefers more MAVs, but it was decided that the additional confidence in the FAV did not necessarily justify the additional cost, especially in the derivation of site-specific criteria. EPA's focus was on kinds of species as well as numbers, and eight is not enough if the breadth requirements are not satisfied.

18. Comment—Many productive streams in Colorado, Oregon, and Pennsylvania contain natural background concentrations above criteria for at least one metal.

Response—The productivity of some pristine bodies of water might be depressed if the background concentrations of some materials are too high. Assuming, however, that this is not the case for these streams in Colorado, Oregon, and Pennsylvania, it is likely that the reported metal concentrations are for total metal, which measures some forms of metals which are not toxic and are not likely to become toxic under natural conditions. EPA is interested in use of a measurement such as "acid-soluble" which should give a more accurate measurement of toxicologically available forms of metals.

19. Comment—EPA should define what it means by "fishable".

Response—EPA has expanded its explanation in the Introduction to the Guidelines of the concept of protection of aquatic organisms and their uses.

20. Comment—The preferred duration of acute tests with daphnids and midges should be 48 hours.

Response—EPA has changed its preference from 96 hours, which would require feeding during acute tests with most, if not all, daphnids and midges, to 48 hours with no feeding of the animals during the test.

21. Comment—The FAV is too dependent on the number of MAVs in the data set.

Response—EPA considers the general relationship between the FAV and the number of MAVs in the data set to be a positive feature of the procedure used to calculate the FAV. As more is known about the sensitivities of aquatic animals to the pollutant of concern, the FAV should be more often determined by interpolation rather than extrapolation. This is a property of the definition of the FAV as corresponding to the fifth percentile; any method used to estimate the concentration corresponding to the fifth percentile will have the same feature. An acute value for a new species will lower, rather than raise, the FAV if the new species is sensitive enough.

22. Comment—The FAV is biased because most tests are with sensitive species.

Response—The range of values available for some materials indicates that at least some tests are conducted with resistant species. In addition, occasionally a species that is usually considered sensitive is found to be resistant to a test material. Usually when more than twenty MAVs are available, the FAV is higher than the lowest MAV. On the other hand, the lowest MAV is sometimes for an important species such as the rainbow trout.

23. Comment—Use of Family Mean Acute Values increases the chances that some species will not be protected.

Response—The same comment applies to the use of Genus Mean Acute Values, but national criteria are not intended to protect all species. Even though Genus Mean Acute Values are used, the FAV is lowered to protect important species when necessary.

24. Comment—Only lethality should be accepted as an acute effect.

Response—Any severe adverse effect on fifty percent of the individuals in a population should be considered unacceptable to the species.

25. Comment—A statistically acceptable test for identifying outliers is needed.

Response—A very sensitive or very resistant species might be a statistical outlier, but not a toxicological outlier. Statistics can only identify data that are statistically inconsistent, based on the statistical test used, with the bulk of the data. Even samplying from a prepared normally distributed set of values will occasionally select a very extreme value. Statistical and toxicological comparisons can identify values that should be examined closely and possibly retested, but only rarely should a value be discarded just because it is a statistical outlier.

26. Comment—The FAV should be calculated using a method that properly weights all data points.

Response—The method used to calculate the FAV does use all of the data in the calculation of the cumulative probabilities. The four lowest MAVs and their cumulative probabilities are then used to estimate the FAV by interpolation or extrapolation because these MAVs provide the best information about the location of the fifth percentile. Parametric methods using all the MAVs make the FAV too dependent on the assumption of a

particular distribution and allow the data for resistant species to have too much effect on the prediction on the location of the fifth percentile.

27. Comment—The factor of 2 should be justified.

Response—It is not reasonable to consider a genus at the fith percentile to be adequately protected if fifty percent of the individuals of that genus are killed or otherwise severely adversely affected. It is also unacceptable to consider that an important species is adequately protected if fifty percent of that species are killed or otherwise severely affected. Division of the FAV by a factor of two is intended to ensure that substantially less than fifty percent of the individuals are affected.

26. Comment—Data from static acute tests should not be used.

Response—Although data from flow-through tests in which the concentrations of test material were measured are preferable for all test materials and might be necessary for some highly volatile or rapidly hydrolyzed materials, static acute tests do provide useful data on many materials.

29. Comment—A species cannot be considered protected if its most sensitive life stage is not protected.

Response—EPA agrees and now specifies that when available data for a species indicate that one or more life stages are more sensitive than another life stage, only data for the sensitive life stage(s) should be used in the calculation of the Species of Mean Acute Value.

30. Comment—Ecologically important species should be specifically protected.

Response—EPA does not feel that the concept of "ecologically important species" has been well enough defined or supported for it to be used in the derivation of national water quality criteria. On a site-specific basis, it might be appropriate to use a broader concept of important species than what is used in the derivation of national criteria.

31. Comment—National criteria should not be lowered to protect important species.

Response—EPA feels that some species are so commercially or recreationally important that most people would want these species protected in most bodies of water in which they exist.

32. Comment—If a criterion is lowered to protect an important species, more data should be required on that species.

Response—Criteria are not usually lowered to protect an important species unless the tests with that species were flow-through and the concentrations of test materials were measured.

33. Comment—Explain "socially important species".

Response—This concept has been deleted from the Guidelines, but it was used to cover such things as rare and endangered species.

34. Comment—The chronic data should be divided into four categories (reproduction, growth, mortality, and other) and the most sensitive used to derive the criterion.

Response—A life-cycle test covers effects on all life stages. In addition, different effects might be most sensitive for different species.

35. Comment—The interchanging of acute-chronic ratios (ACRs) between fresh and salt water should be justified.

Response—If the data themselves do not justify it, the ACRs are not used together.

36. Comment—Use of an acute-chronic ratio to calculate a Final Chronic Equation was not mentioned.

Response—Division of a Final Acute Equation by an acute-chronic ratio will automatically result in a Final Chronic Equation. This has been added to the Guidelines.

37. Comment—Chronic tests with daphnids should not have to last at least 21 days.

Response—EPA does not feel that the available data justify the acceptance of shorter tests for all test materials.

38. Comment—The Final Acute-Chronic Ratio should never be arbitrarily set at 2.0.

Response—EPA feels that it is appropriate in two situations to set the Final Acute-Chronic Ratio equal to the same number that is used to obtain the Criterion Maximum Concentration from the Final Acute Value. At present this number is 2. EPA feels that in both of these situations it is appropriate for the Final Chronic Value to be equal to the Criterion Maximum Concentration, and setting the Final Acute-Chronic Ratio equal to 2 is a convenient way to achieve this.

39. Comment—Acute-chronic ratios should not be applied to acute data obtained with larval invertebrates.

Response—This is one of the situations in which EPA feels it is appropriate to use an acute-chronic ratio of 2. The EC50 certainly cannot be considered an acceptable concentration for the species, but use of a ratio greater than 2 is probably not appropriate when the lower acute values were from tests with larval invertebrates.

40. Comment—A 30-day averaging period is more compatible with NPDES permits and the duration of chronic tests than a 24-hour averaging period.

Response—EPA has reexamined the issue of the durations of the averaging periods. Because of the way permit limits are derived, the duration of the averaging period in criteria is totally independent of any duration in a permit. And because organisms are usually exposed to nearly constant concentrations in laboratory tests and to fluctuating concentrations in the real world, the duration of the averaging period in criteria should be shorter than the duration of the test. The rationale for the selection of averaging periods for criteria is presented in the Introduction to the Guidelines. An explanation of the use of criteria in wasteload allocation, etc., is presented in the TSD.

41. Comment—Only published data should be used.

Response—EPA feels that all available data that are acceptable and pertinent should be used. On the other hand, EPA feels that it has a responsibility to make available all data that are used, and so it will not use any "privileged" data.

42. Comment—Is the percent lipid value being changed from 3 to 10 or 11?

Response—The value of 3 was used in the human health sections of the 1980 criteria documents, but was not used to derive water quality criteria for aquatic life. The values of 10 and 11 percent are based on newer data and are now used in place of the previous values of 15 and 16 percent in deriving water quality criteria for the protection of aquatic organisms and their uses.

43. Comment—"Other data" should only be used for deriving site-specific criteria.

Response—EPA feels that "other data" can be used in deriving national criteria under the circumstances specified.

44. Comment—More allowance should be made for deviations from the Guidelines when deriving criteria.

Response—The purpose of developing the Guidelines will be defeated if they are too flexible. EPA has presented as many options as it feels are desirable in the Guidelines. Further, it is stated in the Guidelines that, if the derived criterion is not consistent with sound scientific evidence, either a higher or a lower criterion should be derived using appropriate modifications of the Guidelines.

45. Comment—Better use should be made of field data.

Response—The Guidelines do allow the use of field data, but EPA does not know what guidance can be given concerning their use, nor does EPA see the need for such guidance.

46. Comment—Criteria should be based on the form of the chemical that is biologically available.

Response—This concept is certainly appealing, but the practical difficulties are substantial. For some pollutants such as cooper and mercury, it appears that more than one form is toxic and either the toxic forms have different toxicities or the toxic forms have different net accumulation rates. In addition, it is probably important to measure not only what is immediately biologically available, but also what can be readily converted from an unavailable to an available form. This is especially important because the measurement used to specify the criterion might also be used to measure the pollutant in effluents.

47. Comment—The Guidelines do not provide justification for many items.

Response—More explanatory material has been added, especially in the Introduction. However, a thorough justification of each item would require a consideration of nearly all aspects of aquatic toxicology. As a compromise, EPA has assumed that most users of the Guidelines have a reasonable background in aquatic toxicology.

48. Comment—Why is covariance analysis better for calculating a hardness slope?

Response—Covariance analysis weights the data for each species according to the data that are available for that species. The approximate manual procedure was only given to aid those people who do not have access to computerized statistical procedures. It has been found, however, that the results produced by the two methods sometimes do not agree very well, and that the manual version of covariance analysis is not too difficult for small data sets. Thus the approximate manual procedure has now been replaced by the manual version of covariance analysis. It is instructive to work through the manual version once in order to understand how covariance analysis handles the data in this situation.

49. Comment—The steady-state BCF should not be replaced by a higher value.

Response—This has been eliminated from the Guidelines because (a) it will probably be rarely observed in bioconcentration tests and if it is there will probably not be enough data available to determine whether it is real or is experimental error, and (b) the most likely cause is induced degradation or depuration, and organisms in the field will usually be exposed often enough that such induction will usually have taken place.

50. Comment—Derivation of criteria is too subjective.

Response—EPA has made the Guidelines as "cookbookish" as is technically acceptable. Unfortunately, aquatic toxicology is too complicated to allow simplistic answers to very many problems. The ranges of pollutants, species, and waters are so great that detailed instructions are often not valid for all situations.

51. Comment—Very few bodies of water are monitored more than once a month.

Response—Because of the way criteria are used, the important time to monitor bodies of water is during the critical condition that is the basis for the permit. The most common type of monitoring is compliance monitoring of an effluent, which is based directly on wasteland allocation considerations, and only indirectly on water quality criteria.

52. Comment—Protection of ninety-five percent of the species might not be enough.

Response—This is why EPA sometimes lowers criteria to protect important species.

53. Comment—EPA should not use whatever data are available if acceptable data are not available.

Response—EPA does not feel that the Guidelines allow the use of any unacceptable data.

54. Comment—The Guidelines are so conservative that national criteria will be met almost nowhere and site-specific criteria will have to be developed.

Response—As explained in the Introduction to the Guidelines, EPA feels that national criteria must be derived using a rationale that is reasonably conservative. The Guidelines do not try to protect all species at all times and places. If national criteria were derived to be less protective, any given site-specific criterion would have, for example, a 50–50 chance of being higher or lower, which is not really very useful information.

55. Comment—The Guidelines should not allow saltwater criteria for metals to be higher than the concentrations in the oceans.

Response—EPA feels that increasing the concentrations of metals above background concentrations will not necessarily cause unacceptable effects. On the other hand, in some places background concentrations might be high enough to cause unacceptable effects.

56. Comment—Only EPA analytical methods should be used in the specification of criteria.

Response—It would certainly be desirable to be able to deal with all problems in a timely manner so that EPA would not have to face the question of "Which should come first—the criteria or the EPA analytical method?" Those who establish EPA analytical methods need to know what methods are needed and how sensitive the methods should be. On the other hand, those who derive criteria are often told that the existing EPA methods do not measure the right forms or are not sensitive enough. Because criteria are meant to be based on the best available information and are not themselves enforceable, it does not seem necessary for water quality criteria to be restricted to the use of EPA analytical methods.

Specifically concerning metals, EPA believes that a measurement such as "acid-soluble" would provide a more scientifically correct basis upon which to establish criteria for metals. The criteria were developed on this basis. However, at this time, no EPA approved method for such a measurement is available to implement the criteria through the regulatory programs of the Agency and the States. The Agency is considering development and approval of methods for a measurement such as "acid-soluble". Until available, however, EPA recommends applying the criteria using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be analyzed directly because the total recoverable method cannot distinguish individual oxidation states, and (2) these criteria may be overly protective when based on the total recoverable method.

57. Comment—The Guidelines lack a consideration of the differences between the laboratory and natural environments.

Response—Some people argue that organisms are more sensitive in the laboratory than in the field and some argue the opposite. In spite of these and other arguments that criteria derived using these Guidelines are either always overprotective or always underprotective or sometimes one and sometimes the other, few direct data are available. The studies that have been conducted seem to indicate that the Guidelines are generally appropriate.

[FR Doc. 85–17886 Filed 7–26–85; 8:45 am]

BILLING CODE 6560–50–M

federal register

Monday
July 29, 1985

Part III

# Department of Transportation

Federal Aviation Administration

14 CFR Parts 71 and 75

Controlled Airspace Designations in International Airspace; Advance Notice of Proposed Rulemaking

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Parts 71 and 75**

**[Docket No. 24732, Notice No. 85-15]**

## Controlled Airspace Designations in International Airspace

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Advance notice of proposed rulemaking (ANPRM).

**SUMMARY:** This announces the FAA's intentions to consider adopting certain recommendations of the National Airspace Review (NAR) which are designed to: (1) Establish a uniform base altitude for FAA designations of controlled airspace in international airspace; (2) create a new designator for FAA airspace designations in international airspace; and (3) limit the naming of international airspace designations to proper names that can be readily identified on aeronautical charts and easily understood by pilots. The FAA also has issued an ANPRM (Notice No. 85-5) which addresses the classification of all airspace designations and which, if adopted, would impact these recommendations.

**DATE:** Comments must be received on or before October 28, 1985.

**ADDRESSES:** Comments may be mailed or delivered in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 24732, 800 Indpendence Avenue SW., Washington, D.C., 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. William C. Davis, Airspace and Air Traffic Rules Branch, Air Traffic Operations Service, Office of the Associate Administrator for Air Traffic, Federal Aviation Administration, 800 Indpendence Avenue SW., Washington, D.C. 20591, telephone (202) 426-8783.

**SUPPLEMENTARY INFORMATION**

### Comments Invited

This ANPRM is being issued in accordance with the FAA's policy of encouraging the early public participation in rulemaking proceedings. An ANPRM is issued when FAA finds there is a need to consider rulemaking but the resources of the FAA and reasonable outside inquiry do not yield a sufficient basis to propose a specific course of action. It would be helpful, therefore, to invite public participation in identifying and selecting a course of action before a Notice of Proposed Rulemaking (NPRM) is developed and issued.

Interested persons are invited to participate in these preliminary rulemaking procedures by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking further rulemaking action. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice, must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 24732." The postcard will be date/time stamped and returned to the commenter. The proposals contained in this noticed may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. If it is determined to be in the public interest to proceed with further rulemaking after considering the available data and comments received in response to this advance notice, and NPRM will be issued.

### Availability of ANPRM's

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

### Background

On April 22, 1982, the NAR plan was published in the **Federal Register** (47 FR 17448). The plan encompasses a review of airspace use and the procedural aspects of the air traffic control (ATC) system. Organizations participating in the NAR task group include:

Federal Aviation Administration
Department of Defense
Air Line Pilots Association
Air Transport Association
National Business Aircraft Association
National Association of State Aviation Officials
Regional Airline Association
Aircraft Owners and Pilots Association
Experimental Aircraft Association
Helicopter Association International.

The three main objectives of the NAR are:

(1) To develop and incorporate into the air traffic system a more efficient relationship between traffic flows, airspace allocation, and system capacity. This will involve the use of improved air traffic flow management to maximize system capacity and improved airspace management.

(2) To review and eliminate, wherever possible, governmental restraints to system efficiency levied by Federal Aviation Regulations (FAR) and FAA directives—reducing complexity and simplifying the ATC system.

(3) To revalidate ATC services within the National Airspace System with respect to state-of-the-art and future technological improvements.

In concert with these objectives, Task Group 3-2.1 was assigned to examine the "offshore" airspace designation process and FAA procedures for such designations to determine if these processes could be simplified and made more understandable to the public.

### The Current Situation

The FAA, through Order 7110.83, defines "offshore" airspace as that airspace between the U.S. territorial limits (3 miles from the shoreline) and an oceanic Flight Information Region/Control Area (CTA/FIR) boundary. Offshore airspace, and airspace within a CTA/FIR, is airspace for which a contracting state (nation) has accepted responsibility to provide ATC services through regional air navigational agreements approved by the Council of the International Civil Aviation Organization (ICAO). The type and extent of air traffic separation services provided within these airspace areas is predicated on the availability of, or lack of, accurate ground-based navigational aids and/or radar coverage. Theoretically, as technology advances, creating improved and expanded radar or ground-based navigational aid coverage, the FIR/CTA inner boundary would be moved outward resulting in an increase in the volume of offshore airspace.

Air traffic separation service provided by the U.S. in offshore controlled airspace is the same as that provided within the territorial limits of the U.S. (these services are called domestic

procedures). This is provided for under Annex 11 to the Convention On International Civil Aviation, and facilitated by the existence of ground-based accurate navigational aid and/or radar coverage. Air traffic separation service provided by the U.S. within an Oceanic FIR/CTA (these services are called oceanic procedures) does not utilize airspace as efficiently as that provided in domestic or offshore airspace because of the absence of adequate ground-based navigational aids or radar coverage.

Since the U.S. provides domestic ATC services only within designated controlled airspace, the FAA must establish controlled airspace by regulation in offshore airspace in order to extend domestic ATC services offshore. Controlled airspace within offshore airspace is established in several ways. For example, the proximity of an airport, for which a terminal control area, control zone, or transition area is desired, can create a situation in which that area may penetrate offshore airspace. To facilitate continuity in airway navigation in offshore airspace, Federal airways, area high routes, area low routes, or jet routes are established. Where radar coverage is adequate and where ATC can facilitate random route navigation in offshore airspace, additional control areas are established. All of the above airspace designations are accomplished under the provisions of Part 71 or Part 75. Control area extensions may also be established in offshore airspace, under Part 71; at this time, however, none are in existence.

*Task Group 3–2.1 Recommendations*

The task group sustained the need for the current airspace system, but with reservations. With regard to the methodology and terminology associated with offshore airspace establishment, the group was of the opinion that much confusion prevailed. They said that the designation of routes and areas of controlled airspace under the same generic name, regardless of whether in domestic or international airspace is especially confusing. To some degree, the FAA recognizes the potential for confusion in the airspace designators "control area" and "additional control area." FAA, in its procedures for handling airspace matters (Order 7400.2, Procedures for Handling Airspace Matters), uses the term "offshore control areas" to differentiate between domestic and international airspace designations.

The group believes that the term "offshore" has evolved as applicable to international airspace within the inner CTA/FIR boundary and that it should be formally adopted in both the regulatory and procedural aspects of this subject. The group also believes that for the purposes of simplification and standardization, a uniform base to offshore control areas should be adopted. This conclusion is based on the existence of more than 50 additional control areas with base altitudes ranging from 700 feet above ground level to altitudes above 10,000 feet mean sea level. The following recommendations summarize the task group's efforts to standardize and simplify airspace designation activity in international airspace:

*NAR 3–2.1.1 Offshore Airspace Nomenclature*

NAR Task Group 3–2.1 recommends that FAR 71, FAAH 7400.2, and the appropriate regulations and publications, be amended to adopt the term "Offshore Control Areas" to apply to that controlled airspace between the U.S. territorial limits (3 NM) and the CTA/FIR boundary which is not designated under any of the various terminal airspace designations, i.e., control zone, transition area, terminal control area, etc. This airspace is currently designated as "Additional Control Areas."

*NAR 3–2.1.2 Offshore Control Area Uniform Base*

NAR Task Group 3–2.1 recommends that "Offshore Control Areas" have a uniform base of 1200 feet AGL unless otherwise designated.

*NAR 3–2.1.3 Offshore Control Area Identification*

NAR Task Group 3–2.1 recommends that "Offshore Control Areas" be identified only as named areas, such as the current North Atlantic, Santa Barbara, Gulf of Alaska, etc., and that the current numbered areas such as Control 1142, Control 1154, Control 1217, etc., be included under the named designations if necessary to retain their airspace and otherwise provide for their function as a route.

*NAR 3–2.1.4 Offshore Airspace Classification*

NAR Task Group 3–2.1 recommends that the airspace classification (A, B, C, D, etc.) specified in the recommendations to TG 1–7 be applied as appropriate to "Offshore Control Areas"."

**Discussion of the NAR Recommendations of the Proposal**

The FAA believes there is merit in the task group's recommendations concerning airspace designations in international airspace and is providing advance notice proposing those recommendations. Recognizing the effects on existing rules, aeronautical charts, publications, and other material relating to aviation, the FAA solicits comments from all interested parties, on all aspects of the proposal. Any comments received will be given full consideration prior to any future action on this proposal.

The FAA's proposed actions, with regard to the task group's recommendations, are set forth below.

1. There would be no change in the regulation or process of designating Federal airways, area low routes, control zones, transition areas, and terminal control areas.

2. Part 71, Subpart E, presently entitled, "Control Areas and Control Area Extensions," would be modified and retitled, "Domestic Control Areas." Revised Subpart E would provide only for designating additional control areas over the U.S. The provisions for designating control area extensions and control areas associated with jet routes outside the continental control area would be deleted.

3. The provisions in Part 75, Subpart A, for designating control areas for area high routes in international airspace (Section 75.13(b)) would be deleted.

4. A new Subpart L would be added to Part 71, entitled, "Offshore Control Areas." The new subpart would provide specifically for the designation of the East Coast, West Coast, Gulf Coast, Alaskan, Caribbean, and Hawaiian Offshore Control Areas, and also would provide for the designation of offshore control areas which would include the areas now classified as additional control areas, control areas associated with jet routes outside the continental control area, and control area extentions.

5. Part 71, Subpart A, would be amended to include the definition of an offshore control area as follows:

The offshore control areas listed in Subpart L consist of controlled airspace outside the continental control area, excluding any airspace designated as an Oceanic Control Area under the provisions of the International Civil Aviation Organization (ICAO), extending upward from 1,200 feet or more above the surface of the earth, and within which the United States has accepted responsibility, under ICAO regional agreements, for applying air traffic control in the manner that is applied in the United States.

**Economic Concerns and Questions**

An important consideration in the FAA regulatory process is the

examination of the benefits and costs of rulemaking actions.

The FAA is unable to assess fully the costs and benefits of this proposal on the basis of existing information to the extent necessary to complete a regulatory evaluation. However, any regulatory proposal will be accompanied by an evaluation which will qualify or quantify, to the extent possible, the benefits and costs of such proposals. Therefore, it is essential that comments for or against the proposals discussed here are accompanied by statements of the economic impacts perceived by the commenter.

FAA specifically solicits comments from individuals, corporate entities, and organizations on the economic benefits and costs of the proposed regulations.

With this in mind, the FAA poses several questions:

1. What are the benefits associated with simplified and standard airspace terms and designations?

2. What are the incremental costs imposed on aviation training facilities, fixed-based operators, publishers of aviation textbooks and navigation charts?

3. What are the cost impacts on pilots and other aviation-related personnel who must reeducate themselves with the new airspace terms and designations?

4. Is the proposed rule believed to have a significant negative economic impact on small business, nonprofit organizations, or governmental jurisdictions? If so, what are the types and sizes of the entities affected? Also, what is the nature and magnitude of the negative economic impact?

5. How should these recommendations, if adopted, be reflected on aeronautical charts?

Responses to these questions should fully address the nature of the impact and the groups or types of operators, businesses, or entities that are impacted. Commenters should describe and quantify the specific benefits and costs supported by factual data to the extent possible, or explain why costs are not quantifiable. Commenters should also provide the rationale for their opinions, which might include information pertaining to type of operation and typical aviation practices, or publication practices. The FAA will examine separately the costs imposed on the Federal Government (e.g. reeducation and training).

The benefit and cost questions outlined above cover the broad areas of ths ANPRM. The FAA desires comments pertaining to these areas of impact and other areas which the commenter feels may be of impact. The FAA invites particularly interested groups to gather the preferences, ideas, and comments of their group members, through such devices as articles in membership publications and polls of their membership.

The FAA has determined that this proposal is considered nonsignificant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A full regulatory evaluation will be prepared with the assistance of comments received as a result of this advance notice, if necessary, in conjunction with any notice of proposed rulemaking that may be issued on this subject.

**List of Subjects**

*14 CFR Part 71*

Control zones, Transition areas, Terminal control areas, VOR Federal airways, Colored federal airways, Control areas, Continental control areas, Area low routes, Area high routes.

*14 CFR Part 75*

Jet routes.

(49 U.S.C. 1348, 1353, and 1421); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

Issued in Washington, D.C., on May 15, 1985.

**Daniel F. Creedon,**

*Acting Director, Air Traffic Operations Service.*

[FR Doc. 85-17937 Filed 7-26-85; 8:45 am]
BILLING CODE 4910-13-M

# Reader Aids

Federal Register

Vol. 50, No. 145

Monday, July 29, 1985

## INFORMATION AND ASSISTANCE

### SUBSCRIPTIONS AND ORDERS

| | |
|---|---|
| Subscriptions (public) | 202-783-3238 |
| Problems with subscriptions | 275-3054 |
| Subscriptions (Federal agencies) | 523-5240 |
| Single copies, back copies of FR | 783-3238 |
| Magnetic tapes of FR, CFR volumes | 275-2867 |
| Public laws (Slip laws) | 275-3030 |

### PUBLICATIONS AND SERVICES

**Daily Federal Register**

| | |
|---|---|
| General information, index, and finding aids | 523-5227 |
| Public inspection desk | 523-5215 |
| Corrections | 523-5237 |
| Document drafting information | 523-5237 |
| Legal staff | 523-4534 |
| Machine readable documents, specifications | 523-3408 |

**Code of Federal Regulations**

| | |
|---|---|
| General information, index, and finding aids | 523-5227 |
| Printing schedules and pricing information | 523-3419 |

**Laws**

| | |
|---|---|
| Indexes | 523-5282 |
| Law numbers and dates | 523-5282 |
| | 523-5266 |

**Presidential Documents**

| | |
|---|---|
| Executive orders and proclamations | 523-5230 |
| Public Papers of the President | 523-5230 |
| Weekly Compilation of Presidential Documents | 523-5230 |

**United States Government Manual** 523-5230

**Other Services**

| | |
|---|---|
| Library | 523-4986 |
| Privacy Act Compilation | 523-4534 |
| TDD for the deaf | 523-5229 |

## FEDERAL REGISTER PAGES AND DATES, JULY

26961-27212.....1
27213-27408.....2
27409-27570.....3
27571-27812.....5
27813-27926.....8
27927-28092.....9
28093-28190.....10
28191-28362.....11
28363-28554.....12
28555-28756.....15
28757-28894.....16
28895-29202.....17
29203-29366.....18
29367-29628.....19
29629-29934.....22
29935-30126.....23
30127-30260.....24
30261-30410.....25
30411-30692.....26
30693-30800.....29

## CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

### 1 CFR

305.....28363

### 3 CFR

**Administrative Orders:**

**Memorandums:**

July 17, 1985.....29631

**Presidential Determinations:**

No. 85-16 of July 12, 1985.....29629

**Executive Orders:**

11888 (Amended by EO 12524).....27409

12470 (Revoked by EO12525).....28757

12523.....26963

12524.....27409

12525.....28757

12526.....29203

**Proclamations:**

5356.....26961

5357.....29935

5358.....30127

### 5 CFR

630.....29937

771.....26965

1201.....28895

**Proposed Rules:**

532.....28583, 28584

### 7 CFR

Ch. IV.....27927

2.....29367, 30411

6.....30261

52.....26965, 29635

54.....27571

226.....26972

301.....28366

400.....26976

402.....28367

800.....30129

908.....27411, 27928, 28898, 30262

910.....27813, 28372, 28555, 29628

911.....28373

915.....28373, 28556

916.....27813, 28373

917.....27813, 28373

918.....28373

921.....27411, 28373

922.....28373

923.....28373

924.....28373

930.....27213, 28373

944.....28556

967.....28373

979.....26976

981.....30263

985.....28373

991.....26977, 27814

1040.....27412

1136.....29637

1205.....30131

1421.....29639

1427.....26978

1435.....27413

1941.....27414

1944.....27415

1945.....27414, 27416

3015.....28759

**Proposed Rules:**

Ch. IV.....27971

Ch. X.....27003

29.....27288

51.....27004, 30199, 30429

417.....27601

800.....28104, 29985

801.....29689

802.....29689

907.....29405

908.....29405

910.....28105

920.....27288

926.....30489

944.....30489

967.....28210

989.....30200

999.....28585

1032.....30203

1036.....30204

1050.....30203

1124.....27972

1240.....28404

1427.....29693

1540.....30716

1930.....28782

1944.....28782, 30429

1965.....28782

### 8 CFR

238.....29641

287.....30133

316a.....27816

**Proposed Rules:**

103.....27289

341.....28586

343a.....28587

### 9 CFR

75.....30412

78.....28899

91.....27929, 29205

92.....27928, 28557, 30413

94.....28560, 28900

166.....30414

318.....27573, 28374

327.....30264

**Proposed Rules:**

94.....27973

### 10 CFR

9.....27214

50 ..... 29937
60 ..... 29641
140 ..... 30415
**Proposed Rules:**
2 ..... 30446
30 ..... 30616
31 ..... 30616
32 ..... 30616
35 ..... 30616
40 ..... 30616
50 ..... 27006, 28815
440 ..... 29620
904 ..... 30447

**11 CFR**

**Proposed Rules:**
110 ..... 29232

**12 CFR**

403 ..... 27215
611 ..... 27930
617 ..... 27931
723 ..... 27417
**Proposed Rules:**
561 ..... 27290, 28588, 29985
563 ..... 27290, 28588, 29985
571 ..... 27290, 28588

**13 CFR**

121 ..... 27418
302 ..... 27419
**Proposed Rules:**
107 ..... 29532
108 ..... 27754

**14 CFR**

21 ..... 29945
39 ..... 26979, 27575, 27576, 27931-27933, 28093, 28094, 28561-28563, 28766, 29648-29651, 30264, 30416, 30417, 30693
71 ..... 26980, 27934, 28564, 28565, 28900-28902, 30134, 30265, 30418, 30694
97 ..... 27934, 29653
108 ..... 27924, 28884
121 ..... 29306
135 ..... 29306
**Proposed Rules:**
25 ..... 30447
39 ..... 27009, 27012, 27601, 27602, 28815, 29694, 29988, 30448, 30449
71 ..... 27013, 27014, 27528, 28588-28591, 28816, 28950, 29407, 30206, 30276, 30798
75 ..... 27014, 30798
91 ..... 28950, 30124
121 ..... 30447

**15 CFR**

8a ..... 30418
19 ..... 27577
90 ..... 28767
368-399 (See EO 12525) ..... 28757, 29205
370 ..... 29205
376 ..... 27420, 29205
378 ..... 29205
385 ..... 29205
386 ..... 29205
399 ..... 27420
**Proposed Rules:**
303 ..... 29232
911 ..... 28816

**16 CFR**

3 ..... 28095
4 ..... 28095
13 ..... 26981, 27578, 28374, 28902
453 ..... 28062, 28081
703 ..... 27936
**Proposed Rules:**
13 ..... 28592, 28951, 29696, 29699, 30717

**17 CFR**

1 ..... 30135, 30140
3 ..... 28907
200 ..... 28385, 29368, 30266
239 ..... 27937
240 ..... 27937, 27940, 28385
249 ..... 27937, 29948
270 ..... 27937, 28930
274 ..... 27937, 29368
275 ..... 29206
288 ..... 26981, 27947
**Proposed Rules:**
16 ..... 30450
17 ..... 30450
18 ..... 30450
210 ..... 27973, 28953, 29409
229 ..... 29409
230 ..... 28404
239 ..... 29409
240 ..... 27829, 27976, 27981, 28106, 28210, 28219, 28404, 29409
250 ..... 27981
259 ..... 27981
270 ..... 27982, 29409

**18 CFR**

37 ..... 29655, 30141
154 ..... 30141, 30695
157 ..... 27816
270 ..... 30695
271 ..... 30695
273 ..... 30695
389 ..... 27816
**Proposed Rules:**
2 ..... 28954
35 ..... 27604
37 ..... 30207
154 ..... 28954
157 ..... 28954
161 ..... 28954
271 ..... 28221
284 ..... 28954
290 ..... 27604

**19 CFR**

4 ..... 26981, 29949
10 ..... 29949
12 ..... 27947
19 ..... 29949
24 ..... 29949
103 ..... 29949
113 ..... 29949
134 ..... 29949
141 ..... 29949
142 ..... 27816
143 ..... 29949
145 ..... 29949
148 ..... 29949
152 ..... 29949
162 ..... 29949
171 ..... 29949
173 ..... 29949
178 ..... 27947
191 ..... 29949
**Proposed Rules**
6 ..... 30455
122 ..... 30455
162 ..... 27829
177 ..... 27831

**20 CFR**

200 ..... 27222, 29957
401 ..... 28565, 30144
422 ..... 28565
626 ..... 27818
627 ..... 27818
628 ..... 27818
629 ..... 27818
630 ..... 27818
**Proposed Rules:**
404 ..... 27615, 29435
416 ..... 27615, 29435
674 ..... 29606

**21 CFR**

5 ..... 30696
25 ..... 30267
74 ..... 30697
101 ..... 26984
173 ..... 29208
176 ..... 29657, 30144
177 ..... 30144-30146
178 ..... 30147, 30148
179 ..... 29658
182 ..... 30149
184 ..... 30149
436 ..... 29209
510 ..... 28395
520 ..... 27818, 28768
522 ..... 30267
524 ..... 30152
556 ..... 30267
558 ..... 27421, 27422, 28768, 28931, 28932
801 ..... 30153
808 ..... 30698
812 ..... 28932
1308 ..... 28098, 28395
**Proposed Rules:**
Ch. 1, Subchapter C ..... 28594
2 ..... 30210
81 ..... 29702
109 ..... 29233
110 ..... 29233
146 ..... 29702
170 ..... 27294, 29235
201 ..... 27016, 29702
211 ..... 27016, 29702
225 ..... 29233
226 ..... 29233
357 ..... 27552, 28595
433 ..... 29702
449 ..... 30478
500 ..... 29233
509 ..... 29233
514 ..... 27016, 29702
559 ..... 27016, 29702
561 ..... 27452, 30277
610 ..... 28595
660 ..... 28595
680 ..... 30211
882 ..... 30277
1002 ..... 27024, 29704

**22 CFR**

501 ..... 27422
1502 ..... 28932
1504 ..... 28934

**23 CFR**

825 ..... 29209
1325 ..... 28191

**24 CFR**

200 ..... 28197
201 ..... 30154
203 ..... 28197, 30154
234 ..... 30154
885 ..... 28197
899 ..... 30423
3282 ..... 28396

**25 CFR**

**Proposed Rules:**
20 ..... 30688
61 ..... 27456

**26 CFR**

1 ..... 27222, 27231, 27427, 29369-29376, 29959, 30160
31 ..... 29964
48 ..... 29959
138 ..... 29959
602 ..... 27222, 27231, 29369, 29376, 29959, 29964, 30160
**Proposed Rules:**
1 ..... 27297, 27456, 27457, 28409, 29435, 29436
31 ..... 29990
51 ..... 27621
602 ..... 29436

**27 CFR**

4 ..... 27819
9 ..... 29967
170 ..... 28572
**Proposed Rules:**
9 ..... 28409

**28 CFR**

0 ..... 28769
2 ..... 28101
18 ..... 28199
32 ..... 27428
**Proposed Rules:**
30 ..... 28955

**29 CFR**

70 ..... 28306
1620 ..... 30699
1952 ..... 27233, 28770, 29210, 29659
**Proposed Rules:**
33 ..... 27298, 28956
89 ..... 29606
1910 ..... 27307

**30 CFR**

700 ..... 28186
701 ..... 28186
785 ..... 28186
827 ..... 28186
901 ..... 29379
902 ..... 28592
943 ..... 28186
948 ..... 28316, 28324
**Proposed Rules:**
56 ..... 27566
57 ..... 27566, 29437
700 ..... 28180
701 ..... 28180
762 ..... 30408
785 ..... 28180
817 ..... 27910
827 ..... 28180
887 ..... 30402

913 ..... 27025
917 ..... 28222, 29235
920 ..... 30720
926 ..... 29235
934 ..... 30721
935 ..... 29437, 29438
936 ..... 27461
944 ..... 28107, 30723
948 ..... 28343, 30724
950 ..... 28595, 29438, 29704, 30282

**31 CFR**

4 ..... 29221
51 ..... 26987
103 ..... 27821
500 ..... 27435
505 ..... 27435
515 ..... 27435
520 ..... 27435
535 ..... 27435
540 ..... 27435

**32 CFR**

Parts 1–39 ..... 26987
199 ..... 26988
642 ..... 28573
657 ..... 28573
706 ..... 28398–28400
726 ..... 28401

**Proposed Rules:**

806b ..... 30283

**33 CFR**

100 ..... 27579, 28573, 29221–29223, 30268, 30700–30702
110 ..... 26988, 27580, 29224, 30268
117 ..... 26989, 27582, 29670–29672, 30268, 30269
150 ..... 26989
165 ..... 27583, 29225, 30702
166 ..... 26989

**Proposed Rules:**

110 ..... 27622, 27623, 28596
117 ..... 27026, 27029, 27624, 27832, 27990, 27991, 29236, 30284, 30285
322 ..... 30479
325 ..... 30479

**34 CFR**

19 ..... 28101
75 ..... 29328
76 ..... 29328
304 ..... 29328
425 ..... 29352
426 ..... 29352
431 ..... 29352
432 ..... 29352

**Proposed Rules:**

369 ..... 28412
376 ..... 28412
668 ..... 30674

**35 CFR**

101 ..... 26990
103 ..... 26990
121 ..... 26990

**36 CFR**

254 ..... 29673
1200 ..... 27196
1202 ..... 27196
1228 ..... 27951
1250 ..... 27196

**37 CFR**

201 ..... 30169
202 ..... 30169

**Proposed Rules:**

1 ..... 27030, 28596

**38 CFR**

1 ..... 29226
3 ..... 27584
21 ..... 27825, 29674

**Proposed Rules:**

3 ..... 28224
17 ..... 29990
36 ..... 27833

**39 CFR**

3 ..... 29380
10 ..... 27827
601 ..... 28941
3001 ..... 28144, 30271

**Proposed Rules:**

111 ..... 27992
3001 ..... 27308

**40 CFR**

51 ..... 27892
52 ..... 26991, 27244–27247, 28544, 29229, 29381, 29383
60 ..... 27248
61 ..... 27248
81 ..... 28574, 30704
86 ..... 27250, 29384
123 ..... 28202
147 ..... 28941, 28942
158 ..... 28943
162 ..... 28943
180 ..... 28944–28946, 30172
260 ..... 28702
261 ..... 28702, 30271
262 ..... 28702
264 ..... 28702
265 ..... 28702
266 ..... 28702
270 ..... 28702
271 ..... 28702
280 ..... 28702
419 ..... 28516
600 ..... 27172
761 ..... 29170
763 ..... 28530, 30423
799 ..... 30423

**Proposed Rules:**

52 ..... 27030, 27462, 28224, 28415, 28596, 28598, 28818, 29237, 29439
86 ..... 28818
180 ..... 27463, 28108, 28956, 28957, 30481
202 ..... 27321
205 ..... 27321
260 ..... 29992
262 ..... 29992
264 ..... 29992
265 ..... 29992
270 ..... 29992
403 ..... 29705
414 ..... 29068
416 ..... 29068
600 ..... 27188
798 ..... 30213
799 ..... 30213

**41 CFR**

Chs. 1–49 ..... 26987
101–4 ..... 28402
101–17 ..... 28577
101–40 ..... 27951
101–41 ..... 30705, 30710
101–47 ..... 28402
105–54 ..... 28203
105–63 ..... 26992
201–1 ..... 27142
201–2 ..... 27142, 28208
201–8 ..... 27142
201–11 ..... 27142
201–16 ..... 27142
201–20 ..... 27142
201–21 ..... 27142
201–22 ..... 28208
201–23 ..... 27142
201–24 ..... 27142
201–26 ..... 27142
201–30 ..... 27142, 28208
201–31 ..... 27142, 28208
201–32 ..... 27142, 28208
201–38 ..... 27142
201–39 ..... 27142, 28208
201–40 ..... 27142, 28208
201–45 ..... 28208

**Proposed Rules:**

101–41 ..... 27625, 27626

**42 CFR**

400 ..... 28577
405 ..... 27722, 30172
412 ..... 27208, 27722, 30172
416 ..... 28577
435 ..... 28577

**Proposed Rules:**

23 ..... 27465
405 ..... 27469
412 ..... 27469

**43 CFR**

2 ..... 29230
5470 ..... 28947

**Public Land Orders:**

5150 (Revoked in part by PLO 6607) ..... 27827
5179 (Revoked in part by PLO 6607) ..... 27827
5180 (Revoked in part by PLO 6607) ..... 27827
5186 (Revoked in part by PLO 6607) ..... 27827
6389 (Corrected by PLO 6608) ..... 28208
6607 ..... 27827
6608 ..... 28208

**Proposed Rules:**

2800 ..... 27322
5400 ..... 29324
5440 ..... 29324

**44 CFR**

5 ..... 30711
6 ..... 30711
64 ..... 26993, 26994, 28947
67 ..... 30173

**Proposed Rules:**

67 ..... 27322, 29992
302 ..... 27627, 28959, 30481

**45 CFR**

1180 ..... 27584, 27586
1601 ..... 30711
1606 ..... 30713
1622 ..... 30714
1625 ..... 30714

**Proposed Rules:**

405 ..... 27406
412 ..... 27406
1620 ..... 27326

**46 CFR**

10 ..... 30274
153 ..... 26996

**Proposed Rules:**

160 ..... 27628
355 ..... 29440

**47 CFR**

0 ..... 27952
22 ..... 27953
68 ..... 27250, 29384
73 ..... 27287, 27438, 27954, 29392, 29393, 30187
74 ..... 29394
76 ..... 27438, 29394
81 ..... 27968
83 ..... 27968, 29231

**Proposed Rules:**

Ch. I ..... 28418, 29440
15 ..... 30213
73 ..... 27629, 29446–29453
97 ..... 29454

**48 CFR**

7 ..... 27560
12 ..... 27969
15 ..... 27560, 28103
19 ..... 27560
33 ..... 27969
34 ..... 27560
52 ..... 27560, 27969
209 ..... 28209
217 ..... 29675
504 ..... 26996
515 ..... 28578
522 ..... 28578
533 ..... 26998
552 ..... 27589, 28948, 29402, 30274
553 ..... 27589
570 ..... 27589, 30274
2801 ..... 29798
2804 ..... 29798
2806 ..... 29798
2807 ..... 29798
2808 ..... 29798
2809 ..... 29798
2810 ..... 29798
2814 ..... 29798
2815 ..... 29798
2827 ..... 29798
2830 ..... 29798
2831 ..... 29798
2834 ..... 29798
2835 ..... 29798
2852 ..... 29798
6101 ..... 27969, 29231

**Proposed Rules:**

208 ..... 28227
252 ..... 28227

**49 CFR**

1 ..... 30275
571 ..... 27451, 29676
1000 ..... 30275
1011 ..... 30275
1100 ..... 30275
1101 ..... 30275
1104 ..... 30188
1105 ..... 30188
1151 ..... 30188
1152 ..... 30188
1155 ..... 30188

1160.....30188, 30275
1180.....30188

**Proposed Rules:**
Ch. X.....27031
71.....28959
171.....26820
175.....28820
531.....29912
571.....27032, 27632, 27633, 28426, 28599, 29993
1132.....27834
1241.....29706

**50 CFR**

17.....26999, 29338-29345, 30188, 30423
20.....30424
33.....29972
215.....27914
285.....29403
611.....29681
658.....28103
661.....30195
663.....30195
672.....28580, 28581, 29681
674.....28103, 30427
681.....30198

**Proposed Rules:**
17.....27637, 27992, 28821, 28870-28878, 28959, 29238, 29900, 29901
20.....27638, 29706
611.....28960, 29240
630.....27470
642.....29709
650.....29240
651.....29241
655.....28109
662.....27470
663.....28960
672.....30481
675.....29240

## LIST OF PUBLIC LAWS

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List July 26, 1985

## CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $550 domestic, $137.50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

| Title | Price | Revision Date |
|---|---|---|
| 1, 2 (2 Reserved) | $5.50 | Apr. 1, 1985 |
| 3 (1984 Compilation and Parts 100 and 101) | 7.50 | Jan. 1, 1985 |
| 4 | 12.00 | Jan. 1, 1985 |
| **5 Parts:** | | |
| 1-1199 | 13.00 | Jan. 1, 1984 |
| 1-1199 (Special Supplement) | None | Jan. 1, 1984 |
| | | Jan. 1, 1985 |
| 52 | 14.00 | Jan. 1, 1985 |
| 53-209 | 14.00 | Jan. 1, 1985 |
| 210-299 | 13.00 | Jan. 1, 1985 |
| 300-399 | 8.00 | Jan. 1, 1985 |
| 400-699 | 12.00 | Jan. 1, 1985 |
| 700-899 | 14.00 | Jan. 1, 1985 |
| 900-999 | 14.00 | Jan. 1, 1985 |
| 1000-1059 | 12.00 | Jan. 1, 1985 |
| 1060-1119 | 9.50 | Jan. 1, 1985 |
| 1120-1199 | 8.00 | Jan. 1, 1985 |
| 1200-1499 | 13.00 | Jan. 1, 1985 |
| 1500-1899 | 7.50 | Jan. 1, 1985 |
| 1900-1944 | 12.00 | Jan. 1, 1985 |
| 1945-End | 13.00 | Jan. 1, 1985 |
| 8 | 7.50 | Jan. 1, 1985 |
| **9 Parts:** | | |
| 1-199 | 13.00 | Jan. 1, 1985 |
| 200-End | 9.50 | Jan. 1, 1985 |
| **10 Parts:** | | |
| 0-199 | 17.00 | Jan. 1, 1985 |
| 200-399 | 9.50 | Jan. 1, 1985 |
| 400-499 | 12.00 | Jan. 1, 1985 |
| 500-End | 14.00 | Jan. 1, 1985 |
| 11 | 7.50 | Jan. 1, 1985 |
| **12 Parts:** | | |
| 1-199 | 8.00 | Jan. 1, 1985 |
| 200-299 | 14.00 | Jan. 1, 1985 |
| 300-499 | 9.50 | Jan. 1, 1985 |
| 500-End | 14.00 | Jan. 1, 1985 |
| 13 | 13.00 | Jan. 1, 1985 |
| **14 Parts:** | | |
| 1-59 | 16.00 | Jan. 1, 1985 |
| 60-139 | 13.00 | Jan. 1, 1985 |
| 140-199 | 7.50 | Jan. 1, 1985 |
| 200-1199 | 15.00 | Jan. 1, 1985 |
| 1200-End | 8.00 | Jan. 1, 1985 |
| **15 Parts:** | | |
| 0-299 | 6.50 | Jan. 1, 1985 |
| 300-399 | 13.00 | Jan. 1, 1985 |
| 400-End | 12.00 | Jan. 1, 1985 |
| **16 Parts:** | | |
| 0-149 | 9.00 | Jan. 1, 1985 |
| 150-999 | 10.00 | Jan. 1, 1985 |
| 1000-End | 13.00 | Jan. 1, 1985 |
| **17 Parts:** | | |
| 1-239 | 20.00 | Apr. 1, 1985 |
| *240-End | 14.00 | Apr. 1, 1985 |
| **18 Parts:** | | |
| 1-149 | 12.00 | Apr. 1, 1985 |
| *150-399 | 19.00 | Apr. 1, 1985 |
| 400-End | 7.00 | Apr. 1, 1985 |
| 19 | 21.00 | Apr. 1, 1985 |
| **20 Parts:** | | |
| 1-399 | 8.00 | Apr. 1, 1985 |
| 400-499 | 16.00 | Apr. 1, 1985 |
| 500-End | 18.00 | Apr. 1, 1985 |
| **21 Parts:** | | |
| 1-99 | 9.00 | Apr. 1, 1985 |
| 100-169 | 11.00 | Apr. 1, 1985 |
| 170-199 | 13.00 | Apr. 1, 1985 |
| 200-299 | 4.25 | Apr. 1, 1985 |
| 300-499 | 20.00 | Apr. 1, 1985 |
| 500-599 | 16.00 | Apr. 1, 1985 |
| 600-799 | 6.50 | Apr. 1, 1985 |
| 800-1299 | 10.00 | Apr. 1, 1985 |
| 1300-End | 5.50 | Apr. 1, 1985 |
| 22 | 21.00 | Apr. 1, 1985 |
| 23 | 14.00 | Apr. 1, 1985 |
| **24 Parts:** | | |
| 0-199 | 11.00 | Apr. 1, 1985 |
| 200-499 | 19.00 | Apr. 1, 1985 |
| 500-699 | 6.50 | Apr. 1, 1985 |
| 700-1699 | 13.00 | Apr. 1, 1985 |
| 1700-End | 9.00 | Apr. 1, 1985 |
| 25 | 18.00 | Apr. 1, 1985 |
| **26 Parts:** | | |
| §§ 1.0-1.169 | 21.00 | Apr. 1, 1985 |
| §§ 1.170-1.300 | 12.00 | Apr. 1, 1985 |
| §§ 1.301-1.400 | 7.50 | Apr. 1, 1985 |
| §§ 1.401-1.500 | 15.00 | Apr. 1, 1985 |
| §§ 1.501-1.640 | 12.00 | [2] Apr. 1, 1984 |
| §§ 1.641-1.850 | 11.00 | Apr. 1, 1985 |
| §§ 1.851-1.1200 | 22.00 | Apr. 1, 1985 |
| §§ 1.1201-End | 22.00 | Apr. 1, 1985 |
| 2-29 | 15.00 | Apr. 1, 1985 |
| 30-39 | 9.50 | Apr. 1, 1985 |
| 40-299 | 18.00 | Apr. 1, 1985 |
| 300-499 | 11.00 | Apr. 1, 1985 |
| 500-599 | 8.00 | [1] Apr. 1, 1980 |
| 600-End | 4.75 | Apr. 1, 1985 |
| **27 Parts:** | | |
| 1-199 | 18.00 | Apr. 1, 1985 |
| *200-End | 13.00 | Apr. 1, 1985 |
| 28 | 13.00 | July 1, 1984 |
| **29 Parts:** | | |
| 0-99 | 14.00 | July 1, 1984 |
| 100-499 | 6.50 | July 1, 1984 |
| 500-899 | 14.00 | July 1, 1984 |
| 900-1899 | 7.50 | July 1, 1984 |
| 1900-1910 | 15.00 | July 1, 1984 |
| 1911-1919 | 5.50 | July 1, 1984 |
| 1920-End | 14.00 | July 1, 1984 |
| **30 Parts:** | | |
| 0-199 | 13.00 | July 1, 1984 |
| 200-699 | 5.50 | July 1, 1984 |
| 700-End | 13.00 | July 1, 1984 |
| **31 Parts:** | | |
| 0-199 | 8.00 | July 1, 1984 |
| 200-End | 9.50 | July 1, 1984 |

| Title | Price | Revision Date |
|---|---|---|
| **32 Parts:** | | |
| 1–39, Vol. I | 15.00 | July 1, 1984 |
| 1–39, Vol. II | 19.00 | July 1, 1984 |
| 1–39, Vol. III | 18.00 | July 1, 1984 |
| 40–189 | 13.00 | July 1, 1984 |
| 190–399 | 13.00 | July 1, 1984 |
| 400–629 | 13.00 | July 1, 1984 |
| 630–699 | 12.00 | July 1, 1984 |
| 700–799 | 13.00 | July 1, 1984 |
| 800–999 | 9.50 | July 1, 1984 |
| 1000–End | 6.00 | July 1, 1984 |
| **33 Parts:** | | |
| 1–199 | 14.00 | July 1, 1984 |
| 200–End | 13.00 | July 1, 1984 |
| **34 Parts:** | | |
| 1–299 | 14.00 | July 1, 1984 |
| 300–399 | 8.50 | July 1, 1984 |
| 400–End | 14.00 | July 1, 1984 |
| **35** | 7.50 | July 1, 1984 |
| **36 Parts:** | | |
| 1–199 | 9.00 | July 1, 1984 |
| 200–End | 12.00 | July 1, 1984 |
| **37** | 8.00 | July 1, 1984 |
| **38 Parts:** | | |
| 0–17 | 14.00 | July 1, 1984 |
| 18–End | 9.50 | July 1, 1984 |
| **39** | 8.00 | July 1, 1984 |
| **40 Parts:** | | |
| 1–51 | 13.00 | July 1, 1984 |
| 52 | 14.00 | July 1, 1984 |
| 53–80 | 18.00 | July 1, 1984 |
| 81–99 | 14.00 | July 1, 1984 |
| 100–149 | 9.50 | July 1, 1984 |
| 150–189 | 13.00 | July 1, 1984 |
| 190–399 | 13.00 | July 1, 1984 |
| 400–424 | 13.00 | July 1, 1984 |
| 425–End | 14.00 | July 1, 1984 |
| **41 Chapters:** | | |
| 1, 1–1 to 1–10 | 13.00 | July 1, 1984 |
| 1, 1–11 to Appendix, 2 (2 Reserved) | 13.00 | July 1, 1984 |
| 3–6 | 14.00 | July 1, 1984 |
| 7 | 6.00 | July 1, 1984 |
| 8 | 4.50 | July 1, 1984 |
| 9 | 13.00 | July 1, 1984 |
| 10–17 | 9.50 | July 1, 1984 |
| 18, Vol. I, Parts 1–5 | 13.00 | July 1, 1984 |
| 18, Vol. II, Parts 6–19 | 13.00 | July 1, 1984 |
| 18, Vol. III, Parts 20–52 | 13.00 | July 1, 1984 |
| 19–100 | 13.00 | July 1, 1984 |
| 101 | 15.00 | July 1, 1984 |
| 102–End | 9.50 | July 1, 1984 |
| **42 Parts:** | | |
| 1–60 | 12.00 | Oct. 1, 1984 |
| 61–399 | 8.00 | Oct. 1, 1984 |
| 400–End | 18.00 | Oct. 1, 1984 |

| Title | Price | Revision Date |
|---|---|---|
| **43 Parts:** | | |
| 1–999 | 9.50 | Oct. 1, 1984 |
| 1000–3999 | 14.00 | Oct. 1, 1984 |
| 4000–End | 8.00 | Oct. 1, 1984 |
| **44** | 13.00 | Oct. 1, 1984 |
| **45 Parts:** | | |
| 1–199 | 9.50 | Oct. 1, 1984 |
| 200–499 | 6.50 | Oct. 1, 1984 |
| 500–1199 | 13.00 | Oct. 1, 1984 |
| 1200–End | 9.50 | Oct. 1, 1984 |
| **46 Parts:** | | |
| 1–40 | 9.50 | Oct. 1, 1984 |
| 41–69 | 9.50 | Oct. 1, 1984 |
| 70–89 | 6.00 | Oct. 1, 1984 |
| 90–139 | 9.00 | Oct. 1, 1984 |
| 140–155 | 9.50 | Oct. 1, 1984 |
| 156–165 | 10.00 | Oct. 1, 1984 |
| 166–199 | 9.00 | Oct. 1, 1984 |
| 200–499 | 13.00 | Oct. 1, 1984 |
| 500–End | 7.50 | Dec. 31, 1984 |
| **47 Parts:** | | |
| 0–19 | 13.00 | Oct. 1, 1984 |
| 20–69 | 14.00 | Oct. 1, 1984 |
| 70–79 | 13.00 | Oct. 1, 1984 |
| 80–End | 14.00 | Oct. 1, 1984 |
| **48 Chapters:** | | |
| 1 (Parts 1–51) | 13.00 | Oct. 1, 1984 |
| 1 (Parts 52–99) | 13.00 | Oct. 1, 1984 |
| 2 | 13.00 | Oct. 1, 1984 |
| 3–6 | 12.00 | Oct. 1, 1984 |
| 7–14 | 14.00 | Oct. 1, 1984 |
| 15–End | 12.00 | Oct. 1, 1984 |
| **49 Parts:** | | |
| 1–99 | 7.50 | Oct. 1, 1984 |
| 100–177 | 14.00 | Nov. 1, 1984 |
| 178–199 | 13.00 | Nov. 1, 1984 |
| 200–399 | 13.00 | Oct. 1, 1984 |
| 400–999 | 13.00 | Oct. 1, 1984 |
| 1000–1199 | 13.00 | Oct. 1, 1984 |
| 1200–1299 | 13.00 | Oct. 1, 1984 |
| 1300–End | 3.75 | Oct. 1, 1984 |
| **50 Parts:** | | |
| 1–199 | 9.50 | Oct. 1, 1984 |
| 200–End | 14.00 | Oct. 1, 1984 |
| CFR Index and Findings Aids | 18.00 | Jan. 1, 1985 |
| Complete 1985 CFR set | 550.00 | 1985 |
| Microfiche CFR Edition: | | |
| Complete set (one-time mailing) | 155.00 | 1983 |
| Complete set (one-time mailing) | 125.00 | 1984 |
| Subscription (mailed as issued) | 185.00 | 1985 |
| Individual copies | 3.75 | 1985 |

[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1985. The CFR volume issued as of Apr. 1, 1980, should be retained.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1984 to March 31, 1985. The CFR volume issued as of Apr. 1, 1984, should be retained.