

Tuesday  
June 11, 1985

# Federal Register

## Briefings on How To Use the Federal Register—

For information on briefings in Chicago, IL, New York, NY and Washington, DC, see announcement on the inside cover of this issue.

## Selected Subjects

### Animal Drugs

Food and Drug Administration

### Aviation Safety

Federal Aviation Administration

### Biologics

Food and Drug Administration

### Commodity Futures

Commodity Futures Trading Commission

### Continental Shelf

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### Crop Insurance

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### Endangered and Threatened Species

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### Investment Companies

Securities and Exchange Commission

### Loan Programs—Housing and Community Development

Veterans Administration

### Marketing Agreements

Agricultural Marketing Service

### National Parks

National Park Service

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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

### Radio

Federal Communications Commission

### Radio Broadcasting

Federal Communications Commission

### Surface Mining

Surface Mining Reclamation and Enforcement Office

### Telephones

Federal Communications Commission

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

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register
- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### CHICAGO, IL

- WHEN:** July 8 and 9; at 9 a.m. (identical sessions)
- WHERE:** Room 1654, Insurance Exchange Building, 175 W Jackson Blvd., Chicago, IL.
- RESERVATIONS:** Call the Chicago Federal Information Center, 312-353-4242.

### NEW YORK, NY

- WHEN:** July 9 and 10; at 9 a.m. (identical sessions)
- WHERE:** 2T Conference Room, Second Floor, Veterans Administration Building, 252 Seventh Avenue (between W 24th and W 25th Streets), New York, NY
- RESERVATIONS:** Call Arlene Shapiro or Steve Colon, New York Federal Information Center 212-264-4810.

### WASHINGTON, DC

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



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# Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 400

[Docket No. 2430S]

#### General Administrative Regulations; Reinsurance Agreement

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (Corporation) hereby issues a new Subpart J in Chapter IV of Title 7 of the Code of Federal Regulations (CFR), to be known as 7 CFR Part 400—General Administrative Regulations—Subpart J, Reinsurance Agreement. The intended effect of this rule is to prescribe procedures applicable to operations under a Reinsurance Agreement with the Corporation. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

**EFFECTIVE DATE:** July 11, 1985.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is March 1, 1990.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of \$100 million or more; (b)

major increases in costs or prices for consumers, individual industries, federal, State, or local government, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which this rule applies are: Title — Crop Insurance; Number 10.450.

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

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

#### Background

The Federal Crop Insurance Corporation, an agency of the United States Department of Agriculture, is authorized by the Federal Crop Insurance Act, as amended (Act) (7 U.S.C. 1501 *et seq.*), to offer programs of crop insurance to American farmers, the regulations for which are found in Title 7 of the Code of Federal Regulations (7 CFR 400 *et seq.*).

Section 508(a) of the Federal Crop Insurance Act, as amended by Pub. L. 80-320, August 1, 1947, provided, commencing with crops planted for harvest in 1948, for reinsurance of insurers of producers of agricultural commodities and that such reinsurance be limited to contracts covering farms in not more than 20 counties. (7 U.S.C. 1508(a)).

On July 23, 1957, Pub. L. 85-111 added a new subsection 508(f) to the Act providing for reinsurance of crop insurance in Puerto Rico written by an agency of the Puerto Rican Government

on any crop or plantation should private reinsurance become unavailable. (7 U.S.C. 1508(f)).

Amendments to the Act in 1980, contained in Pub. L. 96-365, dated September 26, 1980, provided in Subsection 508(e) that, to the maximum extent possible, consistent with Subsections (a) and (b) of Section 508 and with sound reinsurance principles, reinsurance be offered to insurers including private insurance companies or pools of such companies, and reinsurers of such companies that insure producers of any agricultural commodity under any plan acceptable to the Corporation. (7 U.S.C. 1508(e)).

Section 508(f) was also amended by Pub. L. 96-365 to provide reinsurance for production of agricultural commodities in the Commonwealth of Puerto Rico, Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, in the same manner as provided for agricultural products in the United States. (7 U.S.C. 1508(f)).

There has been a steady increase in the volume of crop insurance sold through commercial channels since the passage of the 1980 amendments to the Act. Since 1981, premium income on reinsured paper has gone from \$12.8 million to an estimated \$378 million for crop year 1985, an increase of 2,900 percent. During the same period, the share of business written by reinsured companies compared with government operations, including agents and private insurance companies under Agency Sales and Service Agreements, rose from 3 percent to 70 percent by available estimates.

The Reinsurance Agreement sets forth the terms and conditions under which the Corporation will reinsure all eligible crop insurance policies sold or reinsured by insurance companies. All such policies must be written on terms, including premium rates, approved by the Corporation, and may only be issued on crops and in areas approved by the Corporation. All participating insurance companies must submit a plan of operation for the Corporation's approval.

The policies must be made available to all eligible producers by the participating insurance companies. In the administration of the Agreement, the Corporation must be provided all



relevant information, including a list of all applicants refused coverage and all producers cancelled from insurance, along with the reason for such action. All loss adjustment methods will be prescribed by the Corporation and only licensed agents or brokers may sell policies covered by the Agreement. The Corporation may, at any time, suspend its obligation to accept additional liability by providing written notice to that effect.

Interested parties may obtain a copy of the Reinsurance Agreement for the 1985-87 reinsurance years by contacting the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

On Friday, April 26, 1985, FCIC published a notice of proposed rulemaking in the *Federal Register* at 50 FR 16502, issuing a new Subpart J in Chapter IV of Title 7 of the Code of Federal Regulations (CFR) to be known as 7 CFR Part 400—General Administrative Regulations—Subpart J, Reinsurance Agreement. The intended effect of this rule is to prescribe procedures applicable to operations under a Reinsurance Agreement with the Corporation.

The public was given 30 days in which to submit written comments, data, and opinions on the rule.

One response was received from the American Farm Bureau (AFB) in Washington, D.C., commenting on subsection 400.79(b) which provides that policies for insurance must be made available to all eligible producers by the participating companies.

The AFB expressed concern that State Farm Bureau Insurance Companies would be required to insure eligible producers who are not members of the associated membership organization.

The suggestion was made that this provision be changed to include a requirement of valid membership in any organization wherein membership is a requirement for purchase or renewal of insurance coverage.

FCIC considered this suggestion, since it could apply to other types of organizations and the potential effect on producers, and determined that the effect of this requirement on such organizations is minimal.

The Reinsurance Agreement requires that participating companies advise FCIC of any producer who is denied insurance coverage, and the reason for such denial so that other participating companies or FCIC may determine if the producer is eligible and provide insurance.

Another was received from the American Association of Crop Insurers (AACI) outlining modifications to two

provisions in the rule, and recommendations for four additional provisions to the rule. These recommendations were discussed at length in early May in a meeting between AACI company and legal representatives, FCIC management officials, and Office of General Counsel (USDA) representatives. The determination was made that such recommendations would not be included in the rule. FCIC has accepted the submission for future consideration only.

Therefore, the proposed rule as published is hereby adopted as a final rule.

#### List of Subjects in 7 CFR 400, Subpart J

Crop insurance, Reinsurance agreement.

#### Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new Subpart J to Part 400 of Title 7 of the Code of Federal Regulations, to be known as 7 CFR 400, Subpart J—General Administrative Regulations; Reinsurance Agreement, containing procedures applicable to insurance companies under a reinsurance agreement with the Corporation, to read as set forth below:

### PART 400—GENERAL ADMINISTRATIVE REGULATIONS

#### Subpart J—Reinsurance Agreement

Sec.

- 400.75 Availability of Reinsurance Agreements
- 400.76 Eligibility for Reinsurance Agreements
- 400.77 Obligations of the Corporation
- 400.78 Limitations on Corporation's Obligations
- 400.79 Obligations of Participating Insurance Company
- 400.80 Disputes
- 400.81 OMB Control Numbers

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516)

#### Subpart J—Reinsurance Agreement

##### § 400.75 Availability of reinsurance agreements.

The Federal Crop Insurance Corporation ("Corporation") will offer Reinsurance Agreements (Agreement) to eligible companies under which the Corporation will reinsure policies which the companies issue to producers of agricultural commodities. The Reinsurance Agreement will be consistent with the requirements of the Federal Crop Insurance Act, as amended, and provisions of the regulations of the Corporation found at Chapter IV of Title 7 of the Code of Federal Regulations.

##### § 400.76 Eligibility for reinsurance agreements.

A company will be eligible to participate in an Agreement if the Corporation determines the company meets the financial standards and financial reporting requirements at Subpart G of Part 400 of Title 7 of the Code of Federal Regulations (7 CFR Part 400.50 *et seq.*).

##### § 400.77 Obligations of the Corporation.

The Agreement will include the following among the obligations of the Corporation.

(a) The Corporation will reinsure policies written on terms, including premium rates, approved by the Corporation, on crops and in areas approved by the Corporation, and in accordance with the provisions of the Federal Crop Insurance Act, as amended, and the provisions of these regulations.

(b) The Corporation will pay a portion of each producer's premium on the policies reinsured under the Agreement, as authorized by the Federal Crop Insurance Act, as amended.

##### § 400.78 Limitations on Corporation's obligations.

The Agreement will include the following among the limitations on the obligations of the Corporation.

(a) The Corporation may, at any time, suspend its obligation to accept additional liability from the company by providing written notice to that effect.

(b) The obligations of the Corporation under the Agreement are contingent upon the availability of appropriations.

(c) The Corporation will not reinsure any policy sold by the company to a producer after the date the company receives notice that the Corporation has determined that the producer is ineligible to receive Federal Crop Insurance.

##### § 400.79 Obligations of participating insurance company.

The Agreement will include the following among the obligations of the Company.

(a) The company shall follow all Corporation procedures in its administration of the crop insurance policies reinsured.

(b) The company shall make available to all eligible producers crop insurance for the crops and in the areas which are stated in its plan of operation which is approved by the Corporation.

(c) The company shall provide the Corporation, on forms approved by the Corporation, all information that the Corporation may deem relevant in the administration of the Agreement, including a list of all applicants refused coverage and all insured producers



canceled from insurance, along with the reason for such action, the crop program and the amount of coverage for each.

(d) The company shall utilize only loss adjustment procedures and methods that are approved by the Corporation.

(e) The company shall sell the policies covered under the Agreement through licensed agents or brokers who have successfully completed a training course approved by the Corporation.

(f) The company shall not discriminate against any employee, applicant for employment, insured or applicant for insurance because of race, color, religion, sex, age, handicap, or national origin.

#### § 400.80 Disputes.

All disputes arising under this Subpart and the Agreement entered into by the company and the Corporation must be submitted for decision to the Manager of the Corporation. The decision of the Manager shall be final unless the company requests reconsideration in writing within 30 days of the receipt of the decision. Any hearing provided by the Corporation will be of an informal nature and the rules of evidence will not apply. Pending final decision of the dispute, the company will proceed diligently with the performance of the Agreement, as required by the Corporation.

#### § 400.81 OMB control numbers.

OMB control numbers are contained in Subpart H to Part 400 to Title 7 CFR.

Done in Washington, D.C., on May 24, 1985.

Peter F. Cole,  
Secretary, Federal Crop Insurance Corporation.

Approved by:  
Edward Hews,  
Acting Manager.

Dated: June 6, 1985.  
[FR Doc. 85-14060 Filed 6-10-85; 8:45 am]  
BILLING CODE 3410-06-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 84-ASO-32]

#### Alteration of VOR Federal Airway V-51—FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment realigns Federal Airway V-51 from Alma, GA, direct to Jacksonville, FL. This action improves flight planning and reduces the flight time between Macon, GA, and Jacksonville, FL.

**EFFECTIVE DATE:** 0901 G.m.t., August 1, 1985.

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

#### SUPPLEMENTARY INFORMATION:

##### History

On April 16, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign V-51 in the vicinity of Jacksonville, FL (50 FR 14939). Traffic between Jacksonville and Macon is normally routed V-267 and operates without radar coverage and with opposite direction traffic. In order to avoid this situation, when possible, controllers routinely route southbound traffic over Alma, GA, direct to Jacksonville. The action would provide an airway in an area where aircraft are vectored. This action aids flight planning, reduces controller workload and improves safety. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

##### The Rule

This amendment to Part 71 of the Federal Aviation Regulations realigns VOR Federal Airway V-51 from Alma, GA, direct to Jacksonville, FL. This action improves flight planning and reduces the flight time between Macon, GA, and Jacksonville, FL, terminal areas.

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

#### List of Subjects in 14 CFR Part 71

VOR Federal airways.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of 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); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.69.

2. Section 71.123 is amended as follows:

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

Issued in Washington, D.C., on June 3, 1985.

James Burns, Jr.,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 85-13971 Filed 6-10-85; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 73

[Airspace Docket No. 85-ANM-11]

#### Revocation of Restricted Area R-2604, Platteville, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action revokes the existing Restricted Area R-2604 in the state of Colorado. This action is necessary since the Department of Commerce no longer uses the airspace and has no plans for anticipated use in the future. This action restores for public use previously restricted airspace.

**EFFECTIVE DATE:** 0901 G.m.t., August 1, 1985.

**FOR FURTHER INFORMATION CONTACT:** Andy Oltmanns, Airspace and Aeronautical Information Requirements Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3128.

##### The Rule

This amendment to Part 73 of the Federal Aviation Regulations is to revoke the restricted area at Platteville, CO. The Department of Commerce, National Telecommunications and Information Administration, which is the using agency, has informed the FAA that the field site is inactive and that no activities are anticipated. The Department of Commerce has, therefore, requested that Restricted Area R-2604 be eliminated. Because the purpose of



the area no longer exists, and because this action would simply restore the airspace to public use, I find that notice or public procedure under 5 U.S.C. 533(b) is unnecessary because the action is a minor amendment in which the public would not be particularly interested.

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

#### List of Subjects in 14 CFR Part 73

Aviation safety, Restricted area.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, as follows:

1. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, and 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.69.

2. Section 73.26 is amended as follows:

R-2604 Platteville, CO [Revoked]  
Issued in Washington, D.C., on June 4, 1985.

James Burns, Jr.,

Acting Manager, Airspace Rules and  
Aeronautical Information Division.

[FR Doc. 85-13970 Filed 6-10-85; 8:45 am]

BILLING CODE 4910-13-M

#### SECURITIES AND EXCHANGE COMMISSION

#### 17 CFR Part 270

[Release No. IC-14556]

#### Custody of Investment Company Assets Outside the United States

AGENCY: Securities and Exchange  
Commission.

ACTION: Extension of compliance date.

SUMMARY: The date by which  
investment companies must conform

existing foreign custody arrangements to the provisions of rule 17f-5 or exemptive orders as amended is extended until September 1, 1985. The three-month extension is intended to give investment company directors sufficient time to approve any modified arrangements.

#### FOR FURTHER INFORMATION CONTACT:

Jack W. Murphy, Staff Attorney, Office of Regulatory Policy (202) 272-2084 or Brion R. Thompson, Special Counsel, Office of Investment Company Regulation (202) 272-3016, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** In Investment Company Act Release No. 14132, dated September 7, 1984 (49 FR 36080), the Commission adopted rule 17f-5 (17 CFR 270.17f-5) and notified investment companies with existing foreign custody arrangements made in reliance upon exemptive orders or no-action positions that the companies would have until March 1, 1985 to conform those arrangements to the orders as amended or to rule 17f-5. In Investment Company Act Release No. 14347, dated February 4, 1985 (50 FR 5234), the Commission extended that compliance date until June 1, 1985. The Commission has received three requests to postpone the compliance date again and believes that further extension until September 1, 1985 will give investment company boards of directors sufficient time to approve any modified arrangements. This is, however, the final extension of time that will be granted.

Dated: May 31, 1985.

By the Commission.

John Wheeler,  
Secretary.

[FR Doc. 85-14010 Filed 6-10-85; 8:45 am]

BILLING CODE 8010-01-M

#### DEPARTMENT OF LABOR

#### Employment and Training Administration

20 CFR Parts 626, 627, 628, 629, and  
630

#### Job Training Partnership Act and Targeted Jobs Tax Credit Programs: Lower Living Standard Income Level

AGENCY: Employment and Training  
Administration, Labor.

ACTION: Notice of determination of  
Lower Living Standard Income Level.

SUMMARY: The Job Training Partnership Act and the Targeted Jobs Tax Credit Program provide that the definition of the term "economically disadvantaged"

may be defined as 70 percent of the "lower living standard income level" (LLSIL). To provide the most accurate data possible for determining the LLSIL, the Department of Labor is issuing revised figures for the LLSIL.

DATE: This notice is effective on June 26, 1985.

ADDRESS: Send written comments to: Mr. Robert N. Colombo, Director, Office of Employment and Training Programs, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Colombo. Telephone: 202-376-6093.

**SUPPLEMENTARY INFORMATION:** It is a purpose of the Job Training Partnership Act (JTPA) "to afford job training to those *economically disadvantaged* individuals . . . who are in special need of such training to obtain productive employment." [Emphasis added.] JTPA Section 2. See 20 CFR 626.1(a)(2). JTPA Section 4(8) defines, for the purposes of JTPA, the term "economically disadvantaged" in part by reference to the "lower living standard income level" (LLSIL). See 20 CFR 626.4. Similar definitions of "economically disadvantaged", which also include references to the LLSIL, are provided at JTPA Sections 201(b)(3) and 202(a)(3) for JTPA Title II allotment and within-State allocation purposes. See 29 CFR 629.39 and 630.1. Internal Revenue Code (I.R.C.) Sections 44B and 51 establish a Targeted Jobs Tax Credit (TJTC) Program for a portion of the wages paid by employers hiring workers from "targeted" groups. Certain of the targeted groups require that the worker be a member of "an economically disadvantaged family". See, e.g., I.R.C. Section 51(d)(3)(A)(ii), (4)(C), (7)(B), (8)(A)(iv), and (12)(A)(iv). For the purposes of TJTC,

(a) an individual is a member of an economically disadvantaged family if the designated local agency determines that such an individual was a member of a family which had an income during the 6 months immediately preceding the earlier of the month in which such determination occurs or the month in which the hiring date occurs, which, on an annual basis, would be 70 percent or less of the Bureau of Labor Statistics lower living standard. Any such determination shall be valid for the 45-day period beginning on the date such determination is made. Any such determination with respect to an individual who is a qualified summer youth employee or youth participating in a qualified cooperative education program with respect to any employer shall also apply for purposes of determining whether such individual is a



member of another targeted group with respect to such employer.

[I.R.C. Section 51(d)(11).]

For the above reasons, the LLSIL figures published in this notice shall be used to determine whether an individual is economically disadvantaged for applicable JTPA and TJTC purposes.

JTPA Section 4(16) defines LLSIL as follows:

The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent "lower living family budget" issued by the Secretary.

The most recent lower living family budget was issued by the Secretary in the fall of 1981. Using those data, the 1981 LLSIL was determined for programs under the now-repealed Comprehensive Employment and Training Act (CETA). The four-person urban family budget estimates previously published by the Bureau of Labor Statistics (BLS) provided the basis for the Secretary to determine the LLSIL for employment and training program operators. BLS terminated the four-person family budget series in 1982, after publication of the fall 1981 estimates.

Under JTPA, the Employment and Training Administration (ETA) published its first update to the LLSIL in the Federal Register of August 8, 1984. 49 FR 31664. ETA has again updated the LLSIL to reflect cost of living increases, by applying the percentage change in the December 1984 consumer price index (CPI), compared with the December 1983 CPI, to each of the August 8, 1984, LLSIL figures. Those updated figures are listed in Table 1 below by region for both metropolitan and nonmetropolitan areas.

[Metropolitan levels apply to residents living within metropolitan statistical areas (MSAs), as defined by the Office of Management and Budget (OMB) in its Press Release, OMB-23-20 dated June 27, 1983. (Nonmetropolitan levels apply to places with populations under 50,000 for purposes of these determinations.) Since eligibility is determined by family income for a family of four at 70 percent of the LLSIL, pursuant to Section 4(8) of JTPA, those figures are listed as well.

TABLE 1.—LOWER LIVING STANDARD INCOME LEVEL BY REGION<sup>1</sup>

Region	Updated 1985 LLSIL	70 percent of LLSIL
<b>Northeast:</b>		
Metropolitan	\$17,720	\$12,400
Nonmetropolitan	17,250	12,080
<b>North Central:</b>		
Metropolitan	17,330	12,130
Nonmetropolitan	16,970	11,880
<b>South:</b>		
Metropolitan	16,550	11,590
Nonmetropolitan	15,670	10,970
<b>West:</b>		
Metropolitan	17,660	12,520
Nonmetropolitan	16,350	12,650

<sup>1</sup> For ease of calculation, these figures have been rounded to the nearest tenth.

Jurisdictions included in the various regions, based generally on Census Divisions of the U.S. Department of Commerce, are as follows:

<b>Northeast</b>	
Connecticut	New York
Maine	Pennsylvania
Massachusetts	Rhode Island
New Hampshire	Vermont
New Jersey	Virgin Islands
<b>North Central</b>	
Illinois	Missouri
Indiana	Nebraska
Iowa	North Dakota
Kansas	Ohio
Michigan	South Dakota
Minnesota	Wisconsin
<b>South</b>	
Alabama	North Carolina
American Samoa	Northern Marianas
Arkansas	Oklahoma
Delaware	Puerto Rico
District of Columbia	South Carolina
Florida	Tennessee
Georgia	Texas
Kentucky	Trust Territories
Louisiana	Virginia
Maryland	West Virginia
Mississippi	
<b>West</b>	
Arizona	New Mexico
California	Oregon
Colorado	Utah
Idaho	Washington
Montana	Wyoming
Nevada	

Additionally, separate figures have been provided for Alaska, Hawaii and Guam as indicated in Table 2 below.

TABLE 2.—LOWER LIVING STANDARD INCOME LEVEL—ALASKA, HAWAII AND GUAM<sup>1</sup>

	Updated 1985 LLSIL	70 percent of LLSIL
<b>Alaska:</b>		
Metropolitan	\$25,190	\$17,630
Nonmetropolitan	23,930	16,750
<b>Hawaii and Guam:</b>		
Metropolitan	22,730	15,910

TABLE 2.—LOWER LIVING STANDARD INCOME LEVEL—ALASKA, HAWAII AND GUAM<sup>1</sup>—Continued

	Updated 1985 LLSIL	70 percent of LLSIL
Nonmetropolitan	21,180	14,830

<sup>1</sup> Rounded to the nearest tenth.

Data on 25 selected MSAs are also available, although the timeframes used for the updated data are not exactly the same. The updated LLSIL figures for these MSAs, and 70 percent of the LLSIL, rounded to the nearest tenth, are set forth in Table 3 below.

TABLE 3.—LOWER LIVING STANDARD INCOME LEVEL—25 SMSAs

SMSA	Updated LLSIL	70 Percent of LLSIL
Anchorage, AK	\$25,190	\$17,630
Atlanta, GA	16,300	11,410
Baltimore, MD	17,390	12,170
Boston, MA	16,530	11,570
Buffalo, NY	17,020	11,910
Chicago, IL/Northwestern, IN	17,740	12,420
Cincinnati, OH/KY/IN	17,890	12,520
Cleveland, OH	16,230	11,360
Dallas, Fort Worth, TX	16,270	11,390
Denver-Boulder, CO	17,680	12,520
Detroit, MI	16,590	11,610
Honolulu, HI	22,730	15,910
Houston, TX	16,470	11,530
Kansas City, MO/KS	17,180	12,030
Los Angeles/Long Beach/Anaheim, CA	18,380	12,870
Milwaukee, WI	17,580	12,310
Minneapolis-St. Paul, MN	17,010	11,910
New York, NY/Northeastern, NJ	18,060	12,640
Philadelphia, PA/NJ	17,320	12,120
Pittsburgh, PA	17,550	12,290
San Diego, CA	18,650	13,060
San Francisco-Oakland, CA	18,740	13,120
Seattle-Everett, WA	19,000	13,300
St. Louis, MO/IL	17,140	12,000
Washington, DC/MD/VA	19,400	13,580

Table 4 below is a listing of each of the various figures at 70 percent of the updated 1985 LLSIL for family sizes of one to six persons. Where the poverty level for a particular family size is greater than the corresponding LLSIL figures, the figure is indicated in parentheses.

Section 4(8) of JTPA defines "economically disadvantaged" as, among other things, an individual whose family income was not in excess of the higher of the poverty level or 70 percent of the LLSIL. Poverty level guidelines were transmitted to the States on April 19, 1985.

Table 4 below provides figures for family sizes up to six persons. For families larger than six persons, an amount equal to the difference between the six and the five person family income levels should be added to the six



person family income level for each additional person in the family.

TABLE 4.—70 PERCENT OF UPDATED 1985 LLSIL, BY FAMILY SIZE

Family size					
One	Two	Three	Four <sup>1</sup>	Five	Six
\$6,350	\$10,400	\$14,280	\$17,630	\$20,800	\$24,330
6,030	9,880	13,570	16,750	19,770	23,120
5,730	9,390	12,890	15,910	18,770	21,960
5,590	9,160	12,570	15,520	18,310	21,420
5,340	8,740	12,000	14,820	17,490	20,450
(4,900)	8,030	11,020	13,610	16,060	18,780
(4,890)	8,010	11,000	13,580	16,020	18,740
(4,720)	7,740	10,630	13,120	15,480	18,110
(4,700)	7,710	10,580	13,060	15,410	18,020
(4,670)	7,650	10,510	12,970	15,300	17,900
(4,630)	7,590	10,420	12,870	15,190	17,760
(4,630)	7,580	10,410	12,850	15,160	17,730
(4,590)	7,530	10,340	12,760	15,060	17,610
(4,550)	7,460	10,240	12,640	14,920	17,440
(4,510)	7,390	10,140	12,520	14,770	17,280
(4,470)	7,330	10,060	12,420	14,660	17,140
(4,430)	7,260	9,970	12,310	14,530	16,990
(4,420)	7,250	9,950	12,290	14,500	16,960
(4,380)	7,180	9,860	12,170	14,360	16,790
(4,370)	7,160	9,830	12,130	14,310	16,740
(4,360)	7,150	9,820	12,120	14,300	16,730
(4,350)	7,130	9,780	12,080	14,250	16,670
(4,330)	7,100	9,740	12,030	14,200	16,600
(4,320)	7,080	9,720	12,000	14,160	16,560
(4,290)	7,030	9,650	11,910	14,050	16,440
(4,280)	7,010	9,620	11,880	14,020	16,390
(4,180)	6,850	9,400	11,610	13,700	16,020
(4,170)	6,840	9,390	11,590	13,660	15,990
(4,150)	6,800	9,340	11,530	13,610	15,910
(4,110)	6,730	9,240	11,410	13,460	15,750
(4,100)	6,720	9,230	11,390	13,440	15,720
(3,950)	6,470	8,890	10,970	12,940	15,140

<sup>1</sup> Figures provided above in this notice are for a family size of four persons. To use this table, the appropriate figure should be found in the family size of four column. Then one may read across the row for family size other than four in the appropriate column.

#### Use of These Data

Based on these data, Governors should provide the appropriate figures to service delivery areas (SDAs) and State Employment Security Agencies (SESAs) and employers in their States to use in determining eligibility for JTPA and TJTC programs. Information may be provided by disseminating information to MSAs and metropolitan and nonmetropolitan areas within the State, or it may involve further calculations. For example, the State of New Jersey may have four or more figures: metropolitan, nonmetropolitan, for portions of the State in the New York City MSA, and for those in Philadelphia MSA. If an SDA includes areas that would be covered by more than one figure, the Governor may determine which figure is to be used. Pursuant to the JTPA regulation at 20 CFR Section 627.1, guidelines, interpretations, and definitions adopted by the Governor shall be accepted by the Secretary if not contrary to the Act and its regulations.

#### Disclaimer on Statistical Uses

It should be noted that the publication of these figures is only for the purpose of determining eligibility for JTPA and TJTC programs. BLS not revised the lower living family budget since 1981, and has no plans to do so. The four-

person urban family budget estimates series has been terminated. The CPI adjustments used to update the LLSIL for this publication are not precisely comparable, most notably because certain tax items were included in the 1981 LLSIL but are not in the CPI. Thus, these figures should not be used for any statistical purposes, and are valid only for eligibility determination purposes under JTPA and TJTC.

Signed at Washington, D.C., this 5th day of June, 1985.

Frank C. Casillas,

Assistant Secretary of Labor.

[FR Doc. 85-14051 Filed 6-10-85; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 522

#### Implantation or Injectable Dosage Form New Animal Drugs not Subject to Certification; Butorphanol Tartrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) sponsored by Bristol Laboratories, Division of Bristol-Myers Co., providing for safe and effective use of butorphanol tartrate injection for the treatment of horses and yearlings for relief of pain associated with colic, and for postpartum pain.

**EFFECTIVE DATE:** June 11, 1985.

**FOR FURTHER INFORMATION CONTACT:** Sandra K. Woods, Center for Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

**SUPPLEMENTARY INFORMATION:** Bristol Laboratories, Division of Bristol-Myers Co., P.O. Box 657, Syracuse, NY 13201, filed NADA 135-780 providing for intravenous use of butorphanol tartrate solution (Torbugesic™) for the treatment of adult horses and yearlings for the relief of pain associated with colic, and for postpartum pain. The basis for approval is discussed in the freedom of information summary. Based on the data and information submitted, the NADA is approved and the regulations are amended accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and

information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the *Federal Register* of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(4).

#### List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

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

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

1. The authority citation for 21 CFR Part 522 continues to read as follows:

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

2. In § 522.246 by revising paragraphs (a) and (c) to read as follows:

#### § 522.246 Butorphanol tartrate injection.

(a) *Specifications.* Each milliliter of aqueous solution contains either 0.5 or 10 milligrams of butorphanol (as butorphanol tartrate).

(c) *Conditions of use.* (1) *Dogs.* (i) *Amount.* 0.025 milligram of butorphanol base activity per pound of body weight (equivalent to 0.5 milliliter per 10 pounds), using 0.5 milligram per milliliter solution.

(ii) *Indications for use.* For the relief of chronic nonproductive cough associated with tracheo-bronchitis, tracheitis, tonsillitis, laryngitis, and pharyngitis associated with



inflammatory conditions of the upper respiratory tract.

(iii) *Limitations.* For subcutaneous injection in dogs only. Repeat at intervals of 6 to 12 hours as required. If necessary, increase dose to maximum of 0.05 milligram per pound of body weight. Treatment should not normally be required for longer than 7 days. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Horses.* (i) *Amount.* 0.05 milligram of butorphanol base activity per pound of body weight (0.1 milligram/kilogram) using 10 milligrams per milliliter solution.

(ii) *Indications for use.* For the relief of pain associated with colic and postpartum pain in adult horses and yearlings.

(iii) *Limitations.* For intravenous use in horses only. Dose may be repeated within 3 to 4 hours. Treatment should not exceed 48 hours. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: June 4, 1985.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 85-13980 Filed 6-10-85; 8:45 am]

BILLING CODE 4160-01-M

## 21 CFR Part 558

### New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Feed Service Co., Inc., providing for manufacturing premixes containing 5, 10, 20, or 40 grams per pound each of tylosin and sulfamethazine. The premixes are subsequently used to make finished swine feeds.

**EFFECTIVE DATE:** June 11, 1985.

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

**SUPPLEMENTARY INFORMATION:** Feed Service Co., Inc., 303 Lundin Blvd., P.O. Box 698, Mankato, MN 56001, is sponsor of NADA 138-342 submitted on its behalf by Elanco Products Co. The NADA provides for the manufacture of premixes containing 5, 10, 20, or 40 grams per pound each of tylosin (as

tylosin phosphate) and sulfamethazine intended for use to subsequently make finished swine feeds. The resulting feeds are for use in maintaining weight gains and feed efficiency in the presence of atrophic rhinitis, lowering the incidence and severity of *Bordetella bronchiseptica* rhinitis, preventing swine dysentery (vibronic), and controlling swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*). The NADA is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

### List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

### PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

#### § 558.630 [Amended]

2. In § 558.630 *Tylosin and sulfamethazine* in paragraph (b)(10) by inserting numerically the number "030841."

Dated: June 4, 1985.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 85-13981 Filed 6-10-85; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 936

### Extension of Deadline for Submission of Program Amendment to the Oklahoma Permanent Program

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

ACTION: Final rule.

**SUMMARY:** OSM is announcing its decision to extend the deadline for Oklahoma (1) to promulgate rules governing the training, examination and certification of blasters and (2) to develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation. On April 5, 1985, Oklahoma requested an extension until August 5, 1985, for the development of a blaster certification program. All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) are required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause. In accordance with the State's request, the Director is granting the State an extension until August 5, 1985, to submit a proposed blaster certification program.

**EFFECTIVE DATE:** June 11, 1985.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining, Room 3014, 333 West 4th Street, Tulsa, Oklahoma 74103; Telephone: (918) 581-7927.

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



program, the applicable date is 12 months after publication date of OSM's rule, or March 4, 1984.

On April 11, 1984, the State of Oklahoma submitted to OSM a draft proposed amendment to its permanent regulatory program intended to implement the provisions of 30 CFR Part 850 relating to blaster training, examination and certification. As a result of OSM's preliminary review, deficiencies were identified in Oklahoma's draft proposal. After reviewing OSM's concerns in light of available staff resources and existing workload commitments, it became apparent that additional time would be needed; therefore, the State on April 5, 1985, requested a four month extension of time, until August 5, 1985, to submit to OSM a comprehensive and complete proposed program amendment concerning the development and adoption of a blaster certification program in Oklahoma.

In the April 25, 1985 Federal Register (50 FR 165 16518), OSM proposed an extension until August 5, 1985, for Oklahoma to submit to OSM a proposed blaster training program. Public comment on this proposal was sought for 30 days ending May 28, 1985. No comments were submitted to OSM during the comment period.

#### Director's Determination

In accordance with the State's request, the Director has decided to extend the deadline for Oklahoma to submit a proposed blaster training program until August 5, 1985. This extension will allow the Oklahoma Department of Mines to hire and train additional staff and complete previously committed to projects with critical completion dates.

#### Additional Determinations

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

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

The Department of the Interior has determined that this rule will not have a

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

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

#### List of Subjects in 30 CFR Part 936

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

Dated: June 4, 1985.

Jed D. Christensen,  
Director, Office of Surface Mining.

#### PART 936—OKLAHOMA

30 CFR Part 936 is amended as follows:

1. The authority citation for Part 936 continues to read as follows:

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

2. 30 CFR 936.16 is added to read as follows:

#### § 936.16 Required program amendments.

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

(a) By August 5, 1985 Oklahoma shall submit for OSM's approval

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

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

(b) [Reserved]

[FR Doc. 85-13845 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-05-M

#### National Park Service

#### 36 CFR Part 7

#### Fire Island National Seashore; Seaplane Regulations

AGENCY: National Park Service, Interior.  
ACTION: Final rule.

SUMMARY: The National Park Service is deleting the community of Robbins Rest from designation as a seaplane access area on Fire Island National Seashore because of public safety problems that

occurred during the 1983 and 1984 summer seasons, and for the purpose of assuring the continued safety of the community. The current regulation allows for seaplane landings at Robbins Rest. With this deletion, six communities remain designated as seaplane access areas on Fire Island.

EFFECTIVE DATE: July 11, 1985.

FOR FURTHER INFORMATION CONTACT: Jack Hauptman, Superintendent, Fire Island National Seashore, 120 Laurel Street, Patchogue, New York 11772, Telephone: (516) 289-4810.

#### SUPPLEMENTARY INFORMATION:

#### Background

On July 30, 1979, the National Park Service promulgated final regulations to control seaplane and amphibious aircraft operations within Fire Island National Seashore (FR 44492). This rule established zones for take-offs and landings and designated areas where taxiing could take place. These regulations were developed to promote public safety, to minimize the conflicts among the various users, and to protect the resources of the seashore.

The designation of these taxi routes was based on public comment received during the public involvement phase of the rulemaking process. Twelve island communities indicated a desire to permit seaplane and amphibious aircraft access.

After the promulgation of this regulation in July 1979 there continued to be a conflict between the property owners and visitors in three of the island communities—Fair Harbor, Ocean Bay Park and Cherry Grove. Due to the fact that these three communities have bayside swimming beaches and mooring access, interaction between seaplanes and persons pursuing water recreation activities continued and created numerous public safety problems. From July 22 to September 9, 1979, 50 complaints were filed with the National Park Service. These complaints cited such incidents as near-collisions between seaplanes and boats, and seaplanes taxiing among swimmers.

As a result of these complaints and the potential threat to life and property indicated, the representatives of the Fair Harbor, Ocean Bay Park and Cherry Grove communities approached the National Park Service and asked that their communities no longer be designated as access points for seaplane use. Notarized letters to this effect were received by the Superintendent indicating that community referenda were held and a majority favored the removal of seaplane access designation.



An amendment to these regulations (45 FR 49549; July 25, 1980) removed these three communities from designation as seaplane access points, as requested by the community leaders.

During the 1980 summer season, the residents and visitors in the communities of Dunewood and Point O' Woods experienced similar problems and likewise forwarded notarized letters indicating the need for greater protection from seaplane use and showing the results of referenda indicating the majority desire to restrict seaplane access from the lands and waters within their community boundaries. An amendment to these regulations (47 FR 11011, March 25, 1982) removed these two additional communities from the list of approved seaplane access points.

During the summers of 1982 and 1983 the Property Owners Association of Robbins Rest-Ocean View expressed concern about the safety of continuing seaplane service to these communities. In the fall of 1983, the Superintendent received an official request from the Property Owners Association of Robbins Rest that this community be removed from the list of approved seaplane access points. This rule reflects the results of this official request and removes this additional community from the list of approved seaplane access points.

#### Public Participation

A proposed rule was published in the *Federal Register* on December 21, 1984 (49 FR 49647). No written comments, suggestions, or objections were received during the 30-day comment period following publication.

#### Drafting Information

The author of this regulation is Donald Weir, Fire Island National Seashore.

#### Paperwork Reduction Act

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

#### Compliance with Other Laws

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Service has determined that the regulation in this rulemaking will not have a significant economic effect on a substantial number of small entities, nor does it require the preparation of a regulatory analysis.

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service prepared an Environmental Assessment in 1978 and received extensive public comment

during 1978 and 1979 regarding seaplane and amphibious aircraft operations at Fire Island National Seashore. This assessment is on file and available for review at the park headquarters.

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291.

#### List of Subjects in 36 CFR Part 7

National parks.

In consideration of the foregoing, 36 CFR Ch. I is amended as follows:

#### PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

#### § 7.20 [Amended]

2. In § 7.20, by removing paragraph (b)(3)(iv) and redesignating paragraphs (b)(3)(v) as (b)(3)(iv), (b)(3)(vi) as (b)(3)(v), and (b)(3)(vii) as (b)(3)(vi).

Dated: May 8, 1985.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-14054 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-70-M

#### VETERANS ADMINISTRATION

##### 38 CFR Part 36

#### Decrease in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is decreasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, the maximum interest rates applicable to fixed payment and graduated payment home and condominium loans, and to home improvement and energy conservation loans are also decreased. These decreases in interest rates are possible because of recent improvements in the availability of funds in various credit markets. The decrease in the interest rates will allow eligible veterans to obtain loans at a lower monthly cost.

EFFECTIVE DATE: June 5, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty

Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by section 1819(f), title 38, United States Code, to establish maximum interest rates for manufactured home loans guaranteed by the VA as he finds the manufactured home loan capital markets demand. Recent market indicators—including the prime rate, the general decrease in interest rates charged on conventional manufactured home loans, and the decrease of other short-term and long-term interest rates—have shown that the manufactured home capital markets have improved. It is now possible to decrease the interest rates on manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans while still assuring an adequate supply of funds from lenders and investors to make these types of VA loans.

The Administrator is also required by section 1803(c), title 38, United States Code, to establish maximum interest rates for home and condominium loans including graduated payment mortgage loans, and loans for home improvement purposes. Market indicators similarly favor reductions in the maximum interest rates for these types of loans. These lower interest rates should assist more veterans in the purchase of homes and condominiums or to obtain improvement loans because of the decrease in the monthly loan payments for principal and interest.

#### Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 *Federal Register* (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate



adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119)

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1), 1811(d)(1) and 1819 (f) and (g) of title 38, United States Code.

These decreases are accomplished by amending §§ 36.4212(a) (1), (2), and (3), and 36.4311 (a), (b), and (c) and 36.4503(a), title 38, Code of Federal Regulations.

#### List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

Approved: June 4, 1985.

Harry N. Walters,  
Administrator.

#### PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as follows:

1. In § 36.4212, paragraph (a) is revised as follows:

##### § 36.4212 Interest rates and late charges.

(a) The interest rate charge the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date: (38 U.S.C. 1819(f))

(1) Effective June 5, 1985, 14 percent simple interest per annum for a loan

which finances the purchase of a manufactured home unit only.

(2) Effective June 5, 1985, 13 1/2 percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective June 5, 1985, 13 1/2 percent simple interest per annum for a loan which will finance the simultaneous acquisition of a manufactured home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the manufactured home.

2. In § 36.4311, paragraphs (a), (b), and (c) are revised as follows:

##### § 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 11 1/2 per centum per annum, effective June 5, 1985, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 11 1/2 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 11 1/2 per centum per annum, effective June 5, 1985, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 11 1/2 per centum per annum. (38 U.S.C. 1803(c)(1))

(c) Effective June 5, 1985, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 13 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

3. In § 36.4503, paragraph (a) is revised as follows:

##### § 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to

home improvement loans, loans made by the VA shall bear interest at the rate of 11 1/2 percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repair shall bear interest at the rate of 13 percent per annum. (38 U.S.C. 1811(d) (1) and (2)(A))

[FR Doc. 85-14008 Filed 6-10-85; 8:45 am]  
BILLING CODE 8320-01-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 15

[Gen. Docket No. 83-325; RM-4062; RM-4075; FCC 85-277]

#### Amendment of the Rules To Add New Interim Provisions for Cordless Telephones

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The FCC is amending its rules for cordless telephones to require a label to be carried on the package in which the device is marketed, notifying the prospective purchaser that some cordless telephones may respond to other nearby units or radio noise, resulting in calls being dialed without the owner's knowledge. The label will list the features which the unit possesses to protect against such occurrences. This action is necessary to bring the subject problem to the consumer's attention so that he or she can make an informed choice when purchasing a cordless telephone. The intended effect of this requirement is to reduce the likelihood of unintentional calls, thereby minimizing possible problems for consumers and telephone companies.

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

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

**FOR FURTHER INFORMATION CONTACT:** Julius P. Knapp, Office of Science and Technology, Technical Standards Branch, Washington, D.C. 20554, (202) 653-8247.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 47 CFR Part 15

Communications equipment, Labeling, Reporting requirements.

##### Second Report and Order

In the matter of amendment of Part 15 to add new interim provisions for cordless



telephones; General Docket No. 83-325; RM-4062, RM-4075.

Adopted: May 20, 1985.

Released: June 5, 1985.

By the Commission.

1. A *Report and Order* in this docket was adopted on December 22, 1984,<sup>1</sup> establishing interim provisions for cordless telephones in 47 CFR 15.231-7. On May 17, 1984, the Commission adopted a *Further Notice of Proposed Rulemaking* (hereinafter *Further NPRM*) in this proceeding,<sup>2</sup> proposing an additional labelling requirement for cordless telephones to inform consumers of the features designed to prevent others from dialing calls through their unit. A list of the parties that filed comments in response to the *Further NPRM* can be found in the attached Appendix A. This *Second Report and Order* establishes such a labelling requirement. This document also addresses a petition filed by GTE Service Corporation requesting clarification of certain technical requirements pertaining to cordless telephone transmitters.

2. Cordless telephones utilize a two-way radio link in place of the wire utilized by conventional telephone handsets. This allows the user freedom of movement when talking on the telephone. Each cordless telephone in fact consists of two pieces of equipment: A portable handset and a base unit that connects to the telephone line. In the initial *Notice of Proposed Rulemaking* in this docket, the Commission proposed a requirement that all cordless telephones have some minimal means of preventing the base unit from either being engaged by an outside party or unintentionally going off-hook and seizing local telephone network loops. Cordless telephone manufacturers generally refer to such features as "security" features.<sup>3</sup> The proposal stemmed from a concern expressed by GTE, which operates telephone systems, about the possibility of cordless telephones responding to signals other than those from the associated handset, resulting in calls being dialed or the telephone going off-hook without the owner's intention. This

could occur as a result of intentional theft of service, inadvertent interaction with another nearby cordless telephone, or inadvertent responses to radio noise. Consequently, the owner of the cordless telephone may be charged for calls that were made without his knowledge. GTE contended that this situation posed a potential problem for telephone companies, both because of the potential lost revenue from unpaid bills and because of telephone switching equipment being tied up by cordless telephones in the off-hook condition.

3. In the *Report and Order* in this docket, the Commission stated that it had found insufficient evidence that a minimal design requirement for cordless telephone security features was needed. The decision was based on a number of factors, as detailed in paragraphs 25 through 27 of the *Report and Order*. Chief among them were the following: marketplace forces had already brought about security features on most cordless telephones; little evidence had been submitted of actual costs to telephone companies caused by inadequate cordless telephone security features; and, the degree of security protection needed varies for each consumer depending, among other things, on whether the cordless telephone will be used in an area of high or low population density. The Commission found it preferable to allow the consumer to decide the degree of security protection he requires and cost he is willing to pay rather than prescribing minimal design requirements for cordless telephone security systems, which would provide insufficient security in high density urban environments and unneeded security in low density rural environments. In addition, the Commission was concerned that consumers might be misled into believing they were buying a telephone that was immune to security problems because it met FCC standards, when in fact the minimal security obtained would not have alleviated security problems in many circumstances.

4. In the *Further NPRM*, the Commission proposed a labelling requirement whereby the consumer would be informed of the security features possessed by the cordless telephone he or she plans to purchase. The proposed requirement called for the box or other package in which the cordless telephone was marketed to carry a statement in a prominent location which reads as follows:

**Caution:** The base unit in this cordless telephone may respond to other nearby units or radio noise, resulting in telephone calls

being dialed through this unit without your knowledge and, possibly, calls being misbilled. In order to protect against such occurrences this cordless telephone is provided with the following features: [to be completed by the manufacturer].

The complete text of the label along with where, specifically, it would appear on the package, were to be stated in the application for certification of the cordless telephone.

5. Electronic Industries Association (EIA), representing cordless telephone manufacturers, as well as General Electric, and Dynascan, question the need for the labelling requirement, noting that the proposal stemmed from experiences with cordless telephones produced prior to the adoption of the new interim provisions for cordless telephones. Manufacturers provide no specific information as to how security features have changed since the adoption of the new rules. If the Commission should choose to move forward with the requirement, the manufacturers suggest some minor modifications of the text of the label to make it less harsh.

6. The other respondents generally support the proposal. However, the New York City Department of Consumer Affairs and Associated Public-Safety Communications Officers, Inc. (APCO), indicate that they believe stronger action may be needed. The New York City Dept. of Consumer Affairs suggests that protection against theft of service should be viewed as the consumer's fundamental right, and therefore, the Commission should move forward with a minimum design standard. APCO is concerned about the potential effects of inadequate cordless telephone security on 9-1-1 emergency response networks. APCO is a national association representing the interests of the public safety land mobile radio community. Its almost 5,000 members are drawn from police, fire, emergency medical, highway maintenance, forestry conservation, local government, and defense and disaster agencies throughout the country. APCO explains that for the past 2 years 9-1-1 systems have been plagued with an increasing number of "drop offs," unexplained telephone calls where no one is on the other end when the call is answered. Through the use of enhanced 9-1-1 systems, which automatically return the incoming call for confirmation purposes, APCO has found the source of many of the calls to be cordless telephones.

7. As a result of its growing awareness of this problem, the APCO 9-1-1 Emergency Number Committee has begun a process of alerting public safety

<sup>1</sup> The *Report and Order* in General Docket 83-325 was adopted on December 22, 1984, released January 10, 1985, 49 FR 1512, January 12, 1984.

<sup>2</sup> The *Further Notice of Proposed Rulemaking* in General Docket 83-325 was adopted on May 17, 1984, released May 23, 1984, 49 FR 23397 June 6, 1984.

<sup>3</sup> The term "security," as used here, does not refer to the ability to prevent someone from monitoring conversations. Privacy of conversation is not ensured when using a cordless telephone. Section 15.230, 47 CFR 15.230, requires that each cordless telephone base unit carry a label to this effect. See paragraphs 33 and 34 of the *Report and Order* in this docket.



agencies with 9-1-1 systems of possible problems caused by cordless telephones. The Committee is attempting to collect more information from agencies experiencing "drop offs" so that the scope and causes of the problem can be accurately assessed. Until this is accomplished, APCO states that it is not in a position to recommend a specific course of action to the Commission. However, APCO urges the Commission to immediately expand the scope of this proceeding to thoroughly study the emerging problem of cordless telephone interference to the nation's 9-1-1 systems.<sup>4</sup>

8. Some of the commenters oppose or raise questions about various details of the proposal. BellSouth states that it takes orders over the telephone and ships in unmarked cartons to prevent theft. It therefore suggests that the manufacturer be permitted to put the required statement in the instruction manual or in the shipping carton. AT&T replies that the problem alleged by BellSouth can easily be overcome by using wrapping paper. Noting that the proposal did not address the question of how much time would be allowed before the new requirement became mandatory, several commenters urge that the requirement apply only to cordless telephones manufactured at least 120 days after the rule is adopted. EIA opposes review of the manufacturer description of the cordless phone's security features as part of the certification process. Also, EIA requests that no supplemental filing be required for cordless telephone which have already been certificated.

#### Commission Decision Regarding Cordless Telephone Security

9. We believe that the public interest would be served by adopting the proposed labelling requirement, with some modifications in line with the comments. Based upon our review of the literature on the cordless telephones submitted for equipment authorization, it appears that, indeed, a greater proportion of the new generation of cordless telephones include improved security features. Nevertheless, new units continue to be introduced with security features which are inadequate

for high density environments. We believe the consumer should be informed as to the potential problem of inadequate cordless telephone security and the means employed by a specific product to deal with this potential problem. In our view, the best means of accomplishing this objective is with an information label. With this information, consumers will be able to make an informed choice. As a consequence, the marketplace should work to provide appropriate security features best suited to the individual consumer's needs.

10. New York City Department of Consumer Affairs' recommendation to move forward with a design requirement fails to address the question of how any design requirement, no matter how well intended, could provide complete assurance against theft of service. APCO may or may not be correct that cordless telephones are unintentionally dialing 9-1-1; however, insufficient information has been submitted to draw a conclusion one way or the other. If, in the future, APCO or others submit statistics showing that cordless telephones are inadvertently dialing 9-1-1, we will revisit this matter.

11. Accordingly, we are amending the rules in Part 15, as shown in the attached Appendix, to require an information label about cordless telephone security to be carried on the box or other package in which the cordless telephone is marketed. The requirement does not pertain to shipping cartons, so this should not pose a problem for those wishing to ship in unmarked cartons. In order to ensure that the requirement will in fact be met, we are requiring that a description of the label and its placement be included with the application for certification. We plan to review this information only to the extent that the requirement for the label is met and that the description is reasonably consistent with the actual features of the cordless telephone. As for cordless telephones which have already been certificated, they will be required to carry the label, but submittal of supplemental information for our certification files is not mandatory. With regard to implementation of the labelling requirement, we are requiring the label for all cordless telephones manufactured after November 1, 1985.

#### GTE Request for Clarification of Technical Requirements

12. GTE submitted a "Petition for Clarification" of the *Report and Order* in this docket with regard to the requirements of § 15.233 concerning transmitter frequency tolerance and emission bandwidth. GTE contends that

the regulations are vague with regard to the center point of the bandwidth of the transmitter frequency. Section 15.232 specifies the carrier frequencies for cordless telephones; paragraph (a) of § 15.233 places a 0.01% tolerance (plus or minus) on the carrier frequency; § 15.233(b) defines the bandwidth of a channel as 20 kHz "centered on the authorized carrier frequency." GTE states that the term "authorized carrier frequency" could be construed to include the 0.01% tolerance. With 15 kHz spacing between some cordless telephone frequencies, GTE claims there could be considerable overlap between the signals of two cordless telephones in adjacent channels if one unit is operating at the high end of its permitted band and the other is operating at the low end. To alleviate this alleged problem, GTE suggests that § 15.233(b) be revised to read "Emission, including frequency tolerance, shall be confined within a 20 kHz band centered on the carrier frequency specified in § 15.232." No comments were submitted on the GTE petition.

13. GTE's analysis of the potential risk of adjacent channel interference is incomplete. GTE fails to account for the fact that with the low power levels involved, there will be very little energy falling into adjacent channels. Also, the likelihood of two cordless telephones being located near each other, in adjacent bands, with one being at the high end of its channel and the other low, seems unlikely. GTE's suggestion, although seemingly minor in nature, would be tantamount to a severe tightening of the bandwidth requirement. This would likely require redesign of most cordless telephones at considerable cost, if they could even be made to operate. We do not believe the change requested by GTE is warranted and therefore reject GTE's proposition. To avoid any further confusion, we are amending § 15.233 (b) to reference the bandwidth requirement to the actual carrier frequency and not the "authorized" carrier frequency. We are also making some editorial changes to simplify this paragraph. These changes make the requirement consistent with those for other Part 15 devices and reflects the original intent. These amendments are not expected to have any impact on the design of cordless telephones.

#### Final Regulatory Analysis

14. Pursuant to 5 U.S.C. 601 et seq. an Initial Regulatory Flexibility Analysis was incorporated in paragraph 6 of the *Notice of Proposed Rule Making*. In paragraph 8 of this NPRM, written

<sup>4</sup>One telephone company contacted the Commission staff to advise that it has been experiencing a rash of complaints from people with low digit telephone numbers who are receiving calls where no one is on the other end of the line. The company has been advising the complainants that it speculates the problem is being caused by cordless telephones and the only remedy is to change telephone numbers. However, nothing has been submitted by the company to substantiate the problem.



comments on this Analysis were solicited with the same filing deadlines as comments on the rest of the Notice. No comments in response to this request were received.

#### A. Need for and Objective of Rule

15. This action is a follow-up to the Commission's *Report and Order* in this docket whereby interim rule provisions for cordless telephones were established. The requirement the Commission is adopting herein calls for a label to be carried on the package in which a cordless telephone is marketed, to alert consumers that in certain environments cordless telephones may require features to preclude others from dialing calls via their telephone line. It is expected that the consumer can then purchase a unit with appropriate "security" features. The requirement is needed to address the concerns of telephone companies about misbidding of calls and other potential problems.

#### B. Summary of Issues Raised in Comments on Initial Analysis

16. No comments were received specifically concerned with the Initial Regulatory Flexibility Analysis in the Notice in this proceeding. While manufacturers question the need for the label, it appears to be the least burdensome approach to the potential problem of inadequate cordless telephone security. The requirement for the label and for describing the label in the application for equipment certification is considered to be of minimal burden and should not pose a hardship for small manufacturers.

#### C. Significant Alternatives

17. Two other significant alternatives are apparent. One is to move forward with a design requirement for cordless telephone security features as considered earlier in this proceeding. This alternative holds a number of disadvantages as discussed above and would be more costly for the public. The second alternative is to not adopt any requirement whatsoever pertaining to cordless telephone security. While marketplace forces are at work to alleviate the potential problem of inadequate cordless telephone security, evidence thus far suggests that the matter must be brought to the attention of the consumer in order for these forces to be focused on the problem.

#### Ordering Clauses

18. Pursuant to the above and under the authority of Sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended, it is ordered that Part 15 is amended as set out in the attached

Appendix B. This amendment shall become effective June 10, 1985. The Office of Management and Budget has approved the collection of information requirement contained in this rule. The OMB control number is 3060-0324.

19. It is further ordered that this proceeding is terminated.

20. For further information concerning this Order contact Mr. Julius P. Knapp, Office of Science and Technology, telephone (202) 653-8247.

Federal Communications Commission.

William J. Tricarico,

Secretary.

#### Appendix A

The following parties submitted comments in response to the Further NPRM in General Docket 83-325:

Name	Acronym
American Telephone & Telegraph Co.	AT&T
Associated Public-Safety Communications Officers, Inc.	APCO
Bellsouth Corporation	Bellsouth
Central Telephone Co.	Central Telephone
City of New York, Dept. of Consumer Affairs	City of NY
Communication Certification Laboratory	CCL
Dynascan Corporation	Dynascan
Electronics Industries Association, Personal Communications Section	EIA
GTE Service Corporation	GTE
Reply comments were submitted by:	
American Telephone & Telegraph Co.	AT&T
General Electric Co.	GE

#### Appendix B

Part 15 of the FCC Rules, 47 CFR Part 15, is amended as follows:

The authority citation for Part 15 continues to read as follows:

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

1. Section 15.233 paragraph (b) is revised to read as follows:

#### § 15.233 Technical specifications.

(b) The emission shall be confined within a 20 kHz band centered on the actual carrier frequency. Modulation products shall be attenuated at least 26 dB below the level of the unmodulated carrier. Tests to determine compliance with this requirement shall be performed using an appropriate input signal as prescribed in § 2.989 of this chapter.

2. Section 15.236 is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

#### § 15.236 Labelling and identification requirements for a cordless telephone.

(b) For cordless telephones manufactured after November 1, 1985,

the box or other package in which the individual cordless telephone is to be marketed must carry a statement in a prominent location, visible from the exterior, which reads as follows:

Notice: The base units of some cordless telephones may respond to other nearby units or radio noise, resulting in telephone calls being dialed through this unit without your knowledge and, possibly, calls being misbilled. In order to protect against such occurrences this cordless telephone is provided with the following features: (to be completed by the manufacturer).

Applications for certification of cordless telephones submitted on or after November 1, 1985, shall specify the complete text of the statement that will be carried on the package and indicate where, specifically, it will be located.

[FR Doc. 85-13976 Filed 6-10-85; 8:45 am]

BILLING CODE 8712-01-M

#### 47 CFR Part 73

[MM Docket No. 84-281; FCC 85-224]

#### Nighttime Operations on Canadian, Mexican, and Bahamian AM Clear Channels

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This action amends the Commission's Rules to provide for nighttime operations by U.S. class II AM stations on fourteen Canadian, Mexican, and Bahamian Clear Channels. This action is intended to reflect new international agreements which have been or are being negotiated. It can be expected to provide an important expansion of nighttime AM service.

**EFFECTIVE DATE:** June 3, 1985.

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

#### FOR FURTHER INFORMATION CONTACT:

Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

Jonathan David, Mass Media Bureau, (202) 632-7792

#### SUPPLEMENTARY INFORMATION:

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for 47 CFR Part 73 continues to read as follows:

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

#### Report and Order (Proceeding Terminated)

In the matter of Nighttime Operations on Canadian, Mexican, and Bahamian AM Clear Channels.



Adopted: April 26, 1985.

Released: May 7, 1985.

By the Commission: Commissioner Rivera dissenting in part.

## Background

1. The Commission has before it the comments and reply comments<sup>1</sup> filed in response to the March 15, 1984, *Notice of Proposed Rule Making* in this proceeding (49 FR 18567, published May 1, 1984) proposing to permit additional nighttime operations on channels designated as Canadian, Mexican, and Bahamian Class I-A Clear Channels.<sup>2</sup>

2. As the subject *Notice* indicated, international agreements have imposed restrictions on the nighttime use of these 14 channels in the United States. Thus, under the North American Regional Broadcasting Agreement ("NARBA"), the Canadian Clear Channels could not be used at night anywhere within 650 miles of the border with Canada, and the Bahamian Clear Channel could not be used within 650 miles of any point in the Bahamas. The 1968 Bilateral AM Agreement with Mexico is even more restrictive. It precludes nighttime use of the Mexican Clear Channels anywhere in the United States. This situation was expected to change as a result of new international agreements which had been or were being negotiated. Unlike these older agreements, the new agreements were not expected to contain such restrictions.

3. The United States and Canada have signed a new bilateral AM agreement which has replaced NARBA insofar as their mutual dealings are concerned. Under this new agreement, there is no prohibition on the establishment of nighttime operations in the border area on what had been clear channels. Likewise, there is no such restriction in the Final Acts of the Region 2 Administrative Conference (Rio de Janeiro, 1981) to which the Commonwealth of the Bahamas is a signatory. As soon as the Bahamas has implemented its intention to denounce NARBA and to be bound by the Rio Agreement, the same situation will obtain in regard to the Bahamian Clear

Channel. In subsequent bilateral discussions with the U.S., the Bahamas has confirmed this intention to take the necessary steps in this regard. Finally, considerable progress has been made in negotiations with Mexico in the development of a new AM agreement which, among other things, is expected to permit new nighttime operations throughout the United States on the seven affected channels.

4. With the above developments in mind, the Commission issued the *Notice* to obtain comments on the standards to be used in establishing nighttime operations on these channels. Specific reference was made to the criteria adopted by the Commission in its 1980 Clear Channel decision.<sup>3</sup> In that proceeding the Commission made it possible for additional Class II stations to be established on the 25 U.S. I-A Clear Channels and set forth the technical and eligibility rules governing applications for these new Class II stations. In issuing the present *Notice*, the Commission noted the relatively short time that had elapsed since adoption of the 1980 *Report and Order* and asked commenting parties to express their views on whether the relevant portion of the § 73.37(e) standards adopted in that proceeding should also be adopted here. Generally, under § 73.37(e) of the Commission's rules, in order to be acceptable for filing, applications must propose service to unserved or underserved areas or to communities lacking sufficient local service.<sup>4</sup> In addition, on the U.S. I-A Clear Channels, that section permits the acceptance of applications proposing minority-owned stations or one that would provide noncommercial radio service.

5. Recently, the Commission issued a *Notice of Proposed Rule Making* in MM Docket No. 85-39 proposing to delete the go/no-go provisions of § 73.37(e) which impose these acceptance criteria in addition to interference protection standards. In that proceeding the Commission is exploring whether these

provisions continue to serve any useful purpose in view of the fact that they block the establishment of many otherwise acceptable applications on currently available spectrum merely because they do not meet these criteria.

6. The *Notice* also directed attention to the technical characteristics applicable to Class II-B proposals on the U.S. Clear Channels. Applicants proposing to provide a first nighttime primary service to at least 25 percent of the area or population they would serve were permitted to operate at night at a maximum power of 50 kW. These operations are protected at night to the limit imposed by the co-channel Class I-A station or the higher limit, if any, imposed by other previously authorized co-channel stations. On the other hand, Class II-B applicants not able to meet this standard were limited to 1 kW nighttime power and were normally protected at night only to their 10 mV/m contour. Because of its experience in the prior proceeding, the Commission proposed a maximum nighttime power of 1 kW on the foreign clear channels except where an applicant proposes to provide a first nighttime primary service to at least 25 percent of its coverage area, in which case the maximum nighttime power would be 50 kW. As with the U.S. clear channels, nighttime protection normally would be to the 10 mV/m and 2.5 mV/m contours, respectively. However, unlike the action in Docket No. 20642, the Commission did not here propose to protect any Class II station at night to a contour of less than 2.5 mV/m.<sup>5</sup>

7. Finally, although the Commission, in Docket No. 20642, did not separately designate Class II stations based on power limitations and protection standards, in the *Notice* in this proceeding it proposed to amend the Rules by designating those Class II stations operating at 1 kW and protected to their 10 mV/m contours as "Class II-C." All other new full-time Class II stations, i.e., those providing wider area service, would be designated "Class II-B." These designations would be applicable to all the Class II full-time stations that had been or would be authorized on the domestic Class I-A clear channels and to the new stations to be established on the newly available foreign clear channels that are the subject of this proceeding.

<sup>3</sup> Report and Order in Docket No. 20642, *Clear Channel Broadcasting in the AM Broadcast Band*, 78 F.C.C. 2d 1345 (1980), *recon. denied*, 83 F.C.C. 2d 216 (1980).

<sup>4</sup> Subparagraph (i) of § 73.37(e) specifies that at least 25 percent of the area or population to receive interference-free primary nighttime service does not receive such service from an existing AM station or from any FM station with a signal strength of 1 mV/m or greater; subparagraph (ii) specifies that the community designated in the application must be provided with a first or second aural nighttime service and no FM channel is available for use in the community; and subparagraph (iii) specifies that at least 20 percent of the area or population of the designated community receives fewer than two aural services at night and no FM channel is available for use in the community.

<sup>5</sup> The Commission indicated in the *Notice* that, as a practical matter, it did not expect that this would significantly affect the ability to provide wide-area service, as few new stations were anticipated to be able to achieve nighttime limits less than 2.5 mV/m due to the large number of foreign stations that are already operating on the channels involved.

<sup>1</sup> A total of 34 parties submitted comments, and four parties submitted reply comments. These parties are listed in Appendix B.

<sup>2</sup> The North American Regional Broadcasting Agreement designates seven frequencies (540 kHz, 890 kHz, 740 kHz, 860 kHz, 990 kHz, 1010 kHz, and 1580 kHz) as Canadian Clear Channels and one frequency (1540 kHz) as a Bahamian Clear Channel. The United States/Mexican Bilateral AM Agreement designates seven frequencies (540 kHz, 730 kHz, 800 kHz, 900 kHz, 1050 kHz, 1220 kHz, and 1570 kHz) as Mexican Clear Channels. Because the frequency of 540 kHz appears on both the Canadian and Mexican lists, the total number of frequencies involved is 14.



## Comments

8. By far, the majority of comments in response to the *Notice* were submitted by or on behalf of daytime-only stations. They argued that the Commission should use this opportunity to authorize nighttime service by existing daytime-only stations on the affected foreign clear channels. They opposed use of the acceptance criteria which had been proposed, as this would deny the opportunity for full-time operation for many daytime-only stations. Several of these commenters point out that daytime-only stations suffer a competitive disadvantage vis-a-vis full-time AM and FM facilities and, due to their limited operating hours, have difficulty providing effective service to their communities. Although they acknowledge the efforts of the Commission to alleviate their plight through post-sunset operation, they continue to face serious problems. Daytime-only stations are said to render valuable service to their communities despite being unable to reap the benefits of full-time operation. Thus, they are seen as appropriate beneficiaries of the newly available spectrum.

9. Proponents for daytime-only stations note that unlike the situation relating to domestic clear channels in Docket No. 20642, many daytime-only stations already operate on the affected foreign clear channels. As a result, these frequencies cannot be used to any significant degree to respond to the need for new stations. They also contend that application of the proposed acceptance criteria would not accomplish the desired results, as there are few unserved areas which would be able to support a station. Moreover, the Associated Communications Corporation and United Broadcasting Company contend that there will be a way of meeting these needs through new FM stations to be authorized as a result of Commission action in BC Docket No. 80-90.<sup>4</sup>

10. Other comments took a different view, asserting that not enough new stations had been created as the result of the Commission's Clear Channel decision in Docket No. 20642. For example, the National Black Media Coalition ("NBMC") argues that few minority stations were created and that the need for minority stations has remained unmet. Moreover, NBMC notes that many of the stations created as a result of new FM assignments in BC Docket No. 80-90 will be in small

communities with little minority populations. Finally, a few commenters suggest that preferential treatment should be afforded to stations which filed expressions of interest in the course of bilateral negotiations with Canada. National Radio Broadcasters Association ("NRBA") would eliminate all threshold criteria and replace them with standards based solely on interference considerations. The Association for Broadcast Engineering Standards suggests adoption of an additional alternative acceptance criteria for daytime-only stations in order to encourage full-time service.

11. In addition to alternative procedures to implement night service by existing daytime-only stations on the Canadian, Mexican, and Bahamian Clear Channels, various parties offered suggestions on the power levels which should be permitted. Some believe that nighttime operating powers of up to 5 kW are warranted in order to provide improved service. In this regard, WGSN Radio, Inc., points to the example of Canada and Mexico, both of which permit greater power than was proposed in the *Notice*. Others would allow nighttime operation at a power up to that authorized for daytime hours, while the NAB would allow any power that is consistent with the Region 2 Agreement. NAB criticizes the 1 kW proposal as wasteful of spectrum resources and as failing to take full advantage of international agreements authorizing nighttime operation. Finally, various suggestions related to establishment of the normally protected contour ranged from 2.0 mV/m to 10 mV/m. Necessarily, the higher the protection level, the fewer the services that would be possible.

## Discussion

12. In order to evaluate the various possible uses of these frequencies, it was necessary to perform intensive and wide-ranging studies to examine the potential value these frequencies could have in responding to various types of requirements.<sup>5</sup> They were designed to

<sup>4</sup>The following studies were initially performed by the Commission on sample foreign clear channels: (1) Daytime service and interfering contours of existing daytime-only and fulltime stations were plotted (using the M3 map of ground conductivity). This showed the extent to which the channel already was used; (2) this, in turn, made it possible to identify areas where existing operations do not preclude addition of new stations daytime; (3) to determine the potential for nighttime operation, the nighttime RSS limits of daytime-only stations on the sample frequencies which result from existing domestic and foreign stations were calculated, and (4) the potential for new stations was examined by selecting for study hypothetical locations in the open areas determined in (2), above, and RSS limits at such points were computed. The

determine whether these frequencies lend themselves to the establishment of new full-time operations, or could be better used to make it possible for daytime-only stations to operate at night. It also was important to see if it would be possible to harmonize these two apparently conflicting goals. As these studies were completed, several points became clear. In much of the country, particularly the populous areas, these frequencies could not be used to create new stations, full-time or otherwise, without causing destructive interference to the existing daytime-only and full-time stations on the channel.<sup>6</sup> In these areas, the only choice is permitting the channels to be used at night by the daytime-only stations or to allow the frequencies to lie fallow in major portions of the country. Obviously, the latter course would serve no useful purpose. Moreover, it would unnecessarily limit daytime-only stations in their efforts to compete more effectively in the marketplace and thereby enhance their ability to serve the public.

13. Although the above situation applies in much of the country, there are areas where new full-time stations could be established.<sup>7</sup> Here, too, no purpose would be served by imposing acceptance criteria. Because the areas in which these new stations would be located are concentrated in the unserved or underserved portions of the country, acceptance criteria are not needed to funnel growth toward areas of greatest need. Moreover, these frequencies would continue to be available for minority or public radio applicants.

14. Having decided that the frequencies can be used to establish new stations as well as give nighttime operation to daytime stations, the Commission needs to decide how best to accomplish these purposes. This requires consideration of the interrelated matters of the power to be used and the interference protection to be afforded. In addition, consideration must be given to the administrative mechanisms to be employed to bring about the desired result. Each of these points requires separate treatment. The

summary results of these studies are set forth in Appendix C.

<sup>5</sup>Appendix C illustrates the limited areas in which new AM stations could be established on the frequencies without causing such interference.

<sup>6</sup>Although it would be possible to create new daytime-only stations in these areas, such a result would only perpetuate the problem of stations that are unable to compete effectively because of limits on their hours of operation. As a result, the rules will make it clear that new daytime proposals on these frequencies will not be accepted for filing.

<sup>4</sup>Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments, 94 F.C.C. 2d 152 (1983), *recon. denied*, FCC 84-65, March 1, 1984.



arrangements to be applied to daytime-only stations will be described first. Then, it will be possible in the subsequent discussion to contrast the treatment to be afforded proposals for new stations on these channels.

#### Technical Criteria

15. Only in limited areas would it be possible to establish new full-time stations. Even in such locations, protection requirements to existing foreign and domestic fulltime stations preclude use of the frequencies for higher powered stations. Allowing such higher power also would not provide for an efficient distribution of facilities because the typically high limits on these channels preclude effective wide-area service. Further, allowing these stations to seek higher power is not feasible in view of their proximity to one another and could have the effect of precluding otherwise possible nighttime operations by other daytime-only stations. This has led the Commission to conclude that stations operating on the affected foreign clear channels should be permitted to operate at night, ultimately with maximum power of 1 kW, if consistent with applicable nighttime protection requirements. However, as described below, during a five-year transitional period, a 500-watt limit would apply.

16. The next point to consider is the signal level to protect after the transitional period comes to an end. Considering the existing channel loading and the limited potential for use of these frequencies makes it clear that it would be inappropriate to protect low nighttime signal levels. Moreover, such protection is not possible if daytime-only stations are to be able to operate at night. Protecting low limits is equally infeasible in other areas as well. Our studies have indicated that interference from existing foreign and domestic full-time stations would typically limit nighttime service from existing daytime-only stations (as well as new full-time stations) to their 10 mV/m contours or higher. Accordingly, we have concluded that these stations should be normally protected at night to their 10 mV/m contours. Also, we believe that a minimum power of 250 watts is required in order to be entitled to protection. The nighttime power limits being adopted here are the same as the Commission generally made applicable to stations seeking to operate on the 25 domestic Class I-A channels which were the subject of Commission action in Docket No. 20642.<sup>10</sup> Further, the 10

mV/m contour that Class II stations here must protect each other to is identical to that which the Commission determined in Docket No. 20642 to be the optimal balance between adequate service areas and maximum number of stations.

17. In establishing these standards we were mindful of the fact that there will be two categories of stations operating at night on these frequencies. Some will come from the new full-time operations made possible by the changed status of these frequencies. By far, the larger portion will be former daytime-only stations which will be operating at night for the first time. In fact, all of these stations will be able to operate at night if they choose to do so. Necessarily, there will be restrictions imposed on these stations by virtue of their need to protect existing full-time stations on the channel, both foreign and domestic. There would be additional effects if these daytime-only stations were required to protect one another at night. However, that would produce major complications and delays in implementing the new rules. Considerable cost would be involved for each station in determining just what protection to provide, and this protection could change with each grant that was made. Finally, as appendix C indicates, in most cases this is an unnecessary matter in any event because of existing elevated levels of interference.

18. For some daytime-only stations, the need to provide protection at night to full-time stations will have little or no effect. For others, it can mean that a substantial reduction in power would be needed when using existing antenna systems, often to a level well below the 250 watt minimum power specified by the Commission's rules. Whatever view we might take in regard to authorizing such low power for new stations, the fact is that for these daytime-only stations, such nighttime power can be justified in terms of the channel loading that already exists and the service these stations can be expected to provide. While that service may indeed be limited, the only other choice is to preclude such service entirely, and that would unfairly deprive these stations and their communities of needed service at night. Thus, during the implementation described below, daytime stations can be authorized nighttime operation and new fulltime stations can be established, but in both cases, nighttime protection to one

another will not be required. Thereafter, protection to at least some of the nighttime operations would be warranted. Although it is feasible to allow low power operation, the studies have shown that it would not be feasible to protect these operations having less than 250 watts. As a result, stations that operate with 250 watts or more at night will become protected under the procedures described below, but those that operate with lesser power levels will not be protected now or in the future. In order to obtain such protection, these stations will need to follow the prescribed procedures for increasing power and acquiring protection thereby. Alternatively, they can continue to operate at lower power levels without protection.

19. From now on, neither the new fulltime stations or the daytime-only stations obtaining nighttime operation by virtue of the procedures outlined below will be subject to the requirements of § 73.24(j) of the rules regarding city grade coverage at night. To apply these provisions to the daytime-only stations would be impractical in light of the reduced nighttime power required to protect the full-time foreign and domestic co-channel stations and the limited flexibility that many daytime-only stations will have in designing new antenna systems. In addition, it is possible that daytime-only stations will receive high limits and for that reason may be unable to serve their entire community. Although it is appropriate to require new stations to comply with city coverage requirements daytime, it is not possible to do so at night without creating conflicts with other applications. The absence of a city coverage requirement at night does not represent an ideal situation. Nonetheless, as with the matter of authorized power, insisting on compliance with the Commission's coverage rules at night will defeat the opportunity for new nighttime services.

#### Implementation

20. There can be no question that the expeditious authorization of nighttime service on the foreign clear channels here is in the public interest. Accordingly, the Commission has devoted considerable effort to the formulation of a procedure which can effectuate such service in the most efficient manner. Two points became clear immediately. Implementation would be delayed considerably if it had to be handled entirely by traditional application processes. Perhaps even more important, the initial step for

<sup>10</sup> See: Section 73.21(a)(1)(C) and (D) of the Rules. Stations providing wide area service to underserved

areas as provided in § 73.37(e)(1) were allowed to operate at higher nighttime power levels.



permitting nighttime operation by daytime-only stations requires engineering calculations of great complexity. Requiring each party to perform these calculations would impose an enormous burden on applicants. Then, the Commission would be faced with verifying these calculations before granting the necessary authorization. The problem can be overcome if the Commission performs the calculations itself using the existing daytime or Canadian restricted antenna system and notifies each station of the power it can use. Such a procedure would parallel the one utilized by the Commission in its post-sunset power calculations for these same stations.<sup>11</sup>

21. Likewise, there is no need for the Commission to insist on the filing of applications to acquire this nighttime authorization. Instead, it can follow the same Show Cause Order approach that was used to bring about the Class IV AM nighttime power increases. In the present case, this involves the issuance of a Show Cause Order to each affected daytime-only station telling it that, absent objection, its license will be modified to specify nighttime operation with the power specified. Some stations may not choose to utilize this opportunity because they consider the power to be below their needs or because they do not wish to comply with the minimum operating requirements which will apply to these nighttime operations. Other stations may wish to use this authority but may need a delay before operation could begin. To deal with these problems the following procedure will be used. Stations will have one year from the date of the Show Cause Order in which to begin operation at night. Although it is under no obligation to operate under this authority, it will expire under its own terms if not used by then. In addition, before such operation can begin, the licensee will have to indicate its intention to do so and to provide limited engineering data about the operation. Then, operation can begin immediately upon sending this information to the Commission.

22. During a five-year period after the issuance of the Show Cause Orders, the station may continue to operate at night with the power set forth in the Show Cause Order. It also may file an application to increase that power up to a maximum of 500 watts but not to

exceed its authorized daytime power.<sup>12</sup> In doing so it will be necessary to protect the fulltime domestic and foreign stations now operating. However, it will not be necessary to provide nighttime protection to the new stations to be authorized or to the nighttime operations of other former daytime-only stations. Likewise, a newly authorized station seeking a subsequent increase in nighttime power to 500 watts is subject to the same interference protection requirements. This situation will continue for five years to provide ample opportunity for any desired increases in power. Instead of making a change on its current channel, it may conclude that it is preferable to propose operation on another channel. Such applications will be acceptable for filing, and will be treated in the same fashion as applications for new stations on those channels. Finally, as noted earlier, only stations that initially obtain operation with 250 watts or more or subsequently increase to that level will be entitled to protection after this five-year period ends.

23. After this five year period ends, two basic changes will occur. First, the maximum nighttime power will be increased to 1 kW, and existing stations will be able to propose increasing their power to this level. However, all existing nighttime operations of 250 watts or more will be protected from additional interference. This includes the former daytime-only stations. In addition, applications for new stations can continue to be filed, and they will be subject to the same requirements as to power level and interference protection.

24. The Commission intends that nighttime operations on the affected foreign clear channels be effectuated as soon as practicable. Since an appropriate bilateral agreement with Canada has been reached, the amendments to the Rules as they apply to the Canadian Clear Channels herein will be effective as of the date indicated below.<sup>13</sup> However, since bilateral negotiations with Mexico and with The Bahamas are in progress, the effective date of the amendments as they apply to the Mexican<sup>14</sup> and Bahamian Clear

Channels will be as announced subsequently.

25. *Class II-C Designations.* There is one final matter to consider. Consistent with the Commission's proposal as set forth in the *Notice*, the Class II stations operating on the 25 domestic clear channels which were the subject of Commission action in Docket No. 20642 will be redesignated as either "Class II-B" or "Class II-C", as the case may be. Specifically, those Class II stations operating at up to 50 kW and accepted in accordance with § 73.21(a)(ii)(D) of the rules will be designated "Class II-B,"<sup>15</sup> while those accepted on the basis of § 73.21(a)(ii)(C) of the rules will be designated "Class II-C." Although this specific proposal to redesignate these channels was not addressed in the comments, it appears, as it did previously, prudent to do so in the interest of clarity. Further, all daytime-only stations that elect to operate nighttime and new fulltime stations that are granted on these foreign Clear Channels will be designated as "Class II-C" stations if they utilize 250 watts or more at night. Those using a lower nighttime power will be designated as "Class II-S" stations.

#### Paperwork Reduction Act

26. The action contained herein has been analyzed with respect to the paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labelling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

#### Regulatory Flexibility Analysis

##### *I. Need and Purpose of the Rules*

These rules are designed to permit daytime-only AM broadcast stations operating on Canadian, Mexican, and Bahamian Clear Channels to provide nighttime service. Additionally, these rules provide power and protection standards as well as a procedure for implementing such service and standards. Finally, Class II stations operating on both domestic and foreign clear channels are designated according to their operating powers. The new rules can be expected to benefit many small entities, particularly daytime-only stations which will obtain nighttime operating authority for the first time.

<sup>11</sup> Because of the special circumstances presented by this case, it is appropriate to provide a partial exception to the requirement that power increase applications must specify an increase of a specific percentage. A former daytime station may seek a lesser increase so long as that increase is sufficient to bring it to the protected level of 250 watts or more.

<sup>12</sup> This does not include 540 kHz.

<sup>13</sup> This includes 540 kHz.

<sup>14</sup> It will be possible for Class II-S stations to continue to utilize these secondary authorizations which were calculated based on full protection.

<sup>15</sup> This includes applications on file as of the effective date of the rules being adopted in this proceeding, to which the current standards would continue to be applied.



## II. Summary of Issues, Raised by Public Comment in Response to the Initial Notice of Proposed Rule Making

No issues of significance were raised in addition to those set forth above.

## III. Significant Alternatives Considered and Rejected

Alternative procedures regarding implementation of nighttime service on the foreign clear channels here, including application of the threshold criteria provided in § 73.37(e) of the Commission's Rules, have been considered and rejected for the reasons set forth above. Similarly, alternative technical standards regarding power limitations and protection have been found to be inappropriate for the reasons indicated.

27. Accordingly, it is ordered, that Part 73 of the Commission's rules is amended effective June 3, 1985, as set forth in Appendix A.

28. It is further ordered, that this proceeding is terminated.

29. Authority for this action is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

30. For further information concerning this proceeding, please contact Joel Rosenberg, (202) 634-6530, or Jonathan David (202) 632-7792, both of the Policy and Rules Division, Mass Media Bureau, Federal Communications Commission, William J. Tricarico, Secretary.

Note.—Appendices B (List of Commenters) and C (Domestic Assignments) will not be printed herein due to the ongoing effort to minimize publishing costs. However, these appendices may be reviewed in the FCC Library, Rm. 639, and the FCC Dockets Branch, Rm. 239, both located at 1919 M St. NW., Washington, D.C. 20554. Copies of the entire text of this Report and Order may be obtained from the International Transcription Services, also located at 1919 M St. (202) 296-7322.

## Appendix A

### PART 73—[AMENDED]

1. 47 CFR Part 73 is amended by revising paragraphs (a)(2) introductory text, (ii) introductory text and (ii) (A) and (B), revising (a)(2)(iii), and by adding (a)(2) (iv) and (v) of § 73.21 to read as follows:

#### § 73.21 Classes of AM broadcast channels and stations.

(a) \* \* \*

(2) *Class II station.* A class II station is a secondary station which operates on a clear channel (see § 73.25) and is designed to render service over a

primary service area which is limited by and subject to such interference as may be received from Class I stations.

Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference with Class I stations and with other Class II stations, in accordance with § 73.182 (and § 73.22 in the case of Class II-A stations). Class II stations are divided into five groups:

(i) \* \* \*

(ii) *Class II-B station.* A Class II-B station is an unlimited time Class II station other than those included in Class II-A, II-C, and II-S. Except as subparagraphs (a)(2)(ii) (A) and (B) of this section provide otherwise, a Class II-B station shall operate with a power not less than 0.25 kW nor more than 50 kW.

(A) Class II-B stations authorized before June 1, 1980, to operate on any of the 25 Class I channels listed in § 73.25(a) shall operate with the powers authorized as of June 1, 1980, or such other power as the Commission may subsequently authorize. Class II-B stations on these channels authorized after June 1, 1980, in the contiguous 48 states, must meet the requirements for primary service set out in § 73.37(d)(2)(i).

(B) Class II-B stations authorized before June 3, 1985, to operate on any of the 14 channels listed in § 73.25(c) shall operate with the powers authorized as of June 3, 1985, or such other power as the Commission may subsequently authorize.

(iii) *Class II-C station.* A Class II-C station is an unlimited time Class II station which operates with a daytime power of not less than 0.25 kW nor more than 50 kW and a nighttime power of not less than 0.25 kW nor more than 1 kW as follows:

(A) Class II-C stations authorized after June 1, 1980, on the 25 channels listed in § 73.25(a) are those which do not meet the requirements for primary service set out in § 73.37(e)(2)(i).

(B) Class II-C stations authorized after June 3, 1985, on the 14 channels listed in § 73.25(c).

(iv) *Class II-D stations.* A Class II-D station is a Class II station operating daytime or limited time. A Class II-D station shall operate with power not less than 0.25 kW nor more than 50 kW.

(v) *Class II-S stations.* Class II-S stations are former Class II-D stations which have been authorized limited power operation during nighttime on the 14 channels listed in § 73.25(c). Class II-S stations operate with power less

than 250 watts nighttime without protection from interference.

2. 47 CFR Part 73 is amended by revising paragraph (j) of § 73.24 to read as follows:

#### 73.24 Broadcast facilities; showing required.

(j) That the 5 mV/m contour (or, at night, the interference-free contour, if of a higher field strength) encompasses the entire principal community to be served. For Class II-C and II-S stations on the 14 frequencies listed in § 73.24 (c) it is not necessary to demonstrate the ability to provide such coverage during nighttime operation.

3. 47 CFR Part 73 is amended by revising paragraphs (a)(2)(ii) and note 2 to paragraph (a), revising paragraph (c) of § 73.25 and by removing paragraphs (d) and (e) of that section, to read as follows:

#### § 73.25 Clear channels: Classes I and II stations.

(a) \* \* \*

(2) \* \* \*

(i) \* \* \*

(ii) Additional unlimited time Class II-B and II-C stations authorized after June 1, 1980.

(iii) \* \* \*

Note 1. \* \* \*

Note 2.—See the U.S./Mexican Agreement concerning Mexican use of 660, 760, 830, 1020, 1030, and 1180 kHz.

(b) \* \* \*

Note.—Until superseded by a new agreement, protection of the Bahama Islands shall be in accordance with NARBA. Accordingly, Class I and Class II stations on 1540 kHz shall deliver not over 4 uV/m groundwave or 25 uV/m skywave at any point of land in the Bahama Islands and such stations operating nighttime (i.e., sunset to sunrise at the location of the U.S. station) shall be located not less than 650 miles from the nearest point of land in the Bahama Islands. Also see paragraph (c) for additional provisions relating to Class II stations on this frequency.

(c) For Class II stations on 540, 690, 730, 740, 800, 860, 900, 990, 1010, 1050, 1220, 1540, 1570, and 1580 kHz. Effective June 1, 1985, no applications for new Class II-D stations will be accepted on these channels.

Note 1.—The U.S./Mexican Agreement is undergoing renegotiation. Until the new Agreement is completed, no applications involving new nighttime operation or major change in existing nighttime operation on 540 kHz except for Alaska, or on 730, 800, 900,



1050, 1220, and 1570 kHz will be accepted for filing. Also, pending completion of negotiations with the Commonwealth of the Bahamas, 1540 kHz is subject to the same restrictions.

4. 47 CFR Part 73 is amended by revising paragraphs (a), (e) introductory text and (e)(2)(iv) and (v) and adding a Note to paragraph (e) of § 73.37 to read as follows:

**§ 73.37 Applications for broadcast facilities, showing required.**

(a) Except as indicated in other paragraphs of this section, no application will be accepted for a new station (or change in frequency of an existing station) if the proposed operation would involve overlap of signal strength contours with any other station as set forth below in this paragraph; and no application will be accepted for a change (other than a change in frequency) of the facilities of an existing station (including the daytime facilities of an existing Class II-A station) if the proposed change would involve such overlap where there is not already such overlap between the stations involved:

Frequency separation	Contour of proposed new station (classes II-B, II-C, II-D, II-S, III, and IV) mV/m	Contour of any other station
Co-channel	0.005 0.025 0.5	0.1 mV/m (Class II-B) 0.5 mV/m (other classes) 0.025 mV/m (All classes)
10 kHz	0.5	0.5 mV/m (All classes)
20 kHz	2	25 mV/m (All classes)
	25	2 mV/m (All classes)
30 kHz	25	25 mV/m (All classes)

(e) In addition to a demonstration of compliance with the requirements of paragraphs (a), and as appropriate, (b), (c) and (d) of this section, an application for a new AM broadcast station, or for a major change (see § 73.3571(a)(1) of this chapter) in an authorized AM broadcast station, as a condition for its acceptance, shall make a satisfactory showing, if new or modified nighttime operation by a Class II or Class III station is proposed, that objectionable interference will not result to an authorized station as determined pursuant to § 73.182(c) of this chapter. Separate interference requirements are applicable to Class II-C and Class II-D stations on the 14 frequencies listed in § 73.25(c). In addition, for all classes of stations on these 14 frequencies, except

Class II-C or II-S, a satisfactory showing is required as indicated below for the kind of application submitted.

(1) \* \* \*

(2) \* \* \*

(iv) That minority persons hold over 50% of the ownership interests in the applicant for a Class II-B or Class II-C station on one of the 25 Class I channels listed in § 73.25(a), or;

(v) That the applicant proposes to operate a Class II-B or Class II-C station noncommercially on one of the 25 Class I channels listed in § 73.25(a).

**Note.**—Applications for new Class II-D or Class II-S stations on the 14 frequencies listed in § 73.25(c) are not acceptable for filing. However, applications for changes in the facilities of existing Class II-D or Class II-S are acceptable for filing, subject to the limitations specified in § 73.3571 of this chapter.

5. 47 CFR Part 73 is amended by redesignating paragraph (f)(2)(iii) of § 73.51 as (f)(2)(ii) and by revising the text of this paragraph to read as follows:

**§ 73.51 Determining operating power.**

(f) \* \* \*

(1) \* \* \*

(2) \* \* \*

(i) \* \* \*

(ii) The value determined by reference to the following table:

Factor(F)	Method of modulation	Maximum rated carrier power	Class of amplifier
0.70	Plate	1 kW or less	
.80	Plate	2.5 kW and over	
.35	Low level	0.25 kW and over	B
.65	Low level	0.25 kW and over	BC <sup>1</sup>
.35	Grid	0.25 kW and over	

<sup>1</sup>All linear amplifier operation where efficiency approaches that of class C operation.

6. 47 CFR Part 73 is amended by revising paragraph (c)(1) of § 73.99 to read as follows:

**§ 73.99 Presunrise service authorization (PSRA) and Postsunset service authorization (PSSA).**

(c) \* \* \*

(1) Class II-D stations located on Mexican, Bahamian, and Canadian Class I-A and I-B Clear Channels to commence PSSA operation at sunset times specified in their basic instruments of authorization and to continue for two hours after such specified times. In addition, Class II-S stations may operate pursuant to their Post-Sunset authority in lieu of their licensed nighttime power.

7. 47 CFR Part 73 is amended by revising paragraphs (a)(2) introductory text and (a)(2)(iii) of § 73.182, and by adding new paragraph (a)(2)(iv) and a note to (a)(2) read as follows:

**§ 73.182 Engineering standards of allocation.**

(a) \* \* \*

(2) Class II stations are secondary stations which operate on clear channels with powers not less than 0.25 kW nor more than 50 kW, except that Class II-A stations shall not operate nighttime with less than 10 kW; Class II-C stations shall not operate nighttime with more than 1 kW, and Class II-S stations shall operate nighttime with less than 250 watts. Class II stations are required to use directional antennas or other means to avoid causing interference with the normally protected service areas of Class I stations or other Class II stations. (For special rules concerning Class II-A stations, see § 73.22.) These stations normally render primary service only, the area of which depends on the geographical location, power, and frequency. This may be relatively large but is limited by and subject to such interference as may be received from Class I stations. However, it is recommended that Class II stations be so located that the interference received from other stations will not limit the service area to greater than 2.5 mV/m groundwave contour nighttime and 0.5 mV/m groundwave contour daytime, which are the values for the mutual protection of this class of stations with other stations of the same class. There four exceptions:

(iii) Class II-C stations are normally protected at nighttime to their 10 mV/m groundwave contour, or the higher limit if any imposed by previously authorized facilities of other stations.

(iv) Class II-S stations are not protected from interference during nighttime.

**Note.**—There are additional restrictions in the use of the 14 channels listed in § 73.25(c). These restrictions are set forth in § 73.3571.

8. 47 CFR Part 73 is amended by revising paragraph (o)(1) of § 73.182 to read as follows:

**§ 73.182 Engineering standards of allocation.**

(o) \* \* \*



(1) With respect to the root-sum-square values of interfering field strengths referred to in this section (except in the case of Class IV stations on local channels and interfering signals to Class II-S stations) calculation is accomplished by considering the signals in order of decreasing magnitude, adding the squares of the values and

extracting the square root of the sum, excluding those signals which are less than 50% of the RSS values of the higher signals already included.

9. 47 CFR Part 73 is amended by revising paragraph (v) of § 73.182 to read as follows:

#### § 73.182 Engineering standards of allocation.

(v) Protected service contours and permissible interference signals for broadcast stations are as follows (for Class I and Class II-A stations, see paragraph (a) of this section):

Class of station	Class of channel used	Permissible power	Signal strength contour of area protected from objectionable interference <sup>1</sup>		Permissible interfering signal on same channel <sup>1</sup>	
			Day <sup>3</sup>	Night	Day	Night <sup>4</sup>
I-A	Clear	50 kW	SC 100 $\mu$ V/m	SC 500 $\mu$ V/m (50 percent skywave) <sup>2</sup>	5 $\mu$ V/m	25 $\mu$ V/m <sup>2</sup>
I-B	do	10 kW to 50 kW	AC 500 $\mu$ V/m SC 100 $\mu$ V/m	AC 500 $\mu$ V/m <sup>2</sup> SC 500 $\mu$ V/m (50 percent skywave)	5 $\mu$ V/m	25 $\mu$ V/m
II-A	do	0.25 kW to 50 kW (daytime) 10 kW to 50 kW (nighttime)	500 $\mu$ V/m	500 $\mu$ V/m <sup>2</sup>	25 $\mu$ V/m	Do.
II-B	do	0.25 kW to 50 kW	500 $\mu$ V/m	2500 $\mu$ V/m <sup>2</sup> <sup>4</sup>	do	125 $\mu$ V/m
II-C	do	0.25 kW to 1 kW	do	10,000 $\mu$ V/m <sup>2</sup>	do	500 $\mu$ V/m
II-D	do	0.25 kW to 50 kW (daytime)	do	Not prescribed	do	Do.
II-S	do	0.25 kW to 50 kW (daytime) Less than 0.25 (nighttime)	do	Not prescribed	do	Not prescribed.
III-A	Regional	1 kW to 5 kW	do	2500 $\mu$ V/m <sup>2</sup>	do	125 $\mu$ V/m
III-B	do	0.5 to 1 kW (night)	do	4000 $\mu$ V/m <sup>2</sup>	do	200 $\mu$ V/m
IV	Local	0.25 to 1 kW	do	Not prescribed <sup>5</sup>	do	Not prescribed.

<sup>1</sup> When a station is already limited by interference from other stations to a contour of higher values than that normally protected for its class, this contour shall be the established standard for such station with respect to interference from all other stations.

<sup>2</sup> For adjacent channel, see paragraph (w) of this section.

<sup>3</sup> Groundwave.

<sup>4</sup> Skywave field strength for 10 percent or more of the time.

<sup>5</sup> These values are with respect to interference from all stations except Class I-B, which stations may cause interference to a field strength contour of higher value. However, it is recommended that Class II stations be so located that the interference received from Class I-B stations will not exceed these values. If the Class II stations are limited by Class I-B stations to higher values, then such values shall be the established standard with respect to protection from all other stations.

<sup>6</sup> See paragraph (a)(4) of this section.

<sup>7</sup> Class I-A stations on channels reserved for the exclusive use of one station during nighttime hours are protected from co-channel interference on that basis.

<sup>8</sup> Applies only to nighttime operations of Class II-C stations coming within § 73.21(a)(ii), and to the operation of limited-time Class II-D stations during nighttime hours other than those during which they are authorized to operate as of June 1, 1980.

SC—Same channel.  
AC—Adjacent channel.

10. 47 CFR Part 73 is amended by revising the note to § 73.183(b) to read as follows:

#### § 73.183 Groundwave signals.

(b) \* \* \*

**Note.**—International agreement in the matter of standards for good engineering practice concerning determination of ground conductivity by field strength measurements has not been arrived at as contemplated by NARBA, and the United States has no established procedures for reciprocal consideration of such measurements with any country except Canada. Therefore, groundwave field strength measurements will not be accepted or considered for the purpose of establishing that interference to a station in a foreign country other than Canada, or that the signal strength at the border thereof, would be less than indicated by the application of the ground conductivity maps and engineering standard contained in this part and applicable international agreements.

Satisfactory groundwave measurements offered for the purpose of demonstrating values of conductivity other than those shown by Figure M3 in problems involving protection of Canadian stations will be considered only if, after review thereof, the appropriate agency of the Canadian government notifies the Commission that they are acceptable for such purpose.

11. 40 CFR Part 73 is amended by revising paragraphs (d)(1), and adding (d)(4) of § 73.3571 to read as follows:

#### § 73.3571 Processing of AM broadcasting station applications.

(d) \* \* \*

(1) In order to be acceptable for filing, any application other than those filed under paragraph (d)(4) of this section which does not involve a change in site and which is filed before June 3, 1988, must propose at least a 50% increase in the station's nominal power. However, applications proposing at least a 20%

increase and which are in conflict with an application proposing a 50% increase are acceptable for filing.

(4) Special procedures apply to the 14 frequencies listed in § 73.25(c). The same procedures will be applied to each of the three frequencies or groups of frequencies which are included in the above category. There are three stages to these procedures. In the first Stage, each Class II-D station will receive an Order to Show Cause why its license should not be modified to specify operation at night with the power calculated by the Commission and as shown on said Order. Stations accepting this modification will be redesignated as Class II-C if the nighttime power is 250 watts or more or as Class II-S if that power is below 250 watts. During Stage two, stations in both groups will be given five years within which to file an application to increase this power to a



maximum of 500 watts or their daytime power, whichever is lower. During this period, applications for new Class II-C stations also can be filed and will be granted without regard to the nighttime interference caused to other Class II-C or to Class II-S stations but new Class II-C stations will be required to protect foreign and domestic Class II-B full-time stations on these frequencies. Finally, in Stage 3, which occurs when the five-year period above comes to an end, Class II-C and II-S stations will be able to file applications to increase their nighttime power to 1 kW or their daytime power, whichever is lower. Applications for new Class II-C stations can also be filed specifying a maximum nighttime power of 1 kW. However, any applications in either category must protect existing Class II-C stations (including Class II-S stations that increased power during Stage 2 and were redesignated as Class II-C during this period). The five-year periods of Stage 2, applicable to the three groups of frequencies, are set forth below:

(i) 690 kHz, 740 kHz, 860 kHz, 990 kHz, 1010 kHz and 1590 kHz: Stage 2 begins on June 3, 1985 and ends on May 31, 1990; Stage 3 begins on June 1, 1990.

(ii) 1540 kHz [to be established].

(iii) 540 kHz, 730 kHz, 800 kHz, 900 kHz, 1050 kHz, 1220 kHz and 1580 kHz: [to be established].

[FR Doc. 85-13956 Filed 6-10-85; 8:45 am]

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## GENERAL SERVICES ADMINISTRATION

### 48 CFR Parts 522 and 552

[APD 2800.12 CHGE 11]

### General Services Administration; Service Contract Act

AGENCY: Office of Acquisition Policy,  
GSA.

ACTION: Final rule.

**SUMMARY:** The General Services Administration Acquisition Regulation (GSAR) Chapter 5 is amended to incorporate the contents of Acquisition Circular AC-84-2, Labor Standards for Federal Service Contracts, into the regulation and to revise § 522.1007 to provide instructions on the use of the Service Contract Act Directory of Occupations. The intended effect is to update and maintain the regulation for the benefit of GSA contracting activities.

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

### FOR FURTHER INFORMATION CONTACT:

Ida Ustad, Office of GSA Acquisition Policy and Regulations (VP), (202) 523-4754.

### SUPPLEMENTARY INFORMATION:

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. When AC-84-2 was originally issued, the General Services Administration certified under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.) that the document was implementing the revised Department of Labor (DOL) Service Contract Act regulations in GSA procurements of services and that it would have a significant beneficial economic impact on many small entities. The GSA certification was based on DOL's final regulatory impact and flexibility analysis on its revised regulations at 48 FR 49758, October 27, 1983. All of the information collection requirements contained in the change stem from DOL requirements which have been approved by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.). This change was not published for public comment because it merely implements and supplements the DOL regulations which were published for public comment and will not have an effect beyond the internal operating procedures of the agency.

### List of Subjects in 48 CFR Parts 522 and 552

Government procurement.

1. The authority citation for 48 CFR Parts 522 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

### PART 522—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

2. Part 522, Table of Contents is amended to read as follows:

Sec.

\* \* \* \* \*

522.1005 Clause for contracts of \$2,500 or less.

\* \* \* \* \*

3. Subpart 522.10 is amended by revising Sections 522.1003, 522.1005,



522.1006, 522.1008, and 522.1011 to permanently incorporate the language currently contained in Acquisition Circular AC-84-2 and by revising Section 522.1007 to add a reference to the use of the DOL Service Contract Act Directory of Occupations.

Subpart 522.10 is revised to read as follows:

#### **Subpart 522.10—Service Contract Act of 1965**

##### **522.1003 Applicability.**

(a) *General.* Pending the issuance of the revised Federal Acquisition Regulation (FAR) coverage of the Service Contract Act of 1965, the policies and procedures in the Federal Procurement Regulations (FPR) Subpart 1-12.9 Service Contract Act of 1965, as amended by the FPR Temporary Regulation 76, revision of labor standards for Federal service contracts, February 23, 1984, must be followed. This Subpart 522.10 contains the essential elements of the FPR Temporary Regulation 76 and includes the major changes to the Department of Labor (DOL) regulations, dated October 19, 1983.

(b) *Request for determinations and exemptions.* Request for determinations regarding the applicability of the Service Contract Act and requests for exemptions from the Act must be submitted to the Wage and Hour Administrator by the head of the contracting activity.

##### **522.1005 Clause for contracts of \$2,500 or less.**

The contracting officer must insert the clause at GSAR 552.222-83, Service Contract Act of 1965—Contracts of \$2,500 or Less, in solicitations and contracts when the contract amount is expected to be \$2,500 or less and the Service Contract Act of 1965 is applicable. With respect to Blanket Purchase Agreements and Basic Ordering Agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably anticipated to be placed in a 1-year period.

##### **522.1006 Clauses for contracts over \$2,500.**

(a) The contracting officer must insert the clause at GSAR 552.222-84, Service Contract Act of 1965 (as amended), in solicitations and contracts when the contract is subject to the Service Contract Act of 1965 and is: (1) For over \$2,500; or (2) for an indefinite dollar amount and the contracting officer expects the contract amount will exceed \$2,500 during any 12-month period. With respect to Blanket Purchase Agreements

and Basic Ordering Agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably anticipated to be placed in a 1-year period.

##### **(b) Price-adjustment clauses.**

(1) Except as required by paragraph (b)(2) below, the contracting officer must insert the clause at GSAR 552.222-86, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts), in solicitations and contracts when the contract is expected to be a fixed-price service contract containing the clause at GSAR 552.222-84, Service Contract Act of 1965 (as amended), and is a multiyear contract or is a contract with options to renew.

(2) The contracting officer must insert one of the clauses at GSAR 552.222-43, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Option Contract/Multiyear Contract), as appropriate, in solicitations and contracts for building services when the contract is expected to be a fixed price service contract containing the clause at GSAR 552.222-83 or 84, Service Contract Act of 1965, and is a multiyear contract or is a contract with options to renew. The clauses at GSAR 552.222-43, must be used in building service contracts in lieu of the clause at GSAR 552.222-86 except when the contract is negotiated based on certified cost and pricing data.

(3) The contracting officer must insert the clause at GSAR 552.222-85, Fair Labor Standards Act and Service Contract Act—Price Adjustment, in solicitations and contracts when the contract is expected to be a fixed price service contract containing the clause at GSAR 552.222-84, Service Contract Act of 1965, (as amended), and is not a multiyear contract or is not a contract with options to renew.

(4) The clauses prescribed in this paragraph GSAR 552.1006(b) cover situations in which revised minimum wage rates are applied to contracts by operation of law, or by revision of a wage determination before: (i) Exercise of a contract option; or (ii) extension of a multiyear contract into a new program year. The clauses do not cover situations in which the economic price adjustment clauses prescribed in FAR 16.203(d) are used. When the coverage authorized by FAR 16.203(d) is desired, it must not conflict with, or overlap, the clauses prescribed in this paragraph GSAR 552.1006(b).

##### **522.1007 Notice of intention to make a service contract.**

(a) The Department of Labor (DOL) has issued a Service Contract Act Directory of Occupations for use in

determining the job classifications used in the procurement of services. The directory includes the commonly used occupational titles and descriptions which contracting activities must use when listing on the SF-98a those classes of service employees to be employed. When contracting activities are unable to locate an appropriate title or description in the directory, the contracting activity must develop and submit an appropriate occupational title and description for such work to DOL with the SF 98 request. The Service Contract Act Directory of Occupations is published as Appendix C in the GSAR looseleaf.

(b) Requests to expedite wage determinations or to check the status of a particular request may be made by the contracting officer directly to the Wage and Hour Administrator.

##### **522.1008 Wage determinations and collective bargaining agreements.**

For the purposes of this subpart, the agency labor advisor will be legal counsel.

##### **522.1011 Hearings.**

Requests for hearings under 29 CFR 4.11, will be made by the contracting officer through the head of the contracting activity to the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. All such requests shall be coordinated with the appropriate legal counsel.

#### **PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

4. Part 552, Table of Contents is amended by adding sections 552.222-83, 552.222-84, 552.222-85, and 552.222-86 to read as follows:

Sec.

- \* \* \*
- 552.222-83 Labor Standards Clause for Federal Service Contracts Not Exceeding \$2,500.
- 552.222-84 Service Contract Act of 1965 (as amended).
- 552.222-85 Fair Labor Standards Act and Service Contract Act—Price Adjustment.
- 552.222-86 Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts).
- \* \* \*

5. Section 552.222-43 is amended by revising the introductory text of paragraph (a) and Alternate I, by revising the introductory text of paragraph (b) and Alternate I, and by revising the titles of both clauses to read as follows:



**552.222-43 Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts).**

(a) As prescribed in 522.1006(b)(2), insert the following clause in solicitations and contracts for building services unless the contract is being negotiated based on certified cost and pricing data.

**Fair Labor Standards Act and Service Contract Act—Price Adjustment (Option Contract) (May 1984)**

**Alternate I**

When it is necessary to provide for an adjustment in the option price for material as well as labor, the clause in paragraph (a) above, may be modified to add the following as paragraph (f).

(b) As prescribed in GSAR 522.1006(b)(2), insert the following clause in solicitations and contracts for building services unless the contract is being negotiated based on certified cost and pricing data.

**Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear Contract) (May 1984)**

**Alternate I**

When it is necessary to provide for an adjustment in the contract price for materials as well as labor, the clause in paragraph (b) above, may be modified to add the following as paragraph (e).

6. Sections 552.222-83, 552.222-84, 552.222-85, and 552.222-86 are added to read as follows:

**552.222-83 Labor standards clause for Federal service contracts not exceeding \$2,500.**

As prescribed in GSAR 522.1005, insert the following clause in solicitations and contracts when the contract amount is expected to be \$2,500 or less and the Service Contract Act of 1965 is applicable. With respect to Blanket Purchase Agreements and Basic Ordering Agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably anticipated to be placed in a 1-year period.

**Service Contract Act (May 1984)**

Except to the extent that an exemption, variation or tolerance would apply if this were a contract in excess of \$2,500, the contractor and any subcontractor hereunder shall pay all of his employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. Regulations and interpretations of the Service Contract Act of

1965, as amended, are contained in 29 CFR Part 4.

(End of Clause)

**552.222-84 Service Contract Act of 1965 (as amended)**

As prescribed in GSAR 522.1006(a), insert the Service Contract Act of 1965 clause contained on the April 1984 edition of the GSA Form 2166, Service Contract Act of 1965 (as amended) in solicitations and contracts when the contract is subject to the Service Contract Act of 1965 and is (a) for over \$2,500 or (b) for an indefinite dollar amount and the contracting officer expects the contract amount will exceed \$2,500 during any 12-month period. The GSA Form 2166 may be used or its contents repeated verbatim in solicitations and contracts. With respect to Blanket Purchase Agreements, the amount to be compared to the dollar threshold is the total dollar amount of orders reasonably anticipated to be placed in a 1-year period.

**552.222-85 Fair Labor Standards Act and Service Contract Act—price adjustment.**

As prescribed in GSAR 522.1006(b)(3) insert the following clause in solicitations and contracts when the contract is expected to be fixed-price service contract containing the clause at GSAR 552.222-84, Service Contract Act of 1965 (as amended), and is not a multiyear contract or is not a contract with options to renew:

**Fair Labor Standards Act and Service Contract Act—Price Adjustment (May 1984)**

(a) The Contractor warrants that the prices in this contract do not include any allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

(b) The contract price or contract unit price labor rates will be adjusted to reflect increases or decreases by the Contractor in wages or fringe benefits of employees working on this contract to comply with:

(1) An increased or decreased wage determination applied to this contract by operation of law; or

(2) An amendment to the Fair Labor Standards Act of 1938 that is enacted subsequent to award of this contract, affects the minimum wage, and becomes applicable to this contract under law.

(c) Any such adjustment will be limited to increases or decreases in wages or fringe benefits as described in paragraph (b) above, and to the concomitant increases or decreases in social security and unemployment taxes and workers' compensation insurance; it shall not otherwise include any amount for general and administrative costs, overhead, or profits.

(d) The Contractor shall notify the Contracting Officer of any increase claimed under this clause within 30 days after the effective date of the wage change, unless this

period is extended by the Contracting Officer in writing. The Contractor shall promptly notify the Contracting Officer of any decrease under this clause, but nothing in the clause shall preclude the Government from asserting a claim within the period permitted by law. The notice shall contain a statement of the amount claimed and any relevant supporting data that the Contracting Officer may reasonably require. Upon agreement of the parties, the contract price or contract unit price labor rates shall be modified in writing. The Contractor shall continue performance pending agreement on or determination of any such adjustment and its effective date.

(e) The Contracting Officer or an authorized representative shall, until the expiration of 3 years after final payment under the contract, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor.

(End of clause)

**552.222-86 Fair Labor Standards Act and Service Contract Act—price adjustment (multiyear and option contracts).**

As prescribed in GSAR 552.1006(b)(1) insert the following clause in solicitations and contracts when the contract is expected to be a fixed-price service contract containing the clause at GSAR 552.222-84, Service Contract Act of 1965 (as amended), and is a multiyear contract or is a contract with options to renew (note that the adjustments under subparagraphs (c) (2) and (3) of the clause may apply to the base period as well as to subsequent periods):

**Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts) (May 1984)**

(a) The Contractor warrants that the prices in this contract do not include any allowance for any contingency to cover increased costs for which adjustment is provided under this clause.

(b) The minimum prevailing wage determination, including fringe benefits, issued under the Service Contract Act of 1965 (41 U.S.C. 351-358), by the Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, current at the beginning of each renewal option period, shall apply to any renewal of this contract. When no such determination has been made applicable to this contract, then the current Federal minimum wage as established by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to any renewal of this contract.

(c) The contract price or contract unit price labor rates will be adjusted to reflect increases or decreases by the Contractor in wages or fringe benefits of employees working on this contract to comply with:

(1) The Department of Labor determination of minimum prevailing wages and fringe benefits applicable at the beginning of the renewal option period;



(2) An increased or decreased wage determination otherwise applied to the contract by operation of law; or

(3) An amendment to the Fair Labor Standards Act of 1938 that is enacted subsequent to award of this contract, affects the minimum wage, and becomes applicable to this contract under law.

(d) Any such adjustment will be limited to increases or decreases in wages or fringe benefits as described in paragraph (c) above, and to the concomitant increases or decreases in social security and unemployment taxes and workers' compensation insurance; it shall not otherwise include any amount for general and administrative costs, overhead, or profits.

(e) The Contractor shall notify the Contracting Officer of any increase claimed under this clause within 30 days after the effective date of the wage change, unless this period is extended by the Contracting Officer in writing. The Contractor shall promptly notify the Contracting Officer of any decrease under this clause, but nothing in the clause shall preclude the Government from asserting a claim within the period permitted by law. The notice shall contain a statement of the amount claimed and any relevant supporting data that the Contracting Officer may reasonably require. Upon agreement of the parties, the contract price or contract unit price labor rates shall be modified in writing. The Contractor shall continue performance pending agreement on or determination of any such adjustment and its effective date.

(f) The Contracting Officer or an authorized representative shall, until the expiration of 3 years after final payment under the contract, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor.

(End of clause)

Dated: May 31, 1985.

Allan W. Beres,

Assistant Administrator for Acquisition Policy.

[FR Doc. 13907 Filed 6-10-85; 8:45 am]

BILLING CODE 6820-61-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Determination of Endangered Status and Critical Habitat for the Modoc Sucker

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Service determines the Modoc sucker (*Catostomus microps*) to be an endangered species. Critical habitat is also designated for this fish. This action is being taken because the species has been extirpated from a

significant portion of its limited range due to habitat loss from overgrazing, siltation, and channelization.

Furthermore, habitat degradation has removed natural instream barriers and allowed hybridization with a related species of *Catostomus*. The Modoc sucker historically occurred in small tributaries of the upper Pit River in Lassen and Modoc Counties, California, but is now found only in portions of two small drainage systems in Modoc County. A determination that the Modoc sucker is an endangered species and designation of its critical habitat will implement protection provided by the Endangered Species Act of 1973, as amended.

**EFFECTIVE DATE:** July 11, 1985.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Regional Office, Lloyd 500 Building, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wayne S. White, Chief, Division of Endangered Species, at the above address (503/231-6131 or FTS 429-6131).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Modoc sucker (*Catostomus microps*) is a dwarf species of the family Catostomidae. Individuals begin to mature at 70 to 85 mm standard length (SL) with few adults exceeding 160 mm SL (Boccone and Mills 1979). Martin (1972) described the colors of the Modoc sucker as greenish-brown to deep gray-olive above, lighter-colored on the sides with some light yellowish pigment below, cream-colored to white ventrally, and with the caudal, pelvic and pectoral fins light yellowish-orange. A bright orange band appears on the sides during spawning season. The original description of the species was based on specimens from Rush Creek (Rutter 1908).

The historic range of the Modoc sucker included small streams tributary to the Pit River in Modoc and Lassen Counties, California. Presently, the species is restricted to portions of Turner and Rush Creeks, two small drainage systems in Modoc County, California. Land ownership of the species' present range is approximately 50 percent Federal (U.S. Forest Service) and 50 percent private.

Preferred habitat of the species consists of small streams characterized by large shallow pools with cover, soft sediments, and clear water. Food of the Modoc sucker consists of benthic invertebrates, algae, and detritus (Moyle

and Marciochi 1975). During spring spawning runs, the species ascends creeks or tributaries that may be dry during summer months. Spawning streams and spawning characteristics were described by Boccone and Mills (1979).

The recent decline of the Modoc sucker has been dramatic. A 1978 California Department of Fish and Game survey reported the species from eight creeks: Washington, Hulbert, Turner, Willow, Ash, Dutch Flat, Johnson, and Rush. Additional streams were inhabited by the species historically, but its small, often intermittent stream habitat indicates that Modoc suckers may never have been common. Recent information (Mills 1980) indicates that genetically pure Modoc suckers are restricted to Turner Creek and its tributaries, Washington and Hulbert Creeks; Johnson Creek, a tributary of Rush Creek; and smaller unnamed tributaries of Turner and Rush Creeks. An estimated 1,300 individuals now inhabit these creek systems. The decline can largely be attributed to habitat destruction and hybridization of the Modoc sucker with the Sacramento sucker (*Catostomus occidentalis*), a species that occupies larger streams in the region (Cooper 1983, Mills 1980, Moyle and Marciochi 1975). Hybridization has occurred due to the elimination of waterfalls and other natural instream barriers to fish movement by erosion, sedimentation, and channelization.

The precarious status of the Modoc sucker has been widely recognized. The American Fisheries Society lists the species as endangered (Deacon et al. 1979). The State of California has recently changed its classification of the species to endangered (California Department of Fish and Game 1980). The Modoc sucker was included in the Service's December 30, 1982, Review of Vertebrate Wildlife for Listing as Endangered or Threatened Species (47 FR 58454). In this review, the Modoc sucker was listed as a category 1 species, indicating that the Service had substantial information on hand to support a proposed rule to list the species as endangered or threatened. On April 19, 1983, the Desert Fishes Council petitioned the Service to list the Modoc sucker. Upon evaluation of this petition, the Service found that the petitioned action was warranted and published this finding on June 14, 1983 (48 FR 27273). The proposed rule to list the Modoc sucker as an endangered species and designate its critical habitat was published by the Service on January 31, 1984 (49 FR 3892), in accordance with



section 4(b)(3)(B)(ii) of the Endangered Species Act of 1973, as amended.

A cooperative effort by the California Department of Fish and Game, U.S. Forest Service, and U.S. Fish and Wildlife Service to reestablish the Modoc sucker in its historic streams has been initiated. The Department of Fish and Game reintroduced the species into Turner Creek, but the success of this effort has not been determined at this time. Most suckers found in Rush Creek in the past five years have been hybrids, although historically the Modoc sucker was collected from this creek. Plans have been developed to rehabilitate this creek and reintroduce the Modoc sucker. Despite the present precarious status of the species, reintroduction and stream rehabilitation efforts may result in the survival and eventual recovery of this unique species of the native California ichthyofauna.

#### Summary of Comments and Recommendations

In the January 31, 1984, proposed rule (49 FR 3892) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published in the *Red Bluff Daily News*, *Redding Record*, *Lassen Advocate*, and *Modoc Record*, which invited general public comment. These notices were published on March 1, 1984, except for the *Lassen Advocate* notice, which was published one day later.

Eleven written comments were received by the Service in response to the original notifications and newspaper notices. Seven replies offered support for the proposed listing and four provided comments and information but were non-committal concerning support or opposition of the proposal. The seven supportive replies were from the U.S. Forest Service, a University of California professor who has studied the species for many years, the Director of the California Department of Fish and Game, the International Union for Conservation of Nature and Natural Resources (IUCN), the Deputy State Director of the U.S. Bureau of Land Management, the California Wilderness Coalition, and a private citizen. The private citizen stressed the adverse impacts of overgrazing and stated that without grazing pressures, some intermittent streams presently inhabited by the Modoc sucker would no doubt be perennial. The California Wilderness

Coalition suggested that the Big Canyon roadless area and the Pit River Canyon wilderness study area should be examined for potential habitat.

One of the comments received provided additional information but neither supported nor opposed the proposed rule. The Sacramento Office of the U.S. Bureau of Reclamation provided information on a dam project that is being considered in the Allen Camp area on the Pit River. It suggested various alternatives to the proposed dam on the Pit River, but no new data on the status of the species were presented.

Based on the cooperative efforts of the Service with the U.S. Forest Service concerning reestablishment of the sucker in historic streams, Service personnel continued field inspection of areas proposed as critical habitat. As a result of these surveys, a refinement of the critical habitat boundaries was warranted. See the "Critical Habitat" section for specific details.

#### Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Modoc sucker (*Catostomus microps*) should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (to be codified in 50 CFR Part 424; proposal 49 FR 38900, October 1, 1984) were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Modoc sucker (*Catostomus microps*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Overgrazing by cattle, channelization, and other activities that cause erosion and siltation have dramatically degraded Modoc sucker habitat. Cattle grazing has compacted and denuded several meadow areas causing severe erosion and stream incision (Mills 1980). In some streams, erosional cutting of stream banks has exposed as much as 10 vertical feet of earth. These changes to the species' habitat have decreased the distribution and abundance of the Modoc sucker to a point where only 1,300 genetically pure individuals are thought to remain (Mills 1980).

In addition to loss of suitable habitat, erosion and channelization within the species habitat have removed natural

barriers separating the Modoc sucker from the Sacramento sucker (Moyle 1976a). Sacramento suckers inhabit large streams and reservoirs in the Pit River system, but ascend small tributaries to spawn. Historically, natural instream barriers, such as falls or steep gradients, prevented the movement of spawning Sacramento suckers into Modoc sucker habitat (Mills 1980, Moyle and Marciochi 1975). With the removal of these barriers hybridization between the two species has occurred. Destruction of natural instream barriers has also allowed entrance of predacious fish into Modoc sucker habitat.

Recent efforts by the U.S. Forest Service to fence riparian habitats to eliminate cattle grazing have improved Modoc sucker habitat. For example, severely eroded areas of Washington Creek that were fenced three years ago have regained much of their original riparian vegetation cover since the exclusion of cattle. Siltation and erosion have ceased along this creek.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The Modoc sucker is not known to be overutilized for any purposes.

C. *Disease or predation.* In the past, the brown trout (*Salmo trutta*) was introduced into the Pit River and its tributaries, including some which are inhabited by the Modoc sucker. Introduction of the brown trout reduced Modoc sucker numbers by predation (Moyle 1976b).

D. *The inadequacy of existing regulatory mechanisms.* The State of California now classifies the Modoc sucker as endangered. State legislation protects the species from taking, but does not provide for habitat protection or for Federal assistance with recovery actions.

E. *Other natural or manmade factors affecting its continued existence.* The genetic integrity of the Modoc sucker is threatened by hybridization with the Sacramento sucker. Genetically pure Modoc suckers have been replaced in Rush, Ash, Dutch Flat, and Willow Creeks by hybrid Modoc and Sacramento suckers. Further habitat degradation can destroy additional natural instream barriers and allow Sacramento suckers access to remaining genetically pure Modoc sucker populations.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the



preferred action is to list the Modoc sucker as endangered with critical habitat. The Service finds that the Modoc sucker has come precariously close to extinction. During the past two years, efforts by the U.S. Forest Service and California Department of Fish and Game has improved sections of remaining habitat and increased the possibility for survival of the species. However, further recovery actions that include protection of remaining populations and reintroductions of Modoc suckers into secure, historic habitat are necessary before the species could be considered for reclassification to threatened status or for removal from the List of Endangered and Threatened Wildlife. The need for designation of critical habitat is discussed in the "Critical Habitat" section.

#### Critical Habitat

Critical habitat, as defined by Section 3 of the Act, means: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat is being designated for the Modoc sucker in Modoc County, California to include a total of approximately 26 miles of the following streams and a 50 foot riparian zone on either side of the stream channel: (1) Turner Creek, (2) Washington Creek (including its tributary Coffee Mill Gulch), (3) Hulbert Creek (including its tributary Cedar Creek), (4) Johnson Creek (including its tributaries Rice Flat and Higgins Flat), and (5) Rush Creek. Known constituent elements include intermittent and permanent-water creeks, and surrounding land areas that provide vegetation for cover and protection from erosion.

Additional information resulting from field work conducted during the comment period resulted in the following changes to critical habitat from that proposed on January 31, 1984: addition of Cedar Creek (a tributary of Hulbert Creek), addition of Coffee Mill Gulch (a tributary of Washington

Creek), deletion of the upstream portion of Hulbert Creek, and deletion of the upstream portion of Johnson Creek. These changes were based on field work conducted by U.S. Fish and Wildlife Service Sacramento Field Office personnel in coordination with the U.S. Forest Service.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) which may adversely modify such habitat or may be affected by such designation. Activities that may adversely modify critical habitat for the Modoc sucker are as follows:

(1) Overgrazing by livestock in areas adjacent to streams that causes compacting and denuding of soils, leading to erosion and stream incision (this is presently occurring and poses a serious threat);

(2) Channelization, impoundment, and water diversion activities along streams that would reduce available habitat allowing Sacramento suckers access to headwater areas;

(3) Introduction of additional exotic species that would compete with or prey on Modoc suckers poses a serious threat;

(4) Application of herbicides or insecticides toxic to Modoc suckers or their food sources along stream courses;

(5) Pollution of streams by silt or other pollutants that would reduce the suitability of the stream environment for Modoc suckers; and

(6) Removal of trees or bushes along streams which, would reduce cover and shade, thereby reducing the suitability of the stream environment for the species.

Timber sales and cattle grazing, activities which occur on the Modoc National Forest, may be affected by the designation of critical habitat through section 7 consultation requirements. The Forest Service has begun implementation of recovery actions on its lands. These actions include modifications of timber sales and exclusion of cattle from some stream areas. In addition, channelization, impoundment, and water diversion activities in these stream systems would require section 7 consultation to ensure that the critical habitat is not adversely modified.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service has considered the potential economic impacts of reduced cattle grazing and modifications to timber sales and

concluded that these effects are minor. The Forest Service has voluntarily eliminated cattle grazing in some riparian areas and has modified timber sales along Hulbert and Cedar Creeks to protect the Modoc sucker.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. With respect to the Modoc sucker, consultations with the U.S. Forest Service are anticipated for actions involving timber harvest or grazing leases along streams designated as critical habitat. Informal Section 7 consultations and conferences have been held recently concerning timber sales along Cedar and Hulbert Creeks. In addition to timber sales and grazing leases, forest management plans would require consultation if their implementation would affect the Modoc sucker. A dam project on the Pit River was proposed prior to 1980 at Allen Camp. On December 16, 1980, the Bureau of Reclamation informed the Fish and Wildlife Service that this project was not under consideration at that time. A comment letter was



received from the Bureau of Reclamation (Bureau) on April 2, 1984, indicating that alternatives to the Allen Camp were being considered. Should the Bureau decide to continue with an alternative water project on the Pit River, it will be required to consult with the Service to ensure that the Modoc sucker and its habitat are not adversely affected.

The California Department of Fish and Game, the Forest Service, and the Service have been involved in developing an action plan for the Modoc sucker since 1981. The action plan was revised in 1983 and approved by the three agencies in 1984. The purpose of the plan is to provide direction and assign responsibilities for the recovery of the Modoc sucker. The immediate objective of the plan is to provide enough suitable, secure habitat in both the Turner-Hulbert-Washington Creeks drainage and the Rush-Johnson Creeks drainage to ensure viable populations of the Modoc sucker in these areas. This action plan is compatible with the critical habitat designation.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that had been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of

1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

#### Regulatory Flexibility Act and Executive Order 12291

The Department of the Interior has determined that designation of critical habitat for this species will not constitute a major action under Executive Order 12291 and certifies that this designation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The critical habitat designation as defined in the proposed rule for the Modoc sucker (*Catostomus microps*) did not bring forth economic or other impacts to warrant consideration of revising the critical habitat designation due to such impacts. The critical habitat is located in portions of two small drainages in Modoc County, California. The Forest Service owns approximately 50 percent of the critical habitat. The remaining critical habitat area is privately owned. Based on current Forest Service management, the Bureau's consideration of alternative water projects on the Pit River, and the joint action plan for the recovery of the Modoc sucker, it is not expected that significant economic impacts will result from the designation of critical habitat on Federal land. In addition, there is no known involvement of Federal funds or permits for the private lands within the critical habitat designation. No direct costs, enforcement costs, or information collection or recordkeeping requirements are imposed on small entities by the designation. These determinations are based on a Determination of Effects that is available at the Regional Office, U.S. Fish and Wildlife Service, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232.

#### Literature Cited

- Boccone, V.M., and T.J. Mills. 1979. Spawning behavior and spawning substrate preference of the Modoc sucker, *Catostomus microps* (Rutter). California Department of Fish and Game, Inland Fish. Endangered Species Program Spec. Publ. 79-2.
- California Department of Fish and Game. 1980. At the crossroads: a report on the status of California's endangered and rare fish and wildlife. State of California Resources Agency, Sacramento, California 147 pp.
- Cooper, J.J. 1983. Distributional ecology of native and introduced fishes of the Pit River system, northeastern California, with

notes on the Modoc sucker. California Fish and Game 69:39-53.

- Deacon, J.E., G. Kobetich, J.D. Williams, S. Contreras et al. 1979. Fishes of North America endangered, threatened, or of special concern: 1979. Fisheries (Bull., Am. Fish. Soc.) 4:29-44.
- Martin, M. 1972. Morphology and variation of the Modoc sucker, *Catostomus microps* Rutter, with notes on feeding adaptations. California Fish and Game 58:277-284.
- Mills, T.J. 1980. Life history, status, and management of the Modoc sucker, *Catostomus microps* (Rutter) in California, with a recommendation for endangered classification. California Department of Fish and Game, Inland Fish. Endangered Species Program Spec. Publ. 80-6.
- Moyle, P.B. 1976a. Some effects of channelization on the fishes and invertebrates of Rush Creek, Modoc County, California. California Fish and Game 62:179-186.
- Moyle, P.B. 1976b. Fish introductions in California: history and impact on native fishes. Biol. Conserv. 9:101-118.
- Moyle, P.B., and A. Marciochi. 1975. Biology of the Modoc sucker, *Catostomus microps*, in northern California. Copeia 1975:556-560.
- Rutter, C. 1908. The fishes of the Sacramento-San Joaquin basin, with a study of their distribution and variation. Bull. U.S. Bur. Fish. 27:103-152.

#### Author

The primary author of this final rule is Dr. Jack E. Williams, U.S. Fish and Wildlife Service, Sacramento Endangered Species Office, 2800 Cottage Way, Room E-1823, Sacramento, California 95825 (916/484-4935 or FTS 468-4935).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

#### Regulations Promulgation

#### PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.11(h) by adding the following, in alphabetical order under "FISHES", to the List of Endangered and Threatened Wildlife:

#### § 17.11 Endangered and threatened wildlife.

• • • • •  
(h) • • •



Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
Sucker, Modoc	<i>Catostomus commersoni</i>	U.S.A. (CA)	Entire	E		17.95(e)	NA

3. Amend § 17.95(e) by adding critical habitat of the Modoc sucker as follows: The position of this entry under § 17.95(e) will follow the same sequence as the species occurs in § 17.11.

**§ 17.95 Critical habitat—fish and wildlife.**  
(e) \* \* \*

**MODOC SUCKER (*Catostomus commersoni*)**

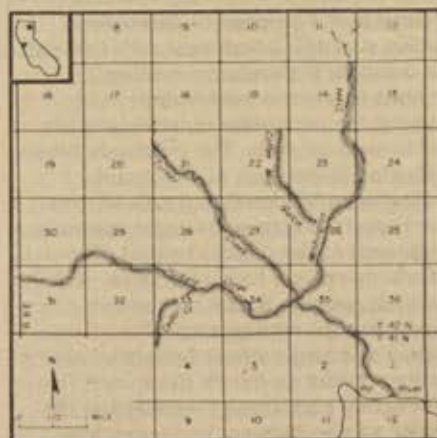
California, Modoc County.

1. Turner Creek. Approximately 4.5 stream miles and 50 feet on either side of the stream channel from the juncture of Turner Creek with the Pit River upstream to T42N, R8E, Section 20; including those areas of the stream channel in T41N, R8E, Sections 1 and 2; and in T42N, R8E, Sections 21, 27, 28, 34, and 35.

2. Washington Creek. Approximately 4 stream miles and 50 feet on either side of the stream channel from the juncture of Washington Creek with Turner Creek to T42N, R8E, Section 11; including those areas of the stream channel in T42N, R8E, Sections 14, 23, 24, 25, 26, and 35. Also Coffee Mill Gulch, a tributary of Washington Creek, for approximately 1.5 miles and 50 feet on either side of the stream channel from the juncture of this tributary with Washington Creek upstream to T42N, R8E, Section 22; including those areas of the stream channel in T42N, R8E, Sections 22, 23, and 26.

3. Hulbert Creek. Approximately 3.5 stream miles and 50 feet on either side of the stream channel from the juncture of Hulbert Creek with Turner Creek upstream to T42N, R8E, Section 31; including those areas of the stream channel in T42N, R8E, Sections 29, 30, 32, 33, 34, and 35; and Cedar Creek, a

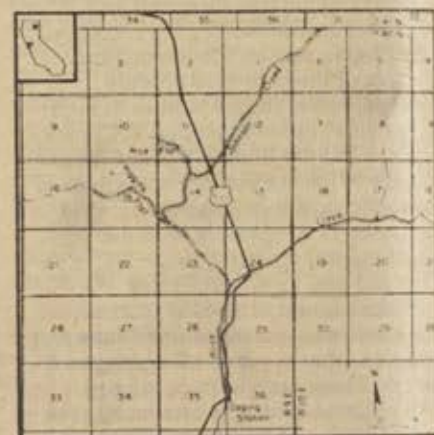
tributary of Hulbert Creek, for approximately 1.5 stream miles and 50 feet on either side of the stream channel from the juncture of Cedar Creek with Hulbert Creek upstream to Cedar Spring; including those areas of the stream channel in T41N, R8E, Section 4; and in T42N, R8E, Section 33.



4. Johnson Creek. Approximately 4 stream miles and 50 feet on either side of the stream channel from the juncture of Johnson Creek with Rush Creek upstream to T40N, R10E, Section 6; including those areas of the stream channel in T40N, R9E, Sections 1, 11, 12, 14, 23, and 24. Also in unnamed tributary of Johnson Creek in Rice Flat, for approximately 1 stream mile and 50 feet on either side of the stream channel from the juncture of this tributary with Johnson Creek upstream to T40N, R9E, Section 10; including those areas

of the stream channel in T40N, R9E, Sections 11 and 14. Also in unnamed tributary of Johnson Creek in Higgins Flat, for approximately 1 stream mile and 50 feet on either side of the stream channel from the juncture of this tributary with Johnson Creek upstream to T40N, R9E, Section 10; including those areas of the stream channel in T40N, R9E, Sections 14 and 15.

5. Rush Creek. Approximately 5 stream miles and 50 feet on either side of the stream channel from the gauging station at the State Route 299 crossing upstream to T40N, R10E, Section 18; including those areas of the stream channel in T40N, R9E, Sections 24, 25, 26, 35, and 36; and in T40N, R10E, Sections 17, 18, and 19.



Known constituent elements include intermittent and permanent-water creeks, and adjacent land areas that provide vegetation for cover and protection from soil erosion.

Dated: May 15, 1985.

Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-13992 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-55-M



# Proposed Rules

Federal Register

Vol. 50, No. 112

Tuesday, June 11, 1985

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 927

[Docket No. AO-99-A5]

#### Winter Pear Marketing Order; Hearing on Proposed Amendment

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

**ACTION:** Notice of hearing on proposed rule.

**SUMMARY:** This provides notice of a public hearing to be held to consider a proposed amendment to the Winter Pear marketing order (hereinafter called the "order"). The proposals were submitted by the Winter Pear Control Committee, the industry organization administering the order. The principal changes would revise the size and composition of the control committee, establish a limit on the tenure of control committee members, add authority for public advisors, add authority to establish and fund research and development programs for individual varieties and subvarieties of pears and provide for periodic referenda on the order. The text of the proposals to be considered is set forth below.

**DATE:** The hearing is scheduled for June 20, 1985, at 9:00 a.m.

**ADDRESS:** The hearing will be held in the Sheraton Inn, 8235 NE Airport Way, Portland, Oregon 97218.

**FOR FURTHER INFORMATION CONTACT:**

William J. Doyle, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447-5975.

**SUPPLEMENTARY INFORMATION:** The amendment was proposed and the hearing requested by the Winter Pear Control Committee established under the marketing agreement and order program regulating the handling of winter pears grown in the States of Oregon, California, and Washington. The Department of Agriculture proposes

that it be authorized to make any necessary conforming changes which may result from this hearing.

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and therefore is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (Pub. L. 96-354), effective January 1, 1981, seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. Interested persons are invited to present evidence at the hearing on the probable regulatory and informational impact of the proposals on small business.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900). The proposed amendment of the marketing agreement and order has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of: (i) Receiving evidence about the economic and marketing conditions which relate to the proposed amendment of the marketing agreement and order; (ii) determining whether there is a need for the proposed amendments to the marketing agreement and order; and (iii) determining whether the proposed amendment or appropriate modification of it will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 927

Marketing agreements and orders, Pears, Oregon, State of Washington, California.

1. The authority citation for 7 CFR Part 927 continues to read as follows:

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

#### PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

#### Proposal No. 1

Revise § 927.4 to read:

##### § 927.4 Pears.

"Pears" means and includes any and all of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, and Doyenne du Comice varieties of pears grown in Oregon, Washington, and California and the Forelle and Seckel varieties of pears grown in the States of Oregon and Washington, and any mutations, sports, or other derivations of the varieties named.

#### Proposal No. 2

Revise § 927.9 to read:

##### § 927.9 Fiscal period.

"Fiscal period" means the period beginning July 1 of any year and ending June 30 of the following year or such annual beginning and ending dates as may be approved by the Secretary pursuant to recommendations by the Control Committee.

#### Proposal No. 3

Amend § 927.11 by removing paragraph (f) and by amending paragraph (e) to read:

##### § 927.11 District

(e) California District shall include all of the State of California.

#### Proposal No. 4

Add a new § 927.13 to read:

##### § 927.13 Subvariety.

"Subvariety" means and includes any mutation, sport, or other derivation of any of the varieties named in § 927.4 which is recognized by the Control Committee. Recognition of a subvariety by the Control Committee shall include classification within a varietal group for the purposes of votes conducted under § 927.52.

#### Proposal No. 5

Revise § 927.20 to read:

##### § 927.20 Establishment and membership.

A Control Committee, consisting of 14 individual persons as its members, is hereby established to administer the terms and provisions of this subpart as specifically provided in §§ 927.20 through 927.35. There shall be two alternates, designated as the "first alternate" and the "second alternate,"



respectively, for each member of the committee. Seven members of the Control Committee and their respective alternates shall be growers of pears, and seven members and their respective alternates shall be handlers of pears. Each district shall be represented on the Control Committee by one grower member and one handler member except that the Hood River-White Salmon-Underwood District and the Wenatchee District shall be represented on the committee by two grower members and two handler members.

#### *Proposal No. 6*

Revise § 927.26 to read:

#### **§ 927.26 Qualifications.**

Any person prior to or after selection as a member or as an alternate for a member of the Control Committee shall qualify by filing with the Secretary a written acceptance of the person's willingness to serve.

#### *Proposal No. 7*

Revise § 927.27 to read:

#### **§ 927.27 Term of office.**

The term of office of each member and alternate member of the committee shall be for two years beginning July 1 and ending June 30: *Provided*, That the terms of office of one-half the initial members and alternates shall end June 30, 1987; and that beginning with the 1988-87 marketing year, no member shall serve more than three consecutive terms. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. The terms of office of successor members and alternates shall be so determined that one-half of the total committee membership ends each June 30.

#### *Proposal No. 8*

Revise paragraph (a) of § 927.33 to read:

#### **§ 927.33 Procedure of Control Committee.**

(a) Quorum and voting. A quorum at a meeting of the Control Committee shall consist of ten members, or alternates then serving in the place of any members. Except as otherwise provided in § 927.52, all decisions of the Control Committee at any meeting shall require the following: (1) The concurring vote of at least 80 percent of those members, or alternates then serving in the place of any members, and (2) not less than ten concurring votes

#### *Proposal No. 9*

Add a new § 927.36 to read:

#### **§ 927.36 Public advisors.**

The Control Committee may appoint such public advisors as it deems appropriate and determine the compensation and define the duties of such advisors.

#### *Proposal No. 10*

Revise § 927.41 to read:

#### **§ 927.41 Assessments.**

(a) Assessments will be levied only upon the handler who first handles pears which subsequently are shipped from the State of Oregon, the State of Washington, or the State of California. Each handler shall pay, upon demand, assessments on all pears handled by such handler as the prorata share of the expenses which the Secretary finds are reasonable and are likely to be incurred by the Control Committee during a fiscal period. The payment of assessments for the maintenance and functioning of the Control Committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) Based upon a recommendation of the Control Committee or other available data, the Secretary shall fix the rate of assessment that handlers shall pay on all pears handled during each fiscal period, and may also fix supplemental rates of assessment on individual varieties or subvarieties to secure sufficient funds to provide for projects authorized under § 927.47. At any time during the fiscal period when it is determined on the basis of a committee recommendation or other information that a different rate is necessary for all pears or for any varieties or subvarieties, the Secretary may modify a rate of assessment and such new rate shall apply to any or all varieties or subvarieties that are shipped during the fiscal year. Any Control Committee recommendation to the Secretary to establish or modify a supplemental rate of assessment for an individual variety or subvariety shall require an affirmative vote of not less than 80 percent of the applicable total number of votes of that variety, or the variety of which the subvariety is a member of, as computed in the manner prescribed in § 927.52.

(c) The Control Committee may impose a late payment charge on any handler who fails to pay any assessment within the time prescribed by the committee. In the event the handler thereafter fails to pay the amount outstanding, including the late payment

charge, within the prescribed time, the Control Committee may impose an additional charge in the form of interest on such outstanding amount. The rate of such charges shall be prescribed by the Control Committee, with the approval of the Secretary.

(d) In order to provide funds to carry out the functions of the Control Committee prior to commencement of shipments in any season, handlers may make advance payments of assessments, which advance payments shall be credited to such handlers and the assessments of such handlers shall be adjusted so that such assessments are based upon the quantity of each variety of pears handled by such handlers during such season.

#### *Proposal No. 11*

Revise § 927.47 to read:

#### **§ 927.47 Research and development.**

The Control Committee, with the approval of the Secretary, may establish or provide for the establishment of production research or marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of pears. Such projects may provide for any form of marketing promotion, including paid advertising. The expense of such projects shall be paid from funds collected pursuant to § 927.41. Expenditures for a particular variety of pears should approximate the amount of assessments collected for that variety of pears.

#### *Proposal No. 12*

Revise paragraph (a) of § 927.52 to read:

#### **§ 927.52 Prerequisites to committee recommendations.**

(a) Decisions of the Control Committee with respect to any recommendations to the Secretary pursuant to the establishment or modification of a supplemental rate of assessment for an individual variety of pears or pursuant to the provisions of § 927.50 shall be made by an affirmative vote of not less than 80 percent of the applicable total number of votes, computed in the manner hereinafter prescribed in this section, of all committee members.

#### *Proposal No. 13*

Revise paragraph (c) of § 927.78 to read:

#### **§ 927.78 Termination**

(c) The committee shall recommend to the Secretary within every six-year



period beginning on the date the language in this section becomes effective that a referendum be conducted to ascertain whether continuance of this subpart is favored by producers. The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of the growers of pears who, during such fiscal period, have been engaged in the area in the production of pears for market: *Provided*, That such majority have produced for market during such period more than 50 percent of the volume of pears produced for market in the area; but such termination shall be effective only if announced on or before June 30 of the fiscal period.

#### Proposal No. 14

Make such other changes as may be necessary to make the entire order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from Kurt J. Kimmel, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, or from Joseph C. Perrin, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, 1220 SW Third Avenue, Room 369, Portland, Oregon 97204, phone (503) 221-2724.

From the time this hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

- Office of the Secretary of Agriculture;
- Office of the Administrator,
- Agricultural Marketing Service;
- Office of the General Counsel, except
- Regional Attorneys;
- Fruit and Vegetable Division,
- Agricultural Marketing Service.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on June 4, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-13997 Filed 6-10-85; 8:45 am]

BILLING CODE 3410-02-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 1

#### Activities of Self-Regulatory Organization Employees and Governing Members Who Possess Material, Nonpublic Information

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission") is proposing a new regulation § 1.59 which, generally, would make it unlawful for employees of self-regulatory organizations to disclose material, nonpublic information obtained as a result of their employment at the self-regulatory organization. Regulation § 1.59 would also require self-regulatory organizations to adopt their own rules, subject to the standards contained in the regulation, that prohibit their employees from trading in any commodity interest on a contract market or linked exchange and from disclosing material, nonpublic information obtained as a result of their employment. Finally, proposed regulation § 1.59 would directly prohibit members of contract market or clearing organization governing boards or committees from trading in certain markets prior to the announcement of regulatory decisions made by such bodies affecting those markets, and from disclosing information relating to those regulatory decisions. The rule would also require contract markets and clearing organizations to adopt conforming rules which prohibit the same activity.

**DATE:** Comments must be received on or before August 12, 1985.

**ADDRESS:** Comments on the proposed regulation should be sent to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Attention: Secretariat.

**FOR FURTHER INFORMATION CONTACT:** De'Ana J. Hamilton, Attorney/Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

Currently, the Commission's regulations place no direct restrictions on the participation of employees or governing members of self-regulatory organizations in futures, options or cash transactions on designated contract

markets.<sup>1</sup> In general, those contract markets which currently have rules in this area either prohibit their employees from participating in commodity interests which are traded on the employing contract market or prohibit their members from accepting employees' orders without prior authorization from the employing contract market.<sup>2</sup>

In light of the rapid industry growth in the years since the establishment of the Commission and the expanding self-regulatory responsibilities attendant thereto, an increasing number of employees of the self-regulatory organizations often have access to books and records of members of those organizations. Furthermore, governing members are called upon to make emergency decisions affecting the markets. As a result and as recently indicated in its report, "A Study of the Nature, Extent, and Effects of Futures Trading by Persons Possessing Material, Nonpublic Information" (September 1984) ("Insider Trading Study"), the Commission is increasingly concerned about the potential for abuse and the appearance of impropriety when employees and governing members of self-regulatory organizations are permitted to trade while possessing or having access to material, nonpublic information. The Commission has stated in the past in connection with a previously proposed regulation that if employees or governing members are permitted to trade without any limitation, they could use the confidential information "obtained in their official capacity for their personal benefit. The Commission believes that such conduct, or even the potential for such conduct, seriously undermines the concept of self-regulation and reduces public confidence in contract markets and their clearing organizations as regulators of their respective marketplaces." 45 FR 84084 (December 22, 1980). In the main, the Commission's proposal is intended to require that self-regulatory organizations' internal compliance programs reduce, if not

<sup>1</sup> In this connection, however, the Commission notes that the Division of Trading and Markets' Financial and Segregation Interpretation Number 4 states that in all matters relating to a financial compliance program an independent attitude must be maintained. CCH Comm. Fut. L. Rep. ¶ 7114.

<sup>2</sup> See Commodity Exchange, Inc. Rule 3.03, Chicago Mercantile Exchange Rule 254, New York Cotton Exchange Rule 9.07(b), Chicago Board of Trade Rule 141.00(10), New York Mercantile Exchange Rule 41.13, New York Futures Exchange Rule 210, MidAmerica Commodity Exchange Rule 230 and Coffee, Sugar and Cocoa Exchange Rule 1.13(12).



eliminate, the possibilities for such conduct.

## II. Background

### A. Staff Interpretation

In December of 1980, the Commission proposed a regulation (§ 1.57) which would have made it unlawful for contract market or clearing organization officers, staff members, employees or other persons occupying a similar status or performing similar functions to participate, directly or indirectly, in commodity futures or option transactions, or investment transactions in actual commodities. In addition, § 1.57 would have required each contract market to adopt and enforce rules, subject to Commission approval, prohibiting such conduct. Finally, the proposed regulation would have authorized contract markets to provide an exemption whereby certain employees could trade those commodities for which the exchange had not been designated as a contract market. The Commission's decision to publish the regulation for public comment was based upon the Commission's belief that the increasingly important responsibilities of self-regulatory organizations' compliance personnel and their access to sensitive, nonpublic information made the adoption of certain industry-wide standards necessary. 45 FR 84084 (December 22, 1980). The Commission subsequently decided, however, not to adopt the proposed regulation, but instead to give guidance to the contract markets by publishing the interpretative position of the Commission's Division of Trading and Markets. 47 FR 7300 (February 18, 1982).<sup>3</sup>

<sup>3</sup> Prior to publication of the staff interpretative statement, the Commission had also requested public comment on contract market rules and practices governing conflicts of interest of the members of their governing bodies. See 47 FR 31703 (July 22, 1982). The Commission noted the lack of uniformity with respect to existing exchange rules in this area and stated that it was "not convinced that current exchange rules and procedures are the most effective means of assuring the public that exchange actions affecting the markets will be consistent with the exchanges' obligations to maintain the integrity of these public marketplaces." The Division of Trading and Markets, which had examined issues relating to conflicts of interest in rule enforcement reviews of three exchanges, had suggested that it would be appropriate for the Commission to provide the exchanges with the first opportunity to institute necessary procedural reforms, in accordance with their self-regulatory responsibilities. The Division of Trading and Markets had also suggested procedures by which exchanges could seek to reduce the possibility that potential or actual conflicts of interest would be present in the voting process and invited each exchange to tailor its suggestions to specific circumstances on that exchange. Generally, the contract markets responding to the Commission's request for comment stated that their

Specifically, the Staff interpretative position stated that employees who are involved in compliance, audit or market surveillance activities and who have routine access to confidential information generally should be barred from all commodity transactions, and should be disciplined, suspended or terminated for violation of exchange policy in this area. Further, it was stated that contract markets should consider the following factors in determining what types of commodity investments should be permitted: (i) The employee's degree of control over the investment; (ii) whether the employee could make use of confidential information for personal benefit; and (iii) whether such investment activity would interfere with the employee's job performance. Finally, the interpretative statement provided that the rule enforcement responsibilities of a contract market include having suitable staff whose interests do not conflict with their employment responsibilities and who do not misuse confidential information obtained by virtue of their employment.

A review of the current exchange rules in this area reveals, however, that these rules have not been amended since February of 1982 to take into consideration the staff interpretative position.<sup>4</sup> Moreover, NFA has not formally adopted rules which reflect the guidelines established in the staff position paper. Thus, publication of the staff interpretative position has had no apparent effect on the self-regulatory organizations' rules which relate to trading activities of all employees.

### B. Insider Trading Study

Subsequently, during the Commission's most recent reauthorization, the Commodity

policies, rules and procedures in this area provided sufficient safeguards against conflicts of interest, and further noted that there had been no instances of impropriety involving their governing members. The National Futures Association ("NFA") stated that any standards adopted by the Commission should not apply to a registered futures association, but if so, the NFA should be given the first opportunity to institute the standards. One industry commentator separately stated that the exchanges should take the initiative to ensure against conflicts of interest and the Commission should encourage exchanges to do so and suggest possible guidelines.

<sup>4</sup> This is not to say that some exchanges have not adopted policies with regard to employee trading activities that affect certain offices within those exchanges. For example, since the staff interpretation was issued the Division, in the course of auditing exchange financial programs, consistently has recommended that exchanges prohibit financial surveillance compliance staff from trading commodity futures and option contracts. In response to those recommendations, the exchanges have made progress in incorporating such a prohibition into their financial audit compliance programs.

Exchange Act ("Act") was amended to require the Commission to examine the nature, extent and effects of trading in representative markets by persons possessing material information not generally available to the public regarding present or anticipated cash or future transactions, and the adequacy of the Commission's authority to prevent market and customer abuses resulting from the possession of such nonpublic information.<sup>5</sup> That legislation further directed the Commission to prepare and transmit to its Congressional oversight committees a report describing the results of the Commission's study and including any recommendations for legislative action.

Upon assessment of the adequacy of the Commission's authority to prevent abuses resulting from the possession of material, nonpublic information, the Commission made the following recommendations in the Insider Trading Study. First, with respect to employees of self-regulatory organizations, the Commission stated its intent to propose a rule which would require all self-regulatory organizations to adopt rules that meet specified standards concerning trading by persons employed on a salaried or contract basis. The Commission noted that many self-regulatory organizations have recognized the potential problems attendant to employees' trading and have adopted various restrictions concerning such trading. Nevertheless, the Commission stated in the Insider Trading Study that it believes it is necessary to require self-regulatory organizations to adopt specific rules in order "to assure continued adherence to basic standards related to such trading."<sup>6</sup>

The Commission further indicated in the Insider Trading Study that it intended to propose a rule requiring contract markets and clearing organizations to restrict trading by their governing members until decisions by the governing boards are publicly known. The Commission again noted that some self-regulatory organizations have adopted measures to decrease the likelihood that governing members would abuse information obtained in connection with self-regulatory deliberations, but stated that "the advent of longer trading hours through the establishment of international

<sup>5</sup> The term "insider trading" as used in the Commission's Insider Trading Study included and herein refers to trading by exchange personnel or governing members while in possession of material, nonpublic information. See "Insider Trading Study" at p. 1, n. 1.

<sup>6</sup> *Id.* at 9.



linkages for futures trading," in particular, necessitated the adoption of further procedural safeguards.<sup>7</sup>

Finally, the Commission determined that provisions of existing law are adequate to discourage abuse of material, nonpublic information as a result of government employment. Among other things, the Commission and its employees are prohibited from participating, directly or indirectly, in futures or related markets, or from disclosing information obtained by virtue of their employment which may tend to affect prices, pursuant to sections 9(d) and 9(e) of the Act (7 U.S.C. 13(d) and 13(e)). Further, section 8(a) of the Act (7 U.S.C. 12(a)), prohibits the Commission, except in specifically authorized cases, from publishing data and information which would separately disclose the business transactions, market positions, trade secrets or the names of customers of any person. These provisions of the Act were intended to prevent the abuse of confidential information obtained by a Commissioner or Commission employee in that person's capacity as a government official and, thus, to ensure public confidence in the regulatory activities of the Commission.<sup>8</sup> The Commission previously stated its belief that this concept should apply with equal force to employees and governing members of self-regulatory organizations. 45 FR 84084 (December 22, 1980).

### III. Proposed § 1.59—Activities of Self-Regulatory Organization Employees and Governing Members Who Possess Material, Nonpublic Information

The Commission believes, and has previously articulated its belief, that self-regulatory organizations owe a duty to the public and to their members to prevent their employees and governing members from participating in commodity transactions on contract markets where such employees and governing members have access to material, nonpublic information,<sup>9</sup> and

also to prevent such persons from otherwise abusing their access to information in their positions at the self-regulatory organization. See 45 FR 84084 (December 22, 1980). Because of the Commission's concern about the potential for abuse in this area and the corresponding duty owed to the public to prevent such abuse, the Commission is proposing a new regulation which would address these concerns.

Under proposed § 1.59 it would be a violation of Commission regulations for employees (*i.e.*, persons employed on a salaried or contract basis by a self-regulatory organization) to disclose (other than in the authorized course of their duties)<sup>10</sup> any material, nonpublic information obtained as a result of employment if that employee has or should have a reasonable expectation that the information disclosed may assist another person in trading a future, an option, or a cash commodity traded at a board of trade. The Commission intends that this provision would prohibit the disclosing of information under certain circumstances by employees of self-regulatory organizations, such as compliance, audit, and market surveillance personnel, who have access to the books and records of contract market members.

Employees so engaged can be expected to have access to information which relates to cash, futures or option positions, trading strategies, and the financial condition of members or their customers, among other things. The Commission believes that this type of information, which is not usually available to the public, would be considered important by a reasonable person in deciding whether to trade a particular commodity interest and, thus, would be considered material.

only that a reasonable man or woman would have thought the information important in deciding whether to trade a certain commodity interest. The Commission has defined "nonpublic information" as "information which has not been disseminated in a manner which makes it generally available to the trading public through recognized channels or distribution." Here too, the Commission has used terminology consistent with securities case law. See *In re Faberge, Inc.*, 45 SEC 249, 256 (1973). The Commission requests comment on the appropriateness and specificity of its definition of "nonpublic information."

<sup>10</sup> The language "in the authorized course of their duties" would, in effect, permit employees to disclose information as necessary to assist in the self-regulatory process. Furthermore, employees would be specifically permitted to disclose information to other self-regulatory organizations, linked exchanges, courts of competent jurisdiction, or representatives of a department or agency of the federal or a state government, regardless of whether employees are so authorized. Thus, employees would not be prohibited from "whistle-blowing" activities by the proposed regulation.

nonpublic information for purposes of this regulation.

The regulation would also require each self-regulatory organization to adopt rules that prohibit employees from disclosing material, nonpublic information obtained as a result of their employment to any other person with certain specified exceptions, such as disclosures to another self-regulatory organization, linked exchange, court of competent jurisdiction or to a representative of any agency or department of the federal or a state government.<sup>11</sup> By requiring each self-regulatory organization to adopt such rules, the Commission intends that the self-regulatory organization be responsible in the first instance for enforcing these standards.

Further, proposed § 1.59 would require each self-regulatory organization to adopt rules that prohibit its employees, as well as their spouses and dependent children<sup>12</sup> from trading in futures or option contracts which are traded on a contract market or a linked exchange, or cash commodities which are traded on a board of trade which has been designated as a contract market. These transactions are defined as "commodity interests" for purposes of this regulation.

Proposed § 1.59, however, would permit self-regulatory organizations to provide exemptions, subject to Commission review, whereby certain employees and their spouses and dependent children could trade commodity interests under certain circumstances. The Commission contemplates that if a self-regulatory organization were to propose exemptions from the general trading prohibition the self-regulatory organization would be required to set forth in its proposed rule the procedures to be followed in granting such an exemption, including the documentation to be submitted to the self-regulatory organization and the officer or

<sup>7</sup> *Id.*

<sup>8</sup> See H.R. Rep. 93-975, 93rd Cong., 2nd Sess. 30-31 (1974).

<sup>9</sup> The Commission has defined "material information" in proposed Regulation § 1.59 as "information which, if such information were publicly known, would be considered important by a reasonable person in deciding whether to trade a particular commodity interest on a contract market." The Commission has used terminology consistent with that in securities case law relating to insider trading. See *Securities and Exchange Commission v. Texas Gulf Sulphur Co.*, 401 F.2d 833, 849, cert. denied, 404 U.S. 1005 (1968). See also *TSC Industries, Inc. et al. v. Northway, Inc.*, 426 U.S. 438, 445 (1975). The Commission does not anticipate that in proving information is "material" positive proof of reliance on that information would be necessary.

<sup>11</sup> The Commission has proposed to include state government departments and agencies in this exception given that the NFA frequently coordinates its regulatory activities with state officials and that other self-regulatory organizations may also cooperate with state governments from time to time.

<sup>12</sup> The Commission would view the term "dependent" here as that term is defined in the Internal Revenue Code, 26 U.S.C. 152 (1982); however, the Commission solicits comments on the appropriateness of that definition. Furthermore, the Commission realizes that there may be more persons within an employee's immediate household, and thus more persons who may have access to the employee's knowledge of material, non-public information, than the employee's spouse and dependent children. Accordingly, the Commission solicits comments on whether this group should be expanded to include such other persons.



committee which would be authorized to grant the exemption and oversee the enforcement of those rules.

The proposed regulation sets forth a non-exclusive list of circumstances under which an exemption could be granted on a case-by-case basis. Specifically, an exemption could be granted under the following circumstances: (a) Trading by an employee's spouse and dependent children in commodity interests not traded on or cleared by the employing self-regulatory organization or related to such commodity interests (related commodity interests),<sup>13</sup> provided such trading is not controlled by the employee; (b) trading by an employee's spouse which is required by the spouse's employment, where such trading is not controlled by the employee; (c) trading by an employee in commodity interests on or subject to the rules of self-regulatory organizations other than the employee's employer, provided such commodity interests are not related to those traded on the employing self-regulatory organization (related commodity interests) and provided such employee is not permitted access to material, nonpublic information in the course of employment; and (d) trading by an employee, or the spouse of dependent children thereof which otherwise is not contrary to the purposes of proposed regulation § 1.59, the public interest, or just and equitable principles of trade.<sup>14</sup> The Commission

believes that the availability of these exemptions will effectively prevent unnecessary hardships. Nevertheless, the Commission invites comment on the appropriateness and scope of the proposed exemptions and on whether there should be other categories of exemptions.

Proposed § 1.59 also would prohibit members of governing boards and committees of contract markets and clearing organizations having knowledge of a final decision which would alter rules affecting trading in a futures or option contract, or a reasonable expectation that such a final decision is imminent,<sup>15</sup> from trading the affected contract or a related contract on that contract market, or a similar or related contract on any other exchange prior to publication of that decision.<sup>16</sup> The Commission's proposal similarly would prohibit those individuals from disclosing information concerning the impending rule change to any person except to the staff of the contract market, clearing organization, or linked exchange; court of competent jurisdiction; or representative of the Federal or a State government prior to publication of that decision. This provision is designed to prevent abuse of information concerning changes in the futures trading environment obtained by virtue of a person's decision-making activity with the contract market or clearing organization. This category of information would include decisions by governing members to revise margin levels, limit trading to liquidation only, shorten delivery periods, or any other

rule change which could be implemented immediately and which could affect the prices of particular futures or option contracts, e.g., actions taken pursuant to contract market emergency authority. In addition, knowledge of an impending disciplinary action against a major market participant also may be valuable to governing members if that action could affect the price of a commodity interest, e.g., forcing such a participant to liquidate a large position during or shortly before the delivery month. The Commission, however, is specifically interested in comments on whether knowledge of such disciplinary actions should be subject to the same restrictions as information of a broader nature, e.g., changes in margin rates or trading for liquidation only orders which affect all market participants.

The Commission believes that knowledge of such pending changes prior to their public announcement may provide an unfair trading advantage. Further, the Commission is concerned that the advent of extended trading hours through international exchange linkages could increase the potential for insider trading by members of governing boards. With extended trading hours through linked exchanges, a board decision reached after trading has closed in the United States and which would not be announced until the following morning could provide board members an opportunity to use their knowledge of the unpublicized exchange action by trading overnight on a linked exchange.

Proposed § 1.59 would further require each contract market to adopt rules which require that a final decision of a governing board or committee<sup>17</sup> which would alter rules affecting trading be announced publicly before the opening of the next trading session in the affected contract on that contract market or on any linked exchange. However, if a contract market or clearing organization were to decide that market disruption may result from such publication, the contract market or clearing organization could delay publication by a two-thirds vote of its governing board or committee. In such cases, the contract market or clearing organization would also be required to notify the Commission by the fastest

<sup>13</sup> By "related" commodity interests, the Commission means any commodity interest or option contracts traded on other contract markets, linked exchanges, or other boards of trade, exchanges, or markets whose price movements correlate with the price movements of a commodity interest traded on or subject to the rules of the employer self-regulatory organization to such a degree that intermarkets spread margins or special margin treatment is recognized or established by the employer self-regulatory organization between the commodity interest or option contract in question and a commodity interest traded on or subject to the rules of the employer self-regulatory organization. The Commission intends the term "related commodity interests" to include instruments which are traded on securities and option exchanges, such as options on stock indices, financial instruments, or currencies. If spreads involving these options are accorded such margin treatment. In this connection, the Commission requests that contract markets and clearing organizations commenting on this proposed regulation provide information on the intermarket spreads for which they have established or recognized spread margins or other special margin treatment.

<sup>14</sup> With this proposed regulation the Commission does not intend to prohibit employees, their spouses, or dependent children from participating in pension funds covered under Title 1 of the Employee Retirement Income Security Program, 29 U.S.C. 1001 *et seq.* (1982), or mutual funds which use commodity instruments for hedging purposes, or from benefiting from a trust which may invest in commodity interests, as long as the employee does not control, directly or indirectly, the pension fund,

mutual fund, or trust. The Commission believes that participation in such vehicles is appropriate for treatment in the last exemption category listed above. The Commission realizes that under the proposed regulation the prohibition on trading cash commodities is limited. Exchanges may, however, prohibit trading in all cash commodity transactions by their employees if they so choose. Nevertheless, the Commission requests comment on the breadth of its prohibition on the trading of cash commodities.

<sup>15</sup> By "imminent" the Commission means a member of a governing board or committee must have a reasonable expectation of a final decision within 24 hours. The Commission believes that an expectation of such a decision more than 24 hours into the future would be significantly more speculative, considering the speed with which events can change in the futures and options markets. Nevertheless, the Commission solicits comments on this interpretation of the term "imminent."

<sup>16</sup> For purposes of proposed § 1.59, the term "linked exchange" means any board of trade, exchange or market outside the United States, its territories or possessions which has an agreement with a contract market that permits futures and/or option positions which have been established on one of the two markets to be liquidated on the other market. The Commission is inviting comment on whether the proposed definition of "linked exchange" is appropriate.

<sup>17</sup> For purposes of proposed § 1.59, "final decision" is defined as a decision made by the governing board or a committee of the contract market or clearing organization of the contract market or clearing organization and which, without further action, e.g., Commission approval, alters the rules of the contract market or clearing organization.



available means of communication of the decision to delay publication and to promptly provide written justification citing the reasons for such delay. Proposed § 1.59 does not require contract markets or clearing organizations to adopt specific rules providing the exceptions to the immediate publication provision as described above. However, the Commission invites comment on whether such exceptions would be appropriate.

The Commission is proposing § 1.59, pursuant to sections 5(g) and 8a(5) of the Act, among others, in order to assure public confidence in the integrity of the self-regulatory process. Section 5(g) of the Act, 7 U.S.C. 7(g) (1982), requires that transactions for future delivery in the commodity for which a designation is sought not be contrary to the public interest. Section 8a(5) of the Act, 7 U.S.C. 12a(5) (1982), authorizes the Commission "to make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of this Act. . . ." The Commission believes that the Act and the regulations adopted thereunder place responsibilities on contract markets to act in a manner which is consistent with the public interest in viable futures markets, which provide hedging opportunities for producers and users of commodities, as well as a means of price discovery. These market functions are significant in their impact upon many segments of interstate and international commerce. The Commission believes that if employees and governing members who could otherwise engage in commodity transactions based on material, nonpublic information obtained by virtue of their positions with self-regulatory organizations are not generally precluded from doing so by self-regulatory organization rule, public confidence in contract markets could at some point be seriously undermined. A faltering public confidence in turn could damage, if not destroy, the hedging and price discovery functions of the markets if such a lack of confidence were to result in a reluctance on the part of hedgers and speculators to trade on a particular market. The Commission believes that even the possibility of such an event is inconsistent with the public interest expressed by Congress in sections 3 and 5(g) of the Act,<sup>18</sup> and that

the best means of addressing such a potential problem is to propose that the self-regulatory organizations develop standards within a framework established by the Commission which must be followed by those who have access to sensitive information.<sup>19</sup>

The Commission notes that when it proposed a regulation in December 1980 which was, in many respects, similar to the presently-proposed 1.59 and which ultimately resulted in the publication of the staff interpretation in February 1982, the Commission received a number of public comments which may be pertinent here.<sup>20</sup> In summary, these comments were that:

(i) The proposed rule was unnecessary because neither contract market nor clearing organization personnel have ever been accused of trading in a manner which would violate the proposed regulation;

(ii) It was not clear whether any exchange employee would have access to information which would provide an advantage unavailable to a brokerage firm employee;

(iii) The Commission lacked the statutory authority to promulgate the formerly proposed regulation;

(iv) Contract market rules apply only to contract market members and are an inappropriate means of addressing the problem of commodity trading or the abuse of sensitive, nonpublic information by employees, i.e., this subject should be treated as a personnel matter;

(v) The proposed regulation was too broad;

(vi) The regulation as proposed would be discriminatory in that certain contract market and clearing organization officers are also members of governing boards, and as officers would be barred from trading under the proposed rule, while non-officer board members would not be so barred (the formerly proposed regulation placed restrictions on contract market and clearing organization employees and officers, but not members);

(vii) The proposed rule should be limited to in-house, full-time paid employees and should specifically exclude any officer principally

employed outside of the contract market or clearing organization and whose only compensation from the contract market or clearing organization consists of director's fees;

(viii) There should be no restrictions on employees who do not have access to confidential data; and

(ix) Certain types of trading activity should be excluded from the ban, i.e., hedging transactions, participation in commodity pools, and managed commodity accounts.

With regard to the first comment—that the formerly proposed rule was unnecessary because neither contract market nor clearing organization personnel ever have been accused of trading in an abusive manner—the Commission believes that although such conduct has not been detected in the past, there is nonetheless an increasing potential for abuse in this area. With the continuing growth in the futures and options markets and the number of employees with access to sensitive information, the potential for abusing material, non-public information has increased commensurately. Furthermore, if employees are not engaging in such conduct, the adoption of such rules should not present a problem and would have the effect of fostering public confidence in the markets. Considering the potential adverse effects if such information were abused, the Commission believes that the prudent course of action is to take reasonable precautions to prevent any such abuses before they occur.<sup>21</sup>

Commentators also stated as an objection to the formerly proposed regulation that it was unlikely that exchange employees would have access to information that was not available to brokerage firm employees. Although there may be some kinds of information to which both of these types of employees have access, a far greater quantity and scope of information is available to exchange employees. Brokerage firm employees may have access to information relating to the positions of customers of that firm; however, contract market and clearing house employees potentially have access to trading information of all participants in a particular contract market as well as to other market-related data. Thus, there are material differences between these two

<sup>18</sup> The Commission notes with respect to registered futures associations such as NFA that section 17(b)(1) of the Act provides that a futures association is not to be registered with the Commission unless the association is found by the Commission to be in the public interest. See also Commission regulation § 170.9.

<sup>20</sup> The formerly proposed regulation only pertained to contract market and clearing organization personnel. In contrast, the present regulation pertains to those personnel, as well as to the employees and governing members of registered futures associations.

<sup>21</sup> In this regard, the Commission believes there would be little hardship resulting from the adoption of regulation § 1.59, for the Commission understands that employees of self-regulatory organizations generally do not engage in significant trading activities. The Commission, however, requests comments on this particular subject.

<sup>19</sup> 7 U.S.C. § 7(g) (1982).



situations. It should be noted, however, that at this time the Commission is not addressing the issue of whether such prohibitions are appropriate for brokerage firm employees.

Commentators stated, as reflected in point number three above, that the Commission lacked statutory authority to promulgate the formerly proposed regulation. The Commission believes the statutory justification stated above addresses this comment.

As indicated in item four above, commentators stated that contract market rules applied only to the members of those contract markets and that they were an inappropriate means of addressing abuses by employees of sensitive information. The Commission believes that self-regulatory organizations can make their rules apply to employees as well as members. In fact, a number of contract markets do so now.<sup>22</sup> Although the most severe sanction that could be imposed on an employee would appear to be dismissal—by comparison, members of self-regulatory organizations can be fined or expelled—that factor alone does not present a reason for failing to make contract market rules apply to the employees thereof.

Some of the commentators argued, as indicated in point five above, that the formerly proposed regulation was too broad. The Commission believes that proposed regulation § 1.59, which specifically provides for each self-regulatory organization to detail permitted exemptions from the general restrictions as described above, is not unnecessarily broad. The Commission, nonetheless requests further particularized comments with respect to the breadth of the proposed rule.

As indicated in point six, commentators maintained with regard to the formerly proposed rule that it would be discriminatory in that it would place restrictions on officers of contract markets who might be members of governing boards, while non-officer board members would not be so restricted. The Commission believes that the restrictions in proposed regulation 1.59 have been appropriately tailored so that all employees in similar circumstances who have access to material non-public information will be treated equally. All members of governing boards in similar circumstances who have access to such information would also be treated equally under the proposed regulation.

The Commission does not believe, however, that it is necessary to treat governing members and employees identically with respect to the restrictions placed on their activities due to the very different nature of their responsibilities and their degree of access to material, non-public information. First, members of contract markets and clearing organizations usually make their livings by trading futures and options contracts, whereas this is not the case for employees of those organizations. Second, the Commission believes contract market and clearing organization employees are more likely to have access to material, non-public information on a daily basis than are the members of governing boards. Thus, by the very different nature of their situations, the Commission believes that these two groups of individuals need not be treated equally, and that in light of their different circumstances, the different trading restrictions proposed in regulation § 1.59 are appropriate.

Commentators state with regard to the previously proposed rule, as reflected in point seven above, that the trading prohibition should be limited to in-house, full-time paid employees and should specifically exclude any officer principally employed outside the contract market or clearing organization and whose only compensation from the contract market or clearing organization consisted of director's fees. The Commission believes that this comment is addressed in part by the fact that proposed regulation § 1.59 distinguishes between the restrictions that apply to employees and members of governing boards, i.e., the restrictions on governing members are much narrower than the restrictions on employees of self-regulatory organizations. The Commission does not, however, believe that the restrictions on employees proposed in regulation § 1.59 should be limited to in-house, full-time paid employees. Furthermore, the Commission does not believe that persons who are principally employed outside that contract market or clearing organization and who receive only directors' fees from the contract market or clearing organization should be excluded from the proposed restrictions. In the case of employees, the Commission believes the critical factor is whether an employee has access to material, non-public information, not whether the employee is employed in-house or hired on a contract basis, or whether the employee is working on a full-time or part-time basis. However, the Commission requests further

comment on this issue. As for members of governing boards, the Commission here again believes the critical factor is not whether the person earns a living by trading futures or options contracts which are traded on the contract market or cleared by the clearing organization in question, but whether that person may have access to material, non-public information as a result of his or her position. Nevertheless, the Commission requests further comment on whether the proposed restrictions are appropriate.

As indicated in point eight above, a commentator stated that there should not be restrictions on employees who do not access to confidential data. The Commission notes that under proposed regulation § 1.59, self-regulatory organizations could adopt rules, subject to Commission review, which would permit such employees to trade commodity interests other than those traded on the employing contract market or cleared by the employing clearing organization, or related commodity interests which are traded on or cleared by another contract market or clearing organization. Furthermore, as stated above, employees could be permitted, under the appropriate exemption, to participate in certain pension funds or mutual funds, or to be the beneficiary of a trust if the employee does not control such fund or trust. Thus, the Commission is not proposing an absolute prohibition on futures and option trading by employees of self-regulatory organizations.

Finally, a commentator stated that certain types of trading activity, i.e., hedging transactions and participation in commodity pools and managed accounts, should be excluded from the ban. As already noted, under proposed regulation § 1.59 these types of activities may be addressed by rules of a self-regulatory organization which can permit exemption from the general prohibition on trading. Of course, such rules would be subject to Commission review and would be subject to the same kinds of restrictions that apply to pension funds and trusts stated above.

#### Regulatory Flexibility Act

The Commission has previously determined that contract markets are not "small entities" for purpose of the Regulatory Flexibility Act (5 U.S.C. 605) and that the requirements of the Act do not, therefore, apply to contract markets. 47 FR 18618 (April 30, 1982). Furthermore, the Chairman of the Commission has previously certified on behalf of the Commission that comparable rule proposals would not, if

<sup>22</sup> See MidAmerica Commodity Exchange Rule 230, Chicago Mercantile Exchange Rule 254, New York Future Exchange Rule 210, and Chicago Rice and Cotton Exchange Rule 600.02.



adopted, have a significant economic impact on a substantial number of small entities. See, e.g., 48 FR 32835, 32836 (July 19, 1983).

For the reasons set forth above, and pursuant to Section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chairman hereby certifies, on behalf of the Commission, that the following proposed § 1.59 will not, if adopted, have a significant economic impact on a substantial number of small entities.

#### Paperwork Reduction Act

The Paperwork Reduction Act of 1980, Pub. L. 96-511, 94 Stat. 2812 *et seq.* ("PRA"), imposes certain requirements on federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information as defined by the PRA, 44 U.S.C. 3501 *et seq.* The Commission does not believe that proposed § 1.59 will materially change the amount of information the Commission will collect from self-regulatory organizations. Any information required by the self-regulatory organization rules would be submitted pursuant to Section 5a(12) of the Act and § 1.41 or section 17(j) of the Act for review, or otherwise submitted under § 1.31. The Commission has previously notified and received approval of the Office of Management and Budget for the number of rules which could be expected under these provisions this year. The Commission does not expect proposed § 1.59 to significantly alter this expectation.

#### List of Subjects in 17 CFR Part 1

Self-regulatory organizations, contract markets, clearing organizations, registered futures associations, contract market members, exchange employees, directors of contract markets and clearing organizations.

#### PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for Part 1 is amended by adding the following citations:

Authority: 7 U.S.C. 2, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 8, 12a, 13a, 13a-1, 19, and 21 \* \* \*. § 1.59 also issued under 3, 4b, 5, 5a, 8a, 9, 17 and 23(b).

2. Section 1.59 is proposed to be added and, as added, would read as follows:

**§ 1.59 Activities of self-regulatory organization employees and governing members who possess material, nonpublic information.**

(a) *Definitions.* For purposes of this section:

(1) "Self-regulatory organization" means "self-regulatory organization," as defined in Commission regulation § 1.3(ee), and includes the term "clearing organization," as defined in Commission regulation § 1.3(d).

(2) "Employee" means any person hired or otherwise employed on a salaried or contract basis by a self-regulatory organization.

(3) "Material information" means information which, if such information were publicly known, would be considered important by a reasonable person in deciding whether to trade a particular commodity interest on a contract market. As used in this section, "material information" includes, but is not limited to, information relating to present or anticipated cash, futures, or option positions, trading strategies, the financial condition of members of self-regulatory organizations or their customers or option customers, or the regulatory actions or proposed regulatory actions of a self-regulatory organization.

(4) "Nonpublic information" means information which has not been disseminated in a manner which makes it generally available to the trading public through recognized channels of distribution.

(5) "Linked exchange" means any board of trade, exchange or market outside the United States, its territories or possessions, which has an agreement with a contract market that permits positions in a commodity interest which have been established on one of the two markets to be liquidated on the other market.

(6) "Final decision of a contract market or clearing organization" means a decision made by the governing board or a committee of the contract market or clearing organization of the contract market which cannot be appealed to another body within the contract market or clearing organization and which, without further action, alters the rules of the contract market or clearing organization, or results in a member responsibility action under Commission regulation § 8.25.

(7) "Commodity interest" means any commodity futures or commodity option contract traded on or subject to the rules of a contract market or linked exchange or cash commodities traded on or subject to the rules of a board of trade which has been designated as a contract market.

(8) "Related commodity" interest means any commodity interest or option contract which is traded on or subject to the rules of a contract market, linked exchange, or other board of trade, exchange or market, other than the self-

regulatory organization by which a person is employed or for which a person serves as a member of a governing board, and with respect to which such self-regulatory organization has recognized or established intermarket spread margins or other special margin treatment between that other commodity interest or option contract and a commodity interest which is traded on or subject to the rules of the self-regulatory organization.

(b) *Employees of self-regulatory organizations.* (1) No employee of a self-regulatory organization may disclose to any other person any material, nonpublic information which such employee obtains as a result of his or her employment at the self-regulatory organization where such employee has or should have a reasonable expectation that the information disclosed may assist another person in trading any commodity interest; *Provided, however,* That this provision shall not prohibit disclosures made in the authorized course of an employee's duties or disclosures made to another self-regulatory organization, linked exchange, court of competent jurisdiction or a representative of any agency or department of the federal or state government.

(2)(i) Each self-regulatory organization must maintain in effect rules which have been submitted to the Commission pursuant to section 5a(12) of the Act and Commission regulation § 1.41 (or pursuant to section 17(j) of the Act in the case of a registered futures association) that prohibit:

(A) Employees of the self-regulatory organization and the spouses and dependent children of such employees from trading, directly or indirectly, in any commodity interest; and

(B) Employees of the self-regulatory organization from engaging in the conduct described in paragraph (b)(1) of this section.

(ii) Each self-regulatory organization may adopt rules, which must be submitted to the Commission pursuant to section 5a(12) of the Act and Commission regulation § 1.41 (or pursuant to section 17(j) of the Act in the case of a registered futures association) which provide for exemptions, on a case-by-case basis, from the trading prohibition contained in paragraph (b)(2)(i)(A) of this section under certain circumstances. Specifically, such circumstances may include, but need not be limited to:

(A) Trading by an employee's spouse and dependent children in commodity interest on or subject to the rules of contract markets other than the



employing self-regulatory organization, provided that such commodity interests are not traded on or cleared by the employing contract market or clearing organization and that such commodity interests are not related commodity interests, and provided further that such trading is not controlled, directly or indirectly, by the employee;

(B) Trading by an employee's spouse which is required in the course of the spouse's employment, where such trading is not controlled, directly or indirectly, by the employee;

(C) Trading by an employee in commodity interests on or subject to the rules of a contract market other than the employing self-regulatory organization, provided such employee does not trade related commodity interests and provided further that such employee does not obtain access to material, nonpublic information in the course of his or her employment; and

(D) Trading by an employee, or the spouse or dependent children thereof, under circumstances enumerated by the self-regulated organization in rules submitted to the Commission which the self-regulatory organization determines, subject to Commission review, is not contrary to the purposes of this regulation, the public interest, or just and equitable principles of trade.

(c) *Members of governing boards and committees of contract markets and clearing organizations.* (1) No member of the governing board or a committee of a contract market or clearing organization who has knowledge of a final decision of the contract market or clearing organization or a reasonable expectation that a final decision is imminent, shall trade, directly or indirectly, in the affected commodity interest, any other commodity interest on that contract market for which the contract market or its clearing organization recognizes or has established intermarket spread margins or other special margin treatment in connection with the affected commodity interest, or a related commodity interest, nor shall such member disclose information relating to the final decision to any other person other than to the staff of the contract market or clearing organization, or to any linked exchange, court of competent jurisdiction or to a representative of any agency or department of the federal or a state government prior to publication of that decision.

(2) Each contract market and clearing organization of a contract market must maintain in effect rules which have been submitted to the Commission pursuant to section 5a(12) of the Act and Commission regulation § 1.41 which:

(i) Require that a final decision of a contract market or clearing organization governing board or a committee be announced publicly before the opening of the next trading session in the affected contract on that contract market and before the opening of the next trading session in a contract based on the same commodity as that contract is traded on any linked exchange if such decision is made prior to the opening of trading on the linked exchange;

(ii) Require that when a contract market or clearing organization decides that immediate publication of a rule change in the manner described in paragraph (c)(2)(i) above may disrupt the market, the contract market or clearing organization may delay such publication; *Provided, however,* That such decision to delay publication must be made by a two-third vote of the governing board or the committee, as provided in Commission regulation § 1.41(a)(6), and the contract market or clearing organization must notify the Commission at its Washington, D.C. headquarters of the decision by the fastest available means of communication and promptly thereafter provide a written justification to the Commission, citing the reasons for such delay; and

(iii) Prohibit any member of a governing board or committee from engaging in the conduct described in paragraph (c)(1) of this section.

Issued in Washington, D.C., on May 31, 1985, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85-13571 Filed 6-10-85; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 270

[Released No. IC-14548]

#### Custody of Investment Company Assets Outside the United States

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rule amendments.

**SUMMARY:** The Securities and Exchange Commission is proposing amendments to clarify a rule that gives investment companies exemptive relief to maintain their assets outside the United States under certain circumstances.

**DATE:** Comments on the proposed amendments must be received on or before July 11, 1985.

**ADDRESS:** Send comments in triplicate to John Wheeler, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549 (Reference to File No. S7-25-85). All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

#### FOR FURTHER INFORMATION CONTACT:

Jack W. Murphy, Staff Attorney, Office of Regulatory Policy (202) 272-2048, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** The Commission is proposing amendments to rule 17f-5 (17 CFR 270.17f-5) under section 17(f) (15 U.S.C. 80a-17(f)) of the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*). Rule 17f-5 makes exemptive relief from section 17(f) available to management investment companies to maintain their assets outside the United States under certain circumstances. The proposed amendments would clarify the rule with respect to: (i) How the eligibility of certain foreign custodians should be determined; (ii) the extent to which an investment company must monitor the eligibility of its foreign custodians; and (iii) the length of time which an investment company may have to make alternative arrangements after the company's board of directors had determined that an existing arrangement no longer complies with the rule.

#### Discussion:

Rule 17f-5 gives registered management investment companies exemptive relief to place and maintain their assets in the care of eligible foreign custodians under certain circumstances. The rule defines eligible foreign custodians to include foreign banking institutions and trust companies that have at least \$200 million in shareholders' equity (U.S.\$ or the equivalent of U.S.\$). Under the rule, a majority-owned foreign subsidiary of a qualified<sup>1</sup> U.S. bank or bank-holding company is considered an eligible foreign custodian if it has at least \$100 million in shareholders' equity (U.S.\$ or the equivalent of U.S.\$). An investment company may place and maintain assets

<sup>1</sup> The term "Qualified U.S. Bank" is defined in rule 17f-5(c)(3) and generally tracks the definition of "bank" contained in section 2(a)(5) of the Act (15 U.S.C. 80a-2(a)(5)) and the qualifications prescribed in paragraph (1) of section 26(a) of the Act (15 U.S.C. 80a-26(a)) for the trustees of unit investment trusts.



in the care of eligible foreign custodians so long as a majority of the company's board of directors has approved each custody arrangement as consistent with the best interests of the company and its shareholders and so long as the directors re-evaluate those arrangements at least once a year.<sup>2</sup>

The amendments proposed today would resolve several issues related to the interpretation of these rule provisions. First, several investment companies and their U.S. bank representatives have asked whether the shareholders' equity of foreign banking institutions and trust companies and of majority-owned foreign subsidiaries of U.S. banks or bank-holding companies ("foreign banks") should be calculated in accordance with U.S. generally accepted accounting principles ("GAAP"). Apparently, the shareholders' equity of foreign banks may be calculated in a variety of different ways, depending on the country where the bank is located and depending on the particular bank's accounting practices. To provide a uniform method of measurement, the Commission is proposing that the rule be amended to state explicitly that the shareholders' equity of foreign banks should be calculated in accordance with U.S. GAAP for purposes of determining whether those foreign banks would be considered eligible foreign custodians under the rule.

The second issue which has arisen is the extent to which investment company must monitor the eligibility of their foreign custodians. The existing rule could be interpreted to mean that a foreign custodian would become ineligible if at any time its shareholders' equity drops below the rule's minimum equity requirements. This may require investment companies to monitor continuously changes in shareholders' equity caused by currency rate fluctuations or other temporary conditions. Under the proposed amendments, a foreign bank would have to meet the rule's minimum eligibility requirements as of the close of the bank's fiscal year immediately preceding the date when an investment company's directors initially evaluate the use of that bank as a custodian of

the company's assets and thereafter, as of the close of the fiscal year immediately preceding the directors' re-evaluation of the custodial arrangement. In determining whether the shareholders' equity requirements of the rule have been satisfied, the fund's directors would be able to rely on information obtained from a financial institution's annual report or the institution's chief financial officer.

Finally, several investment companies and their U.S. bank representatives have asked how much time an investment company will have to make alternative foreign custody arrangements if an existing arrangement no longer complies with the rule. For example, in re-evaluating the arrangement, the directors may find that a foreign bank no longer meets the rule's minimum equity requirements. Or, the directors may find that continuance of the arrangement is no longer in the best interests of the company and its shareholders for other reasons. Under the proposed rule amendments, the company would have ninety days in which to make alternative arrangements.<sup>3</sup>

In addition to the proposed amendments, the Commission is also granting a second three-month extension of the date by which investment companies must conform existing foreign custody arrangements to rule 17f-5 or to prior exemptive orders, as amended.<sup>4</sup> The Division of Investment Management has taken the position that this time extension applies to foreign custody arrangements made after the rule's adoption as well as to foreign

custody arrangements existing at the time of the rule's adoption.<sup>5</sup>

#### List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

#### Text of Proposed Rule Amendments

#### PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 270 continues to read in part as follows:

Authority: Secs. 38, 40, 54 Stat 841, 842, 15 U.S.C. 80a-37, 80c-89 \* \* \*

2. By adding paragraph (b)(4) and revising paragraphs (c)(2)(i) and (c)(2)(iii) of § 270.17f-5 as follows:

#### § 270.17f-5 Custody of investment company assets outside the United States.

(b) \* \* \*

(4) Where a foreign custodian would not longer be considered eligible under the rule or where a majority of directors have determined that continuance of the arrangement would not otherwise be consistent with the best interests of the company and its shareholders, the company must withdraw its assets from the care of that custodian as soon as reasonably practicable, and in any event within ninety days of the date when the directors made the determination.

(c) \* \* \*

(2) \* \* \*

(i) A banking institution or trust company, incorporated or organized under the laws of a country other than the United States, that is regulated as such by that country's government or an agency thereof and that has shareholders' equity (as calculated according to U.S. generally accepted accounting principles) in excess of \$200,000,000 (U.S. \$ or the equivalent of U.S. \$) as of the close of its fiscal year most recently completed prior to the date when the directors approve the written contract as provided in (a)(1)(iii), and thereafter, as of the close of its fiscal year most recently completed prior to the date when the directors review and approve the continuance of those arrangements as provided in (a)(3); or

<sup>2</sup> If the proposed amendments are adopted, the Commission would not propose to modify the Chase and BONY orders again to reflect the amendments. However, the clarifications contained in the proposed amendments would be equally applicable to the rule requirements as incorporated in the amended orders.

<sup>3</sup> See Investment Company Act Release 14556 (May 31, 1985). See also Investment Company Act Release No. 14132 (September 7, 1984; 49 FR 36080), adopting the final rule and Investment Company Act Release Nos. 14133 and 14134 (October 9, 1984; 49 FR 36183 & 36182), amending the exemptive orders of The Chase Manhattan Bank ("Chase") and The Bank of New York ("BONY"), respectively. These releases gave investment companies until March 1, 1985, to conform their foreign custody arrangements to the final rule or to the amended orders. That compliance date was extended until June 1, 1985, in Investment Company Act Release No. 14347 (February 4, 1985; 50 FR 5234).

<sup>4</sup> The Chase and BONY exemptive orders were amended to require investment companies relying on the orders to conform to these requirements. See Investment Company Act Release Nos. 14133 and 14134 cited *supra*.

<sup>5</sup> See letter from the Division of Investment Management to IDS International Fund, Inc. (Publicly available May 10, 1985).



(ii) A majority-owned direct or indirect subsidiary of a qualified U.S. bank or bank-holding company that is incorporated or organized under the laws of a country other than the United States and that has shareholders' equity (as calculated accordingly to U.S. generally accepted accounting principles) in excess of \$100,000,000 (U.S. \$ or the equivalent of U.S. \$) as of the close of its fiscal year most recently completed prior to the date when the directors approve the written contract as provided in (a)(1)(iii), and thereafter, as of the close of its fiscal year most recently completed prior to the date when the directors review the continuance of those arrangements as provided in (a)(3); or

#### Statutory Basis:

The proposed amendments to rule 17f-5 would be adopted by the Commission pursuant to the authority granted the Commission in sections 6(c) (15 U.S.C. 80a-6(c)) and 38(a) (25 U.S.C. 80a-38(a)) of the Act.

#### Regulatory Flexibility Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chairman of the Commission has certified that the proposed amendments to rule 17f-5 will not, if adopted have a significant impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

Date: May 31, 1985.

By the Commission.

John Wheeler,  
Secretary.

#### Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to rule 17f-5 (17 CFR § 270.17f-5) under the Investment Company Act of 1940 ("Act") (15 U.S.C. 80a-1.), set forth in Investment Company Act Release No. IC-14548, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that it does not appear that a substantial number of small investment companies are or would be relying on rule 17f-5 as amended.

Dated: May 30, 1985.

John S.R. Shad,  
Chairman.

[FR Doc. 85-14011, Filed 6-10-85; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 610 and 660

[Docket No. 84N-0205]

#### Additional Standards for Diagnostic Substances for Laboratory Tests; Proposed Amendment of Additional Standards for Reagent Red Blood Cells

**AGENCY:** Food and Drug Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to amend its additional standards for Reagent Red Blood Cells as part of the agency's retrospective review of current regulations. FDA is revising the regulations to reflect more recent scientific knowledge and experience in the use of Reagent Red Blood Cells. The agency is responding to revisions suggested by industry and the public to provide flexibility in the regulatory requirements without adversely affecting the purity, reactivity, or effectiveness of the Reagent Red Blood Cells.

**DATES:** Comments by August 12, 1985. FDA is proposing that any final rule based on this proposal be effective 30 days after the date of its publication in the Federal Register, except that labeling requirements would be effective 1 year after the date of publication.

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

**FOR FURTHER INFORMATION CONTACT:** Joseph Wilczek, Center for Drugs and Biologics (HFN-368), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1306.

**SUPPLEMENTARY INFORMATION:** Reagent Red Blood Cells is a licensed biological product prepared from human red blood cells and is used to detect or identify human blood group antibodies.

Under section 351 of the Public Health Service Act (42 U.S.C. 262), biological products, including Reagent Red Blood Cells, offered for sale in interstate commerce must be licensed and meet certain standards that ensure their continued safety, purity, and potency. The additional standards for Reagent Red Blood Cells now codified under 21 CFR 660.30 through 660.36 were published in the Federal Register of March 14, 1978 (43 FR 10554).

Before a transfusion is given, blood bank personnel must ensure that the blood of a donor and that of the recipient are compatible, i.e., that there

are no unexpected and unwanted antibodies in the serum or the recipient that are reactive with corresponding antigens on the donor's red blood cells. Reagent Red Blood Cells are used as an in vitro diagnostic reagent to detect and identify antibodies in human serum of plasma through reactions that occur when antibodies react with corresponding antigens on the red blood cells contained in the reagent. The product may be prepared and packaged in the form of a cell panel, which is a group of vials of red blood cell suspensions with each vial containing a distinctive cell phenotype.

In the Federal Register of July 14, 1981 (46 FR 36333), FDA announced its plan for undertaking a systematic review of its existing rules in accordance with the requirements of the Regulatory Flexibility Act and Executive Order 12291. The notice also solicited data, information, and views from the public to assist the agency in identifying unduly burdensome regulations and in establishing an appropriate review schedule. In the Federal Register of July 2, 1982 (47 FR 29004), FDA announced its priorities for reviewing the agency's existing rules. Among the regulations listed as high priorities for review was Part 660—Additional Standards for Diagnostic Substances for Laboratory Tests, including Subpart D—Reagent Red Blood Cells.

To gather information on which blood and blood product regulations should be changed, FDA held public meetings on April 12, 13, 20, and 21, 1982. The regulated industry and other interested persons were invited to present views on how the regulations should be revised to relieve the regulatory burden or to increase flexibility (see 47 FR 12358; March 23, 1982). Those recommendations that were considered most controversial or scientifically significant were presented to the Blood Products Advisory Committee in a June 3 and 4, 1982, open meeting for the committee's consideration and comment. The written minutes of the advisory committee's June 1982 meeting are on file with FDA's Dockets Management Branch.

The agency now proposes to amend the additional standards for Reagent Red Blood Cells based on the completion of the retrospective review process for this type of blood product. Through issuance of the proposed rule, FDA intends to relieve, where possible, unnecessary regulatory burdens and increase the flexibility of the regulations without adversely affecting the purity, reactivity, or effectiveness of Reagent



Red Blood Cells. The proposed amendments follow:

1. The agency is proposing to amend § 660.30(b) concerning the source and preparation of Reagent Red Blood Cells by deleting the requirement that Reagent Red Blood Cells prepared from human umbilical cord blood comply with donor suitability and blood collection requirements referenced in §§ 660.31 and 660.32, respectively. The method of collection and the source of umbilical cord blood are different from the method of collection and source of blood routinely collected from whole blood donors. For this reason, the donor suitability and blood collection requirements for whole blood donors do not apply to umbilical cord blood. The agency is, therefore, proposing that the collection of umbilical cord blood be regulated by including collection procedures in the product license applications for Reagent Red Blood Cells manufactured from umbilical cord blood.

2. The agency is proposing to delete the last sentence of § 660.32 *Collection of source material*. Section 660.32 currently requires that all procedures for the collection of umbilical cord blood for use in manufacture of Reagent Red Blood Cells be approved in writing by the Director, Office of Biologics Research and Review. The agency believes that it is not necessary to codify this specific requirement because, as stated in paragraph 1, under proposed § 660.30(b) reagent red blood cell manufacturers must submit procedures for the collection of umbilical cord blood in their product license submissions to FDA. Under § 601.20 of the biologics regulations, the product license will not be issued unless the agency determines that the product meets the prescribed standards.

3. The agency is proposing to clarify § 660.33 *Testing of source material*. The regulation currently requires that at least two donor sources of each antibody specificity be used to identify all blood group antigens listed in the labeling as being present or absent. The agency is aware that in certain instances only one donor source of a particular antibody specificity may be available and proposes to amend § 660.33 to permit testing of the reagent red blood cell source material with a single donor source of specific antibody if approved by the Director, Office of Biologics Research and Review.

4. The agency is proposing to amend § 660.34 *Processing* in paragraph (a) by adding the words "all alloantibodies" to replace the phrase "hemolyzing, agglutinating, or coating antibodies." Alloantibodies are antibodies produced

by an individual that react with antigens of another individual of the same species. The term "alloantibodies" would include hemolyzing, agglutinating, and coating antibodies. The agency believes that this wording change is more appropriate and consistent with current scientific language used for Reagent Red Blood Cells and other biologic in vitro reagents.

5. The agency also is proposing to amend § 660.34 by removing paragraph (b) and redesignating current paragraphs (c) through (g) as paragraphs (b) through (f). Section 660.34(b) currently requires that final product Reagent Red Blood Cell preparations have a red blood cell concentration of at least 2 percent. Recent advances in biotechnology, such as changes in testing methodology, may result in Reagent Red Blood Cell products that are safe, reactive, and effective in concentrations of less than 2 percent. For this reason, the agency believes that existing § 660.34(b) is too restrictive and should be removed. The agency will continue to assure the safety, reactivity, and effectiveness of Reagent Red Blood Cells at appropriate concentrations through the licensing requirements of the Public Health Service Act and 21 CFR Parts 600 and 601.

6. The agency is proposing to amend current § 660.34(c) (redesignated as § 660.34(b)) to restrict the use of Reagent Red Blood Cells prepared from pooled red blood cells to tests that do not determine compatibility for transfusions. The restriction is necessary because weakly reacting antigens in a reagent red blood cell preparation may fail to react if the reagent red blood cells have been pooled. Pooled reagent red blood cell preparations may fail to detect antibodies in the blood of a patient who may require a blood transfusion. The agency believes that in such instances a more sensitive test is desirable and therefore will require use of red blood cells from an individual donor rather than pooled red blood cells from two donors. For consistency, the agency also proposes to amend current § 660.35(d) to include this restriction as a labeling requirement for pooled red blood cell preparations.

The agency notes that in the past there have been some problems with reagent red blood cell preparations that have been contaminated with detectable amounts of anti-A and anti-B antibodies. For this reason, the agency also is proposing to clarify current § 660.34(d) (redesignated as § 660.34(c)) by adding the phrase "including anti-A and anti-B" in the first sentence of the paragraph.

7. The agency is proposing to amend current § 660.34(e) (redesignated as

§ 660.34(d)) concerning final container requirements for Reagent Red Blood Cells. The agency is proposing to delete the phrase "colorless and transparent" and to substitute the phrase "and permit observation of the contents for hemolysis or a change in color." This proposed change would allow for the potential future use of plastic containers instead of glass containers.

The agency also is proposing to remove color coding restrictions for product labels, container caps, and dropper bulbs for Reagent Red Blood Cells by deleting the second sentence of this paragraph. The agency believes that a manufacturer should be allowed the flexibility to color code its product lines, provided that colors chosen by the manufacturers are approved by the Director, Office of Biologics Research and Review.

8. The agency is proposing to amend current § 660.34(f) (redesignated as § 660.34(e)). The agency is proposing to permit manufacturers to store reagent red blood cell source material upon receipt for an indefinite period of time in the frozen state before manufacture into a final product. Such storage does not compromise the reactivity or effectiveness of the final product, provided that the cells are immediately frozen after collection and are kept in the frozen state at  $-65^{\circ}\text{C}$  or colder. The dating period would begin as soon as the manufacturer thaws the reagent red blood cell source material. For consistency, the agency is proposing to amend the dating period instructions for Reagent Red Blood Cells in § 610.53(a) to permit manufacturers to store reagent red blood cell source material indefinitely at  $-65^{\circ}\text{C}$ .

9. The agency is proposing to amend § 660.35 concerning labeling for Reagent Red Blood Cells as follows:

a. In § 660.35(b), by clarifying a required labeling statement to read "FOR USE IN DETECTION OF UNEXPECTED ANTIBODIES" or "FOR USE IN IDENTIFICATION OF UNEXPECTED ANTIBODIES" or "NOT FOR USE IN DETECTION OR IDENTIFICATION OF UNEXPECTED ANTIBODIES," whichever is appropriate. The proposed changes in wording in the cautionary labeling statements are intended to differentiate between detection and identification of unexpected antibodies. Certain Reagent Red Blood Cell products are capable to detection but not identification of unexpected antibodies.

b. In § 660.35(e), by substituting the word "or" in place of the word "and" in the phrase "detection and



identification" to make a distinction between detection and identification of unexpected antibodies.

c. In § 660.35(g), by clarifying that the package insert or constitution matrix must list each red blood cell antigen that was tested with only one source of antibody.

d. By redesignating current § 660.35 (i) through (l) as § 660.35 (j) through (m), and by adding a new paragraph (i) to require that the package insert list red blood cell antigens which are most likely to decrease in reactivity, and note that loss of reactivity partially depends on individual red blood cell donor characteristics that can be neither controlled nor predicted by the manufacturer. The agency believes that this information is important enough to be listed in the package insert to inform adequately product users of potential loss in product reactivity for certain red blood cell antigens.

e. The agency also is proposing to amend § 660.35(l) (formerly § 660.35(k)) to allow manufacturers the option of listing either the date of manufacture or the length of the dating period for Reagent Red Blood Cell products in the accompanying package insert or constitution matrix. Either method is equally informative to users of the product. Manufacturers often reprint package inserts every few weeks with new dates of manufacture. By listing the dating period for the product rather than the date of manufacture, manufacturers would reduce their printing costs because there would be no need to reprint package inserts every few weeks.

10. The agency is proposing to amend § 660.36 concerning samples and protocols for Reagent Red Blood Cells in response to manufacturers' requests for clarification of the requirements on sample and protocol submissions. The agency is proposing to amend § 660.36 by listing the specific requirements for protocol and sample submissions to FDA which the agency considers the minimum necessary to assure a safe, reactive, and effective product.

11. In the Federal Register of June 7, 1983 (48 FR 26313), the agency amended the general biologic regulations in 21 CFR 600.21 to require inspections of all licensed biological establishments and their additional location(s) at least once every 2 years. Formerly, the regulations required annual inspections. For consistency, the agency proposes to delete the word "annual" from the phrase "after each annual inspection" in § 660.36(a), and substitute the words "routine establishment" before the word "inspection."

In addition to the changes proposed above, the agency is proposing to make minor typographical changes. For easier review, FDA has included in the proposed codified language both the proposed revisions to the regulations and any current codified language FDA proposes to continue without revision.

#### Environmental and Economic Assessments

The agency has determined under 21 CFR 25.24(c)(10) (April 28, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Sections 660.34, 660.35, and 660.36 of this proposed rule contain collection of information requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, FDA has submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these collection of information requirements. Other organizations and individuals desiring to submit comments on the collection of information requirements should direct them to FDA's Dockets Management Branch (address above) and to the Office of Information and Regulatory Affairs, OMB, Rm. 3208, New Executive Office Bldg., Washington, DC 20503, Attn: Bruce Artim.

The agency has examined the economic consequences of this proposed rulemaking and has determined that it does not require either a regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). The proposed amendments to the additional standards are expected to benefit manufacturers of Reagent Red Blood Cells, because the proposed changes relieve certain burdens on the industry, such as removing restrictions on color coding of products and relaxing requirements regarding containers. Other proposed changes in the current biologic regulations are intended to allow manufacturers of these products more flexibility and discretion in manufacturing and marketing their products while maintaining the same level of consumer protection. There are five licensed manufacturers of Reagent Red Blood Cells. The agency estimates that annual sales of Reagent Red Blood Cells are within the range of \$15 to \$20 million. The proposed amendments to the additional standards will offer important, but difficult to measure, cost

savings to manufacturers of these products. The agency concludes that the proposed rule is not a major rule as defined by Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

The agency is aware that manufacturers of these products often prepare final printed labeling as much as 1 year before using it. To preclude any unnecessary costs to manufacturers, the agency is proposing that any final rule based on this proposal be effective 30 days after its date of publication in the Federal Register, except that labeling requirements would be effective 1 year after the date of publication.

#### List of Subjects in 21 CFR Parts 610 and 660

##### Biologics, Labeling.

Therefore, under the Public Health Service Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that Parts 610 and 660 be amended as follows:

1. The authority citation for 21 CFR Parts 610 and 660 continues to read as follows:

Authority: Secs. 215, 351, 58 Stat. 690 as amended; 702 as amended (42 U.S.C. 216, 262); 21 CFR 5.10.

#### PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

2. In Part 610, in § 610.53 in the table in paragraph (a) by revising the item "Reagent Red Blood Cells" to read as follows:

##### § 610.53 Dating periods for specific products.

(a) \* \* \*

Reagent Red Blood Cell	Thirty-five days from earliest date of collection if kept in liquid form (indefinite storage of reagent red blood cell source material at -65° C).
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3. In Part 660, by revising Subpart D, consisting of §§ 660.30 through 660.36, to read as follows:

#### PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

##### Subpart D—Reagent Red Blood Cells

Sec.	
660.33	Reagent red blood cells.
660.31	Suitability of the donor.
660.32	Collection of source material.
660.33	Testing of source material.



- Sec.  
 660.34 Processing.  
 660.35 Labeling.  
 660.36 Samples and protocols.

#### Subpart D—Reagent Red Blood Cells

##### § 660.30 Reagent red blood cells.

(a) *Proper name and definition.* The proper name of the product shall be Reagent Red Blood Cells, which shall consist of a preparation of human red blood cells used to detect or identify human blood-group antibodies.

(b) *Source.* Reagent Red Blood Cells shall be prepared from human peripheral blood meeting the criteria of §§ 660.31 and 660.32, or from umbilical cord cells which shall be collected and prepared according to the manufacturer's product license application.

##### § 660.331 Suitability of the donor.

Donors of peripheral blood for Reagent Red Blood Cells shall meet the criteria for donor suitability under § 640.3 of this chapter, except that paragraphs (b)(5) and (6), (d), and (e) of § 640.3 shall not apply.

##### § 660.32 Collection of source material.

Blood for Reagent Red Blood Cells from donors of peripheral blood shall be collected as prescribed under § 640.4 of this chapter, except that paragraphs (c), (d), (g), and (h) of § 640.4 shall not apply.

##### § 660.33 Testing of source material.

Except as provided in this section, a sample of each blood incorporated into the Reagent Red-Blood Cell product shall be individually tested, with no fewer than two donor sources of each antibody specificity employed, to confirm the identification of all blood group antigens specified in the labeling as present or absent. The manufacturer shall perform at least one of the required tests for each factor. The Reagent Red Blood Cell product may be tested with a single donor source of antibody specificity if only one source of antibody is available, and the Director, Office of Biologics Research and Review, has approved the use of a single donor source of antiserum. Each of these tests shall be conducted and interpreted independently, and any discrepancy between the results of these two tests shall be resolved by testing with at least one additional antiserum before concluding that the antigen is present or absent. Group O Reagent Red Blood Cells used in the detection and identification of unexpected antibodies shall include the following common antigens in each lot of the product: D, C, E, c, e, K, k, Fy<sup>a</sup>, Fy<sup>b</sup>, Jk<sup>a</sup>, Jk<sup>b</sup>, Le<sup>a</sup>, Le<sup>b</sup>, P<sup>1</sup>, M, N, S, and s.

##### § 660.34 Processing.

(a) *Processing method.* The processing method shall be one that has been shown consistently to yield a product that is capable of detecting all alloantibodies corresponding to all required blood group antigens specified in the labeling as present throughout the dating period.

(b) *Products prepared from pooled red blood cells.* If the product is recommended for the detection or identification of unexpected antibodies, the pool shall be prepared by combining equal amounts of cells from no more than two donors. Pooled cells shall not be recommended for pretransfusion tests to detect unexpected antibodies in patients' samples. Umbilical cord cells are exempt from this requirement.

(c) *Absence of antibodies.* Each lot of final product shall be free of demonstrable antibodies, including anti-A and anti-B, unless the package insert and container label include instructions to wash the cells before use. The final product shall also be direct antiglobulin test negative when tested with polyspecific anti-human serum.

(d) *Final container.* The final containers used for each lot of product shall be sterile and permit observation of the contents for hemolysis or a change in color. The final container label, container cap, and dropper bulb of a Reagent Red Blood Cell product may be color-coded with a visual match to a specific color approved by the Director, Office of Biologics Research and Review.

(e) *Date of manufacture.* The date of manufacture of the product shall be the date that the blood is withdrawn from the donor or obtained from umbilical cords. The period during which the reagent red blood cell source material is kept by the manufacturer in storage in a frozen state at -65 °C or colder is excluded from the dating period. If the product consists of red blood cells from two or more donors, the date of manufacture of the final product shall be the date of withdrawal of blood from the donor of the oldest constituent blood, when a product consists of more than one container, e.g., cell panel, the date of manufacture of each container of the product shall be the earliest date that blood was withdrawn from a donor for any container in the product.

(f) *Retention samples.* Retention samples shall be maintained as required by § 600.13 of this chapter, except that samples must be retained only throughout the dating period of the product which is listed in § 610.53(a) of this chapter.

##### § 660.35 Labeling.

In addition to the items required by § 809.10 of this chapter and other applicable labeling provisions of this chapter, the following information shall be included in the labeling:

(a) If washing the cells is required by the manufacturer, the container label shall contain appropriate instructions; if the cells should not be washed before use, e.g., if washing will adversely affect the product, the package insert shall explain.

(b) The container label of Group O cells shall state: "FOR USE IN DETECTION OF UNEXPECTED ANTIBODIES" or "FOR USE IN IDENTIFICATION OF UNEXPECTED ANTIBODIES" or "NOT FOR USE IN DETECTION OR IDENTIFICATION OF UNEXPECTED ANTIBODIES".

(c) The container and package labels shall state the percentage of red blood cells in the suspension either as a discrete figure with a variance of no more than  $\pm 1$  percentage unit or as a range the extremes of which differ by no more than 2 percentage units.

(d) The words "pooled cells" shall appear on the container and package labels of products prepared from pooled cells. The package label or package insert shall state that pooled cells shall not be recommended for pretransfusion tests to detect unexpected antibodies in patients' samples.

(e) The package insert of a pooled product intended for detection or identification of unexpected antibodies shall identify the number of donors contributing to the pool. Products designed exclusively for ABO Serum Grouping and umbilical cord cells need not identify the number of donors in the pool.

(f) When the product is a multicontainer product, e.g., a cell panel, the container label and package label shall be assigned the same identifying lot number, and shall also bear a number or symbol to distinguish one container from another. Such number or symbol shall also appear on the antigenic constitution matrix.

(g) The package label or package insert shall state the phenotype of blood group antigens that have been tested for and found present or absent on the cells of each donor, or refer to such information in an accompanying antigenic constitution matrix. Cells for ABO Serum Grouping are exempt from this requirement. The package insert or antigen constitution matrix shall list each of the antigens tested with only one source of antibody.

(h) The package label or package insert shall bear the cautionary



statement: "The reactivity of the product may decrease during the dating period."

(i) The package insert of a product intended for the detection or identification of unexpected antibodies shall identify those antigens that are most likely to decrease in reactivity during storage. The insert also shall note that the rate at which reactivity (agglutinability) is lost is partially dependent upon individual donor characteristics that are neither controlled nor predicted by the manufacturer.

(j) The package insert shall provide adequate directions for use.

(k) The package insert shall bear the statement: "CAUTION: SOURCE MATERIAL FROM WHICH THIS PRODUCT WAS DERIVED WAS FOUND NONREACTIVE FOR HB<sub>s</sub>Ag WHEN TESTED WITH LICENSED REAGENTS. NO KNOWN TEST METHOD CAN OFFER ASSURANCE THAT PRODUCTS DERIVED FROM HUMAN BLOOD WILL NOT TRANSMIT HEPATITIS."

(l) The package insert or the antigenic constitution matrix for each lot of product shall specify the date of manufacture or the length of the dating period.

(m) Manufacturers shall identify with a permanent donor code in the product labeling each donor of peripheral blood contributing to products used for detection or identification of unexpected antibodies.

#### § 660.36 Samples and protocols.

(a) The following shall be submitted to the Director, Office of Biologics Research and Review, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, within 30 days after each routine establishment inspection by FDA.

(1) From a lot of final product, a sample containing a complete cell panel intended for identification of unexpected antibodies. The sample shall be packaged as for distribution and shall have at least 14 days remaining in the dating period when shipped to the Office of Biologics Research and Review.

(2) A protocol which shall include the following:

(i) Complete test records of at least two donors in the lot, including original and confirmation phenotyping records.

(ii) Bleeding records or receipt records which indicate collection date, volume, and HB<sub>s</sub>Ag test results.

(iii) Manufacturing records which document all steps involved in the preparation of the product.

(iv) Test results which verify that the final product meets specifications.

(v) Identity test results.

(b) A copy of the antigenic constitution matrix specifying the antigens present or absent shall be submitted to the Director, Office of Biologics Research and Review, at the time of initial distribution of each lot of Reagent Red Blood Cells for detection and identification of unexpected antibodies. Products designed exclusively to identify Anti-A, Anti-A<sub>1</sub>, and Anti-B, as well as products composed entirely of umbilical cord cells, are excluded from this requirement.

(c) Whenever a new donor is used, a sample of red blood cells from each new donor used in a cell panel shall be submitted by the manufacturer to the Director, Office of Biologics Research and Review. The sample should contain a minimum volume of 0.5 milliliter of red blood cells.

Interested persons may, on or before August 12, 1985, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 5, 1985.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 85-13979 Filed 6-10-85; 8:45 am]

BILLING CODE 4160-01

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Parts 250 and 256

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Outer Continental Shelf Minerals and Rights-of-Way Management, General

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Proposed Rule would amend the regulations to provide an 8-year primary term for leases in the Outer Continental Shelf (OCS) in water depths of 400 to 900 meters. Under the proposal, the lessees would be required to commence an exploratory well within the first 5 years of the term. The longer

term is needed to accommodate deeper-water leases.

**DATE:** Comments must be hand-delivered or postmarked no later than July 11, 1985.

**ADDRESS:** Comments should be mailed or hand-delivered to the Department of the Interior, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 646, Room 6A110, Reston, Virginia 22091, Attention: David A. Schuenke.

**FOR FURTHER INFORMATION CONTACT:** David A. Schuenke, telephone: (703) 860-7916, (FTS) 928-7918.

**SUPPLEMENTARY INFORMATION:** Section 8(b)(2) of the OCS Lands Act states that an oil and gas lease shall "be for an initial period of five years; or not to exceed ten years where the Secretary finds that such longer period is necessary to encourage exploration and development in areas because of unusually deep water \* \* \*." Currently, 10-year terms are offered for leases in water depths of 900 meters or more; however, provision needs to be made for leases in water depths of 400 to 900 meters.

The primary term provides the right to explore, develop, and produce the lease. If production is commenced within the primary term, the lease continues for as long as production continues. If the primary term is not long enough to allow for exploration, development, and commencement of production because of unusual circumstances such as deep water, the lessee risks losing a lease through no fault of its own. The law requires diligence by a lessee in exploring and developing a lease, but 5 years may not be adequate time in which to explore and develop a lease even while exercising diligence.

On April 24, 1984, the Minerals Management Service (MMS) published an Interim Final Rule (49 FR 17449) providing for a mandatory suspension of operations for leases in the Gulf of Mexico in 400 to 900 meters of water. The suspension is granted for a period of time necessary to complete the activities leading to production scheduled in an approved development and production plan. Comments received from industry in response to the Interim Final Rule were unanimous in the assertion that the suspension procedure was inadequate because the 5-year term for leases in deeper water often did not provide enough time to adequately explore and prepare and obtain approval of a development and production plan.

The MMS continued to study the water-depth problem. On March 22,



1985, the Secretary of the Interior decided to offer blocks in 400 to 900 meters of water with an 8-year term and a requirement to commence an exploratory well within the first 5 years which should be adequate to plan for and commence exploration in deeper water. The lease will be continued beyond the initial 8 years by the same mechanisms as current 5-year leases, i.e., production, drilling or well reworking at least every 90 days, or a suspension of operations granted under 30 CFR 250.12. Required commencement of the exploratory well could also be delayed beyond the fifth year by an approved suspension of operations under circumstances identified in 30 CFR 250.12. Furthermore, under the current unitization rules, an exploratory well commenced under an approved unit exploration plan would meet the requirements for all leases included in the unit. Pending final promulgation of this proposal, 8-year terms will be offered by a stipulation in Notices of Sale beginning with Sale 98 in the central Gulf of Mexico.

The Department of the Interior (DOI) has determined that this action does not constitute a major Federal action affecting the quality of the human environment; therefore, an environmental impact statement is not required.

The DOI has also determined that this document is not a major rule under Executive Order 12291 because the annual economic effect is less than \$100 million. Industry may realize an estimated \$2,400,000 per year in additional profit on marginal leases that might not otherwise have been bid upon and developed with 5-year terms.

The DOI also certifies that the rule will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) as the entities that engage in offshore activities are not considered small due to the technical complexity and financial resources necessary to conduct offshore activities.

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.

Author: The document was prepared by Jane A. Roberts, Offshore Rules and Operations Division, Minerals Management Service.

#### List of Subjects:

30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Mineral royalties, Oil

and gas reserves, Penalties, Pipelines, Public lands/mineral resources, Reporting requirements.

#### 30 CFR Part 256

Administrative practice and procedures, Continental shelf, Environmental protection, Government contracts, Mineral royalties, Oil and gas exploration, Oil and gas reserves, Pipelines, Public lands/mineral resources, Public lands/rights-of-way, Reporting and recordkeeping requirements, Surety bonds.

Dated: April 29, 1985.

Wm. D. Bettenberg,

Director, Minerals Management Service.

For the reasons set forth above, the proposal to amend 30 CFR Parts 250 and 256 is as follows:

#### PART 250—[AMENDED]

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

Authority: Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq., as amended, 92 Stat. 629; National Environmental Policy Act of 1969, 42 U.S.C. 4332 et seq. (1970); Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq.

2. Section 250.34-1 is amended by renumbering (a)(3) to (a)(3)(i) and adding (a)(3)(ii) to read as follows:

#### § 250.34-1 Exploration plan.

(a)(1) \* \* \*

(2) \* \* \*

(3)(i) \* \* \*

(ii) For leases in 400 to 900 meters of water issued with an initial term of 8 years, no deadline is specified for submittal of an exploration plan; however, an exploratory well must be commenced before the end of the fifth year of the initial term.

#### PART 256—[AMENDED]

3. The authority citation for Part 256 continues to read as follows:

Authority: Secretarial Order 3071, Amendment No. 1, May 10, 1982, and to the OCS Lands Act, 43 U.S.C. 1331 et seq., as amended, 92 Stat. 629.

4. Section 256.37 is amended by redesignating paragraph (a) as paragraph (a)(1) and adding paragraph (a)(2) to read as follows:

#### § 256.37 Lease terms.

(a)(1) \* \* \*

(2) Oil and gas leases shall be issued for an initial period of 8 years when the leases or any part thereof are in water depths of 400 to 900 meters. Commencement of an exploratory well

is required within the first 5 years of the initial 8-year term.

[FR Doc. 85-13904 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-MR-M

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 43

[CC Docket Nos. 78-196 and 79-105]

Uniform System of Accounts and Financial Reporting Requirements for Class A and Class B Telephone Companies and; Detariffing the Installation and Maintenance of Inside Wiring

AGENCY: Federal Communication Commission.

ACTION: Order Revising Service List.

SUMMARY: This action revises the service lists for CC Docket No. 78-196, "Revision of the Uniform System of Accounts and Financial Reporting Requirements for Class A and Class B Telephone Companies" and CC Docket No. 79-105, "Detariffing the Installation and Maintenance of Inside Wiring." This action is being taken because both of these Dockets contain service lists which have become outdated. The Commission is revising the service lists for each of these Dockets to consist of those parties who filed comments in response to our most recent notices of proposed rulemaking in each of the respective Dockets.

EFFECTIVE DATE: June 11, 1985.

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

FOR FURTHER INFORMATION CONTACT: John T. Curry or Ken Ackerman, Accounting and Audits Divisions, Common Carrier Bureau, (202) 634-1813.

#### Order

In the matter of revision of the Uniform System of Accounts and Financial Reporting Requirements for Class A and Class B telephone companies (Parts 31, 33, 42 and 43 of the FCC's Rules); and detariffing the installation and maintenance of inside wiring, CC Docket No. 78-196; CC Docket No. 79-105.

Adopted: May 24, 1985

Released: June 4, 1985.

By the Chief, Common Carrier Bureau:

1. On January 3, 1985, the Commission released a Further Notice of Proposed Rulemaking in CC Docket No. 78-196, (January 11, 1985; 50 FR 1590) "Revision of the Uniform System of Accounts and Financial Reporting Requirements for Class A and Class B Telephone



Companies." On April 5, 1985, (April 9, 1985; 50 FR 13991) the Commission also released a Further Notice of Proposed Rulemaking in CC Docket No. 79-105, "Detariffing the Installation and Maintenance of Inside Wiring." Both of these dockets contain service lists which have become outdated.

2. Instead of requiring parties to serve copies of their comments to those parties named on our outdated service lists, we have decided to establish revised service lists for both CC Docket No. 78-196 and CC Docket No. 79-105 which will consist of those parties who filed recent comments in each of the respective Dockets. Thus, parties filing reply comments in CC Docket No. 78-196 are required to serve copies of their reply comments to all parties who filed comments in response to our January 3, 1985, Further Notice of Proposed Rulemaking in that Docket. Likewise, parties filing comments in CC Docket No. 79-105 are required to serve copies of their reply comments to all parties who filed comments in response to our April 5, 1985, Further Notice of Proposed Rulemaking in that Docket.

3. Accordingly, it is ordered, that the service lists for CC Docket No. 78-196 and CC Docket No. 79-105 are revised to consist of those parties who filed comments in response to our most recent notices of proposed rulemakings in each of the respective Dockets.

Federal Communications Commission.  
William F. Adler,

Deputy Bureau Chief, Common Carrier Bureau.

[FR Doc. 85-13974 Filed 6-10-85; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Parts 2, 73, and 90

[Gen. Docket No. 84-902; RM-3975]

#### Allocation of Additional Channels in the 470-512 MHz band for Public Safety and Other Land Mobile Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document makes certain corrections to the Proposed Rule published in this proceeding concerning the allocation of additional channels in the band 470-512 MHz for the Public Safety and other Land Mobile Services (50 FR 19956, May 13, 1985).

FOR FURTHER INFORMATION CONTACT:  
Don Precure (202) 653-8170.

#### Erratum

In the matter of amendment of Part 90 and Part 73 of the Commission's rules and regulations to allocate additional channels in the Band 470-512 MHz for Public Safety and other Land Mobile Services: General Docket 84-902, RM-3975.

Released: May 30, 1985.

The Commission's *Further Notice of Proposed Rule Making*, in General Docket 84-902, FCC 85-236, released May 7, 1985, is corrected by (1) changing "Docket 84-209" to "Docket 84-902" in footnote 1, FR pg. 19957, and (2) changing "We will consider the tests underway in Los Angeles . . ." to read "We will consider the tests made for Los Angeles County . . ." in paragraph 27, FR page 19960.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-13973 Filed 6-10-85; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 97

[PR Docket No. 85-168; RM-4880; FCC 85-282]

#### Proposed Amendment of the Amateur Radio Service Rules To Permit an Additional Emission in the 29.5-29.7 MHz Repeater Subband

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Amateur Radio Service Rules to allow amateur radio operators to use F2A emission when transmitting on frequencies in the 29.5-29.7 MHz repeater subband. The proposed rule is necessary so that frequency modulated (FM) repeater technology can develop more rapidly. The effect of the proposed rule is to provide for FM telegraphy as a means of identification for repeaters in this subband.

DATES: Comments are due by August 14, 1985 and replies by September 16, 1985.

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

FOR FURTHER INFORMATION CONTACT:  
Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964.

#### SUPPLEMENTARY INFORMATION:

#### List of Subjects in 47 CFR Part 97

Amateur radio, Radio, Repeaters.

#### Notice of Proposed Rulemaking

In a matter of amendment of § 97.61(a) of the Amateur Radio Service Rules to permit F2A emission in the 29.5-29.7 MHz repeater subband: PR Docket No. 85-168, RM-4880, FCC 85-282.

Adopted: May 23, 1985.

Released: May 31, 1985.

By the Commission.

1. Notice of Proposed Rule Making in the above-captioned matter is hereby given.

2. The American Radio Relay League, Inc. (ARRL) has filed a petition (RM-4880) requesting that Section 97-61(a) of the Amateur Radio Service Rules be amended to permit the use of F2A emission (telegraphy for aural reception) <sup>1</sup> on frequencies between 29.5 and 29.7 MHz. The subband 29.5-29.7 MHz (10 meters) is available for frequency modulated (FM) repeater operation and is substantially used for that purpose. The ARRL states that FM repeater technology can be developed more rapidly by authorizing the additional emission. To this end, we propose to allow F2A emission. We believe that the state of the art has provided the means to amateur operators to engage in the type of emission that we propose herein. We know of no valid reason which would militate against its use. Nevertheless, we invite comments from interested persons about any adverse effects on amateur communications that would occur by allowing this additional emission in the 10-meter repeater subband.

3. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which

<sup>1</sup> The prior emission designator for this emission was F2.



addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed comments in the proceeding, must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule making is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632-7000.

4. Authority for issuance of this Notice is contained in Sections 4(i) and 303 (e) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303 (e) and (r). Pursuant to applicable procedures set forth in § 1.415, 47 CFR 1.415, of the Commission's Rules, interested persons may file comments on or before August 14, 1985, and reply comments on or before September 16, 1985. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided further that the fact of the Commission's reliance on such information is noted in the Report and Order.

5. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The Secretary, Federal Communications Commission,

Washington, D.C. 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

6. In accordance with section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605), the Commission certifies that this rule would not, if promulgated, have a significant economic impact on a substantial number of small entities because these entities may not use the Amateur Radio Service for commercial radio communication (see 47 CFR 97.3(b)). In addition, because use by amateur radio licensees of the proposed additional emission for the 10-meter repeater subband is optional rather than mandatory, there would be no significant impact on the manufacturers of amateur radio equipment.

7. In view of the foregoing, rule making petition RM-4880 filed by the ARRL is Granted.

8. It is ordered, That the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and the Secretary shall also cause a copy of this Notice to be published in the Federal Register.

9. For information concerning this proceeding, contact Maurice J. DePont, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964.

Federal Communications Commission.

William J. Tricarico,

Secretary.

#### Appendix

#### PART 97—[AMENDED]

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations would be amended as follows:

1. The authority citation for Part 97 would continue to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

#### § 97.61 [Amended]

2. The table in § 97.61(a) would be amended by adding a line entry after 28300-29700 as follows:

#### § 97.61 Authorized emissions.

##### (a) Emissions table:

Frequency band	Emissions	Limitations (see paragraph (b))
29500-29700	F2A	

[FR Doc. 85-13975 Filed 6-10-85; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 49 CFR Part 393

[BMCS Docket No. MC-115; Notice No. 85-7]

#### Splash/Spray Suppression Devices; Extension of Public Comment Period

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Reopening of public docket.

**SUMMARY:** The document reopens the public docket for comments on the notice of proposed rulemaking (NPRM) published on April 12, 1985 (50 FR 14630) requesting comments by May 28, 1985, on splash/spray suppression devices. The comment period is being extended to August 12, 1985.

**DATE:** Comments must be received on or before August 12, 1985.

**ADDRESS:** All comments should refer to the docket number that appears at the top of this document and must be submitted (preferably in triplicate) to Room 3404, Bureau of Motor Carrier Safety, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 755-1011; or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** There were several petitions filed with the FHWA requesting an extension of the comment period for the NPRM on Splash/Spray Suppression Devices. The extension of the comment period will not only provide interested parties additional time to respond to the NPRM, but will also allow consideration of new data being developed by the Motor Vehicle Manufacturer's Association (MVMA) which is conducting new and extensive tests on the effectiveness of the proposed splash/spray suppression devices. Elsewhere in today's Federal Register is published a similar notice providing an additional 60 days for interested parties to comment on the NPRM published by the National



Highway Traffic Safety Administration (NHTSA) on April 12, 1985 (50 FR 14632).

(49 U.S.C. 2314 and 3102; 49 CFR 1.48)

Issued on: June 7, 1985.

W.R. Fiste,

Deputy Director, Bureau of Motor Carrier Safety.

[FR Doc. 85-14128 Filed 6-7-85; 3:34 pm]

BILLING CODE 85-4910-22-M

#### National Highway Traffic Safety Administration

#### 49 CFR Part 584

[Docket No. 83-05; Notice 2]

#### Splash and Spray Suppression Devices; Extension of Comment Period

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Extension of comment period.

**SUMMARY:** This notice extends the comment period on a notice of proposed rulemaking published April 12, 1985 regarding splash and spray suppression devices. The comment period was scheduled to close on June 11, 1985. NHTSA received two petitions asking that the comment period be extended to allow commenters more time to analyze the available data on splash and spray suppression devices. NHTSA has concluded that a new round of testing being conducted by a private group could yield useful data and believes that NHTSA should have the opportunity to consider such data before proceeding with this rulemaking. Accordingly, the comment period for the notice of

proposed rulemaking is extended for 60 days.

**DATE:** The comment period for Docket No. 83-05; Notice 1 is extended so that it closes (enter date 60 days from the date this notice is published in the *Federal Register*).

**ADDRESS:** Comments should refer to Docket No. 83-05 and be submitted to: Docket Section, Room 5109, NHTSA, 400 Seventh Street SW., Washington, D.C. 20590 (Docket hours are 8:00 am to 4:00 pm Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Mr. Arthur H. Neill, Jr., Office of Vehicle Safety Standards, NHTSA, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2992).

**SUPPLEMENTARY INFORMATION:** NHTSA published a notice of proposed rulemaking regarding the installation of splash and spray suppression devices on truck tractors, trailers, and semitrailers at 50 FR 14632, April 12, 1985. The comment period for that proposal was scheduled to close June 11, 1985.

NHTSA received two petitions asking that the comment period be extended beyond June 11. The first petition, filed by the Private Truck Council of America, asked that the comment period be extended for 120 days. The two reasons offered in support of the extension were a new round of testing on the devices by the Motor Vehicle Manufacturers Association (MVMA) and petitioner's summer meeting of its members. The MVMA testing will test more combinations of vehicles over more runs than has heretofore been done by either the agency or any private group.

The second petition, filed on behalf of the Effective Spray Control Organization, asked that the comment period be extended for 180 days. Three reasons were offered in support of this request. First, this group wanted to provide new information and analyses about the spray suppression devices, second, the new testing by MVMA, and third, the group needed more time to analyze the data already in the docket.

NHTSA carefully considered these requests, bearing in mind that it is under a statutory mandate to proceed expeditiously with this rulemaking. The new testing by MVMA might well yield some significant new data, and NHTSA wants to have an opportunity to examine those data before proceeding with this rulemaking. To give the agency this opportunity, and to allow the interested public more time to analyze the data which are currently available, NHTSA has decided to extend the comment period for this rulemaking for an additional 60 days. Elsewhere in today's edition of the *Federal Register*, the Federal Highway Administration has published a notice reopening the comment period of their proposal to require splash and spray suppression devices on vehicles in use on the Interstate system for an additional 60 days.

**Authority:** 49 U.S.C. 2314; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on June 7, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85-14127 Filed 6-7-85; 3:33 pm]

BILLING CODE 4910-59-M



## Notices

Federal Register

Vol. 50, No. 112

Tuesday, June 11, 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

#### Foreign-Trade Zones Board

[Docket No. 15-85]

#### Foreign-Trade Zone 98—Birmingham, AL; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Birmingham, Alabama, grantee of Foreign-Trade Zone 98, to expand its zone in Birmingham, within the Birmingham Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 29, 1985.

On April 27, 1984, the City received authority from the Board to establish a zone within the 116-acre Airport Industrial Park adjacent to Birmingham Municipal Airport (Board Order 247, 49 FR 19367, 5/7/84). The proposed expansion would involve several existing warehouses on 10.3 acres at 2700 Second Avenue South in Birmingham. The facilities are owned and operated by Shaw Warehouse Company.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli, (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Harvey Perry, District Director, U.S. Customs Service, South Central Region, 250 N. Water St., P.O. Box 2248, Mobile, AL 36601; and Colonel Patrick J. Kelly, District Engineer, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, AL 36628.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be

addressed to the Board's Executive Secretary at the address below and postmarked on or before July 12, 1985.

A copy of the application is available for public inspection at each of the following locations.

U.S. Department of Commerce District Office, 908 S. 20th St., Suite 200, Birmingham, AL 35205

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania NW., Washington, D.C. 20230.

Dated: June 5, 1985.

John J. Da Ponte, Jr.,  
Executive Secretary.

[FR Doc. 85-14014 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 17-85]

#### Foreign-Trade Zone 64—Jacksonville, FL; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Jacksonville Port Authority (the Port Authority), grantee of Foreign-Trade Zone 64, to expand its zone in Jacksonville, Florida. The application was submitted pursuant to the Foreign-Trade Zones Act (19 USC 81a-81u), and the Board's regulations (15 CFR Part 400). It was formally filed on May 31, 1985.

On December 29, 1980, the Port Authority was authorized by the Board to establish a zone at the Jacksonville International Airport (Board Order 170, 46 FR 1330). On September 23, 1983, the Board authorized a temporary expansion of the zone to include existing warehouse facilities on a 12 acre site located at 2001-2155 Ellis Road, Jacksonville (Board Order 198, 47 FR 43102). Zone status at this site is due to expire in September 1985. This application requests permanent zone status for the Ellis Road site, based on its past use in providing general-purpose zone space unavailable at the airport site.

Comments concerning the proposal are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked no later than July 12.

A copy of the application is available for public inspection at each of the following locations:

U.S. Customs Service, Port Director's Office, 2831 Talleyrand Avenue, Jacksonville, FL 32206  
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania NW., Washington, D.C. 20230

Dated: June 5, 1985.

John J. Da Ponte, Jr.,  
Executive Secretary.

[FR Doc. 85-14016 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 16-85]

#### Foreign-Trade Zone 28—New Bedford, MA; Application for Subzone at Surgical Instruments Plants of Codman & Shurtleff, Inc.

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of New Bedford, Massachusetts, grantee of Foreign-Trade Zone 28, for special-purpose subzone status at four plants of Codman & Shurtleff, Inc., (Codman), located in Massachusetts. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 30, 1985.

Codman, a subsidiary of Johnson & Johnson, Inc., is a producer of specialty, surgical instruments and supplies. The proposed subzone would involve four of the company's plants in New Bedford, Southbridge, Avon and Randolph. The New Bedford plant, covering 30 acres within the New Bedford Industrial Park, is the company's primary production and repair facility. The Southbridge plant, located on 3 acres at 15 Sandersdale Rd., is a new facility for production of fiber optics and electronic assemblies. The 3-acre Avon plant, located on Tracy Dr. in the Avon Industrial Park, is Codman's international distribution facility. The Randolph plant, covering 10 acres on Pabela Park Dr. in the Randolph Industrial Park, is the company's headquarters as well as a facility for producing and receiving disposable surgical products and supplies.



In addition to the instruments it manufactures, the company imports finished items for worldwide distribution. The plants are used for operations ranging from production to storage, inspection, testing, repair, and packaging. Zone procedures would be used to avoid duties on reexports. On domestic sales the company would benefit from deferred duty payments. This project is related to Codman's efforts to increase its exports.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer St., Boston, MA 02110; and Colonel Carl B. Sciple, Division Engineer, U.S. Army Engineer Division New England, 424 Trapelo Rd., Waltham, MA 02254.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before July 12, 1985.

A copy of the application is available for public inspection at each of the following locations:

U.S. Customs Service, Port Director's Office, 37 Second St., U.S. Customhouse, New Bedford, MA 02740

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, N.W., Washington, D.C. 20230.

Dated: June 5, 1985.

John J. Da Ponte, Jr.,  
Executive Secretary.

[FR Doc. 85-14015 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-05-M

## International Trade Administration

### Applications for Duty-Free Entry of Scientific Instruments; U.S. Geological Survey et al.

Pursuant to section 8(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 85-172. Applicant: U.S. Geological Survey, Water Resources Division, 1950 Constant Avenue, Campus West, University of Kansas, Lawrence, KS 66045. Instrument: Terrain Conductivity Meter, Model EM 34. Manufacturer: Geonics Limited, Canada. Intended use: Studies of large concentrations of hydrocarbons at shallow depths in the subsurface. Experiments will be conducted to determine if electromagnetic induction geophysical techniques may be used to effectively locate large concentrations of hydrocarbons (oil sludge) in the shallow subsurface. Application received by Commissioner of Customs: April 30, 1985.

Docket No. 85-177. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Instrument: Mass Spectrometer, Model VG 3001A with Accessories. Manufacturer: VG Instruments, Inc., United Kingdom. Intended use: Study of mass spectra of gas mixtures, some of which are very complex, in order to determine the composition of these mixtures. The analyses to be performed will include the following:

(a) Studies of complex gas mixtures in order to quantitatively determine the composition of the sample with state-of-the-art accuracy and precision.

(b) Analysis of ppm quantities and isotopic composition of noble gases in concentrated gas samples.

(c) Development of techniques to study outgassing experiments in support of the Nuclear Weapons Program at LLNL.

(d) Studies to further improve accuracy and precision in the quantitative analysis of complex gas mixtures produced by LLNL program.

The objectives of these analyses are high accuracy, high sensitivity measurements of compositions of the materials analyzed in order to provide analytical support for LLNL research programs. Application received by Commissioner of Customs: May 1, 1985.

Docket No. 85-178. Applicant: The Rockefeller University, 1230 York Avenue, New York, NY 10021. Instrument: Micromanipulators, Model 520137 and 520138. Manufacturer: Leitz, West Germany. Intended use: Study of

brain function in experimental animals, using physiological techniques. Experiments will consist of intracellular injection of dyes to outline intrinsic circuitry of the visual cortex for examination of the relationships between brain circuitry, chemistry, and functional architecture, and the study of functional properties of neurons in visual cortex. Application received by Commissioner of Customs: May 3, 1985.

Docket No. 85-179. Applicant: George Washington University Medical Center, Department of Anatomy, 2300 I St. NW., Washington, DC 20037. Instrument: Electron Microscope, Model JEM-1200EX with Accessories. Manufacturer: JEOL, Ltd., Japan. INTENDED USE: Studies of the large and small intestine, peripheral blood, hepatic and nervous tissues while conducting the following experiments:

(a) Sickle cell-endothelial interaction.  
(b) Erythropoietic iron transport in iron deficiency and anemia of chronic diseases.

(c) Reticulocyte maturation.  
(d) Lymphocyte surface markers and their distribution.

(e) Dietary Tryptophan in controlling protein synthesis.

(f) Dietary magnesium calicum and myocardial resistance to injury.

(g) Gene expression in nutritionally promoted cancer.

(h) Neural transplants: Interactions with developing brain.

(i) Regeneration in the central nervous system.

(j) Dietary fibers and structural-functional correlates in large and small intestine.

Application received by Commissioner of Customs: May 6, 1985.

Docket No. 85-180. Applicant: University of Southern California, University Park, Los Angeles, CA 90089-1141. Instrument: Electron Microscope, Model JEM-1200EX with Accessories. Manufacturer: JEOL, Ltd., Japan. Intended use: Basic research requiring ultrastructural analysis of experimental samples. The materials under investigation are of biological origin: tissues from experimental animals, tissue culture, and human patients. Studies include: (1) The regional distribution of myelin-specific proteins; (b) the effects of melatonin on motor neuron function; (c) the localization of molecules specific to photoreceptor cells and synapses in the vertebrate retina; (d) the expression of surface antigens during preimplantation of mammalian embryos; and (e) the mechanism of skeletal muscle adaptation to exercise. Application Received by Commissioner of Customs: May 6, 1985.



Docket No. 85-181. Applicant: Carnegie-Mellon University, Schenley Park, Pittsburgh, PA 15213. Instrument: Rotating Anode X-Ray Generator, Model GX21 with Accessories. Manufacturer: Marconi Avionics Limited, United Kingdom. Intended use: The instrument will be used to obtain basic structural information at the atomic level on physical and biological systems. The materials to be studied will include: weakly scattering systems such as are found in surface adsorbed layers; bulk phases of low total volume formed as a result of interfacial reactions of phase transitions at interfaces; metastable and glassy phases of small total volume; nearly defect-free perfect crystals such as are used in the fabrication of semiconductor devices; adsorbed large molecular lipids and surfactants and intercalated species. Application Received by Commissioner of Customs: May 6, 1986.

Docket No. 85-183. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Instrument: Excimer Laser with Magnetic Switch Control, Model HE-420. Manufacturer: Lumonics Inc., Canada. Intended use: The instrument will be used for experiments to be conducted which include the two photon ionization of pure hydrocarbons and hydrocarbons containing additives to promote light absorption. The nature of the ionization process is investigated by measuring the conductivity of the resulting ions as a function of time after a pulse of light from the Excimer Laser. Also the instrument will be used to create excited states and free radicals whose reactivities can be measured using techniques of absorption or emission spectroscopy. Application Received by Commissioner of Customs: May 7, 1985.

Docket No. 85-185. Applicant: University of Michigan, 1620 School of Public Health, 109 S. Observatory, Ann Arbor, MI 48109-2029. Instrument: Electron Microscope, Model EM 10CA with Accessories. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use: The instrument is intended to be used to conduct the following research projects:

- (1) Mechanisms for Retinoid Neutralization of Tumor Promotion.
- (2) Neoplastic and Hyperplastic Epidermal Metabolism.
- (3) Chemical Blistering: Cellular and Macromolecular Components.
- (4) Environmental Biology: Epidermal Neo- and Hyperplasia.
- (5) Research and Development of Percutaneous Energy Transmission Systems.

(6) Hepatotoxicity Quantitative Microscopy.

(7) Suppressor Cells in Cancer and Immunodeficiencies.

(8) Vaccine Parameters of *Schistosoma mansoni* Irradiated Schistosomula.

(9) Macrophage Function in Pulmonary Granulomatous Inflammation.

(10) Studies on Cold-Adapted Influenza Virus Vaccine Candidates and

(11) Reye's Syndrome: Metabolic, Virologic Study in Ferrets.

Application Received by Commissioner of Customs: May 9, 1985.

Docket No. 85-186. Applicant: The Pennsylvania State University, 276 Materials Research Laboratory, University Park, PA 16802. Instrument: Spectroscopic Ellipsometer, Model ESZG. Manufacturer: SOPRA, France. Intended use: Spectroscopic ellipsometry measurements on solid/liquid interfaces as well as of ion implanted semiconductors in the UV-Visible-near IR spectra range and analyze the data using modelling and regression analysis techniques with the help of a computer. Application Received by Commissioner of Customs: May 9, 1985.

Docket No. 85-187. Applicant: University of Minnesota, Department of Chemistry, 207 Pleasant Street, SE., Minneapolis, MN 55455. Instrument: Gas Chromatograph/Mass Spectrometer Data System, Model MM7070 EHF and Accessories. Manufacturer: VG Analytical Ltd., United Kingdom. Intended use: The instrument is intended to be used for the following research projects:

(1) Application of mass spectrometry to protecting group chemistry and peptide synthesis.

(2) Mass spectrometric characterization of antibiotic-DNA adducts.

(3) Reactive intermediates in organic chemistry.

(4) A new chemical/GC-MS method for polysaccharide structure determination.

(5) Application of mass spectrometry to surface modified materials.

(6) Transition metals in organic synthesis.

(7) High-nuclearity nitrosyl, nitrido and isocyanato carbonyl clusters and

(8) Synthesis and catalytic chemistry of mixed-metal gold cluster compounds.

Graduate students will have use of the instrument with operator assistance for their graduate training.

Application Received by Commissioner of Customs: May 10, 1985.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials).

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-14029 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-429-403]

# Postponement of Final Antidumping Duty Determination; Carbon Steel Wire Rod From the German Democratic Republic

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

**SUMMARY:** This notice informs the public that we have received a request from the respondent in this investigation to postpone the final determination, as permitted in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)). Based on this request, we are postponing our final determination as to whether sales of carbon steel wire rod (wire rod) from the German Democratic Republic (GDR) have occurred at less than fair value until not later than July 25, 1985.

**EFFECTIVE DATE:** June 11, 1985.

**FOR FURTHER INFORMATION CONTACT:** Raymond Busen, Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2830.

**SUPPLEMENTARY INFORMATION:** On October 24, 1984, we published a notice in the Federal Register (49 FR 42773) that we were initiating, under section 732(b) of the Act, (19 U.S.C. 1673a(b)), an antidumping duty investigation to determine whether wire rod from the GDR was being, or was likely to be, sold at less than fair value. On November 13, 1984, the International Trade Commission determined that there is a reasonable indication that imports of wire rod are materially injuring a U.S. industry. On March 12, 1985, we published a preliminary determination of sales of less than fair value with respect to this merchandise [50 FR 9815]. The notice stated that if the investigation proceeded normally, we would make our final determination by May 20, 1985. Pursuant to section 735(a)(2) of the Act, the respondent requested an extension of the final determination date until July 1, 1985. On



April 4, 1985, we extended the time for the final determination until July 1, 1985 (50 FR 14408). On May 30, 1985, counsel for respondent requested that the Department again extend the period for the final determination until not later than 135 days after the date of publication of the preliminary determination. The respondent is qualified to make such a request because it accounts for a significant proportion of the exports of the merchandise. If an exporter who accounts for a significant proportion of exports of the merchandise under investigation properly requests an extension after an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Accordingly, we are granting the request and postponing our final determination until not later than July 25, 1985.

This notice is published pursuant to section 735(d) of the Act.

The United States International Trade Commission is being advised of this postponement, in accordance with section 735(d) of the Act.

#### Comments

In order to have any comments considered for our final determination, parties must submit them by June 17, 1985. All written views should be filed at the U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, in at least 10 copies.

Alan F. Holmer,

*Deputy Assistant Secretary for Import Administration.*

June 5, 1985.

[FR Doc. 85-14028 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-05-M

[A-589-405]

#### Cellular Mobile Telephones and Subassemblies From Japan; Preliminary Determination of Sales at Less Than Fair Value

**AGENCY:** International Trade Administration/Import Administration/Commerce.

**ACTION:** Notice.

**SUMMARY:** We have preliminarily determined that cellular mobile telephones and subassemblies from Japan are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend liquidation on all entries of the

subject merchandise as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by August 19, 1985.

**EFFECTIVE DATE:** June 11, 1985.

#### FOR FURTHER INFORMATION CONTACT:

John R. Brinkmann Jr. or John Love, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-1778.

#### SUPPLEMENTARY INFORMATION:

##### Preliminary Determination

We have preliminarily determined that cellular mobile telephones and subassemblies from Japan are being, or likely to be, sold in the United States at less than fair value, as provided in section 733(b) (19 U.S.C. 1673(b)) of the Tariff Act of 1930, as amended (the Act). The margins preliminarily found for all companies investigated are listed in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by August 19, 1985.

##### Case History

On November 5, 1984, we received a petition from counsel for Motorola, Inc. (Motorola) on behalf of the cellular mobile telephone and subassembly industry. In accordance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that cellular mobile telephones and subassemblies from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening material injury to, a U.S. industry.

After reviewing the petition, we determined it contained sufficient grounds to initiate an antidumping investigation. We notified the U.S. International Trade Commission (ITC) of our action and initiated such an investigation on November 26, 1984 (49 FR 47076). The ITC subsequently found, on December 29, 1984, that there is a reasonable indication that imports of cellular mobile telephones and subassemblies from Japan are materially injuring or threatening to materially injure a United States industry. The petitioner alleged that at least nine Japanese companies produce the subject merchandise for export to the United States. We identified six producers and exporters which account for at least 60 percent of the subject merchandise exported to the United States for Japan

during the period of investigation. These companies are: Hitachi, Ltd. of Japan (Hitachi); Mitsubishi Electric Corporation (MELCO); OKI Electric Industry Company, Ltd. (OKI); Toshiba Corporation (Toshiba); NEC Corporation (NEC); and Matsushita Communication Industrial Co., Ltd. (Matsushita). We presented a questionnaire to counsel for Hitachi, MELCO, OKI, Toshiba and Matsushita on February 1, 1985, and to counsel for NEC on February 13, 1985. We subsequently received responses from all companies except Matsushita, which on March 18 advised the Department of Commerce (the Department) that it had decided not to file a response to the February 1 questionnaire.

On March 14, 1985, counsel for the petitioner requested the Department to extend the preliminary determination until not later than June 4, 1985. On March 21, 1985, we granted the request (50 FR 12599).

##### Scope of Investigation

The products covered by this investigation are cellular mobile telephones (CMTs), CMT transceivers, CMT control units, and subassemblies dedicated for use in CMTs. CMTs are radio-telephone equipment designed to operate in a cellular radio-telephone system, i.e., a system that permits mobile telephones to communicate with traditional land-line telephones via a base station, and that permits multiple simultaneous use of particular radio frequencies through the division of the system into independent cells, each of which has its own transceiving base station. Each CMT generally consists of (1) a transceiver, i.e., a box of electronic subassemblies which receives and transmits calls; and (2) a control unit, i.e., a handset and cradle resembling a modern telephone, which permits a motor-vehicle driver or passenger to dial, speak, and hear a call. They are designed to use motor vehicle power sources. Cellular transportable telephones, which are designed to use either motor vehicle power sources or, alternatively, portable power sources, are included in this investigation.

Subassemblies are any completed or partially completed circuit boards, circuit modules and/or any packaged assemblage of electronic components, the value of which is equal to or greater than five dollars, and which are dedicated for use in CMT transceivers or control units. Examples of such subassemblies are circuit boards and/or modules containing any of the following circuitry or combinations thereof: audio processing, signal processing (logic), RF,



IF, synthesizer, duplexer, power supply, power amplification, transmitter, and exciter.

The following merchandise has been excluded from this investigation: Pocket-size self-contained portable cellular telephones, cellular base stations or base station apparatus, cellular switches, and mobile telephones designed for operation on other, non-cellular, mobile telephone systems.

Cellular mobile telephones are currently classified under item number 685.29 of the *Tariff Schedules of the United States* (TSUS). Subassemblies can be classified under item numbers 685.23, 685.24, and 685.29, as well as other possible tariff classifications.

We investigated sales of the cellular mobile telephones and subassemblies during the period June 1 through November 30, 1984.

#### Scope of Investigation Issues

We have defined the products covered by this investigation as CMTs, CMT transceivers, CMT control units and major subassemblies dedicated for use in CMTs. The determination to include subassemblies within the scope of the investigation was based on the need to prevent circumvention of any antidumping order on CMTs through the importation of major CMT subassemblies, and the Department's broader conclusion that the investigation properly should include subassemblies. In this regard, Motorola's petition requested that we include "kits of components and subassemblies" in the investigation.

Two of the companies investigated export CMT subassemblies to the United States to related companies which subsequently perform some form of further manufacture or assembly before selling the completed CMTs to unrelated parties. If the investigation were limited to completed CMTs alone, none of these importations would be subject to an antidumping order, even if all of the subassemblies were of Japanese origin and were being sold at less than fair value, and the complete CMT was "substantially" of Japanese origin.

A number of the respondents have argued that the Department has no authority to include discrete subassemblies (that is, subassemblies that are imported separately rather than in kits) within the scope of this investigation. The crux of their argument is (1) that discrete CMT subassemblies are not of the same "class or kind" as complete CMTs or CMT kits, (2) that Motorola's petition only included complete CMTs and CMT kits, defined as sets of CMT subassemblies, and (3)

that antidumping investigations may only encompass products that are the same "class or kind of merchandise" as those covered in the petition. We address each of respondents' arguments in turn.

First, the Department takes the position that CMT subassemblies are the same "class or kind" of merchandise as complete CMTs. This determination is based on a consideration of the following factors: (1) General physical characteristics, (2) the expectations of the ultimate purchaser, (3) the ultimate use of the merchandise in question, and (4) the channels of trade in which the merchandise moves. Since the scope of this investigation only includes those subassemblies that are "dedicated for use" in complete CMTs, both the ultimate use and the ultimate purchaser of the CMT subassemblies are the same as for the complete CMTs. Thus, the second and the third criteria outlined above are met. Similarly, based on the evidence in the record, the Department determines that CMT subassemblies, as defined in this investigation and complete CMTs move in the same channel of trade. Indeed, this is the very reason the Department feels it necessary to include CMT subassemblies within the scope of this investigation since otherwise any resulting order could easily be circumvented. With respect to the first criterion, the Department does not think that the fact that CMT subassemblies have, in some respect, different physical characteristics from complete CMTs should be controlling in this instance. As a result, the Department concludes that CMT subassemblies which are dedicated for use in CMTs are within the same "class or kind" of merchandise as complete CMTs. See, *Antidumping Order; Cell Site Transceivers from Japan*, 50 FR 307.

Second, the Department's view is that respondents are taking an unduly narrow reading of the petition and that the Department's definition of scope is simply a clarification of what was set forth in the petition. Petitioners' definition of kits referred to collections of "key" components, which we have taken to mean "major" subassemblies. The whole purpose of including subassemblies in this investigation is to prevent evasion of the antidumping law. It would be illogical to make a distinction between those subassemblies that are shipped discretely in separate containers and those that are shipped together in one box. Limitations as to packaging would simply be an invitation to evade the antidumping law through changes in packaging.

Third, whether or not Motorola's petition explicitly covers discrete subassemblies is not dispositive, since the Department has an inherent power to establish the parameters of the investigation so as to carry out its mandate to administer the law effectively and in accordance with its intent. See, 19 CFR 353.37(b). Nor do any of the legal decisions the respondents cite support their argument that the Department is bound by the petition in initially defining the scope of the investigation. The issue in *Royal Business Machines, Inc. v. United States*, 1 CIT 80, 507 F. Supp. 1014 (1980), *aff'd*, 669 F. 2d 692 (C.C.P.A. 1982), was whether the Department could modify the scope of the investigation after the final antidumping order had been issued. *Tapered Roller Bearings and Certain Components Thereof From Japan*, (46 FR 40550), is equally irrelevant since, in that case, the only reason the Department concluded "unfinished" tapered roller bearings were not the same "class or kind" of merchandise as "finished" roller bearings was that "[n]either the petition nor the fair value investigation was directed at transactions involving partially manufactured merchandise" (46 FR 40551). Here, by contrast, at the outset the Department has defined the investigation as including subassemblies.

Respondent's contention that the petition does not contain sufficient allegations or evidence of dumping with respect to subassemblies is equally without merit. Since complete CMTs and subassemblies are in the same "class or kind" of merchandise, there was no need for the petitioner to present evidence of dumping with respect to subassemblies. As the Department has previously recognized, there is no need to conduct price comparisons on all types of merchandise within the class that is subject to an investigation.

Furthermore, Motorola did provide sufficient evidence of dumping with respect to CMT subassemblies. Motorola's petition contains allegations of dumping by Japanese companies that export CMT subassemblies for further assembly and processing by related companies in the United States. Where a related company is the importer, the basis for determining U.S. sales price is the first sale to an unrelated customer, rather than any transfer prices between related parties (section 772(c) of the Act). This is true even where some final finishing or assembly steps are performed on the merchandise by the U.S. affiliate. Thus, since there were no sales of subassemblies to unrelated



parties, the best information regarding dumping of subassemblies is the price at which the complete CMTs were sold to unrelated purchasers. This is exactly the evidence Motorola provided.

Finally, the Department has considered respondents' (principally Matsushita's and OKI's) suggestion that the order be designed so as to exclude importations of subassemblies that are incorporated into CMTs by U.S. facilities that add more than a nominal value. It was proposed, for example, that each respondent be given an opportunity to make an affirmative showing that the value it adds in the United States to imported CMT subassemblies is so substantial that it ought to be removed from the scope of the order. The Department feels that this approach is not feasible from an administrative standpoint, and that it would result in a discriminatory application of the antidumping law.

Accordingly, the Department has included CMT subassemblies as defined above within the scope of the investigation.

#### Fair Value Comparison

To determine whether sales of the subject merchandise in the United States by OKI, Hitachi, Toshiba and MELCO were made at less than fair value, we compared the United States price with the foreign market value. To determine whether sales of the subject merchandise in the United States by Matsushita and NEC were made at less than fair value, we compared the United States price, based on the best information available, with the foreign market value, also based on the best information available. We used information in the petition as the best information available for Matsushita as required by section 776(b) of the Act because it did not submit a response to our antidumping duty questionnaire.

We also used the best information available for NEC because it did not provide a full and complete response to our antidumping duty questionnaire. While NEC did respond to selected sections of the questionnaire, it did not provide the home market sales data requested by the Department. NEC refused to provide the requested data on the grounds that these data were not relevant because its home market sales of CMTs were not "such or similar" merchandise to its U.S. sales as defined in section 771(16) of the Act. Thus, NEC argued that the Department must calculate foreign market value based on third country sales as provided for in section 773(a)(1)(B) of the Act.

During the course of this investigation, the Department repeatedly advised NEC

that if NEC failed to provide home market sales data and the Department determined that NEC's home market sales did constitute "such or similar merchandise" the Department would have to use best information available. Based on information presented by NEC and an analysis of the data submitted by a technical consultant retained by the Department, we have determined that the CMT sold by NEC in the home market is such or similar merchandise within the meaning of section 771(16) of the Act. As a result, the Department calculated both United States price and foreign market value using information in the petition as the best information available.

#### United States Price

As provided in section 772 of the Act, we used both the purchase price and exporter's sales price of the subject merchandise to represent the United States price for sales by the Japanese producers.

Purchase price was used for Toshiba, Hitachi and Mitsubishi since the merchandise was sold to unrelated purchasers prior to its importation into the United States or sold to a purchaser outside the United States when it was known at the time of sale that the merchandise was destined for the United States. We calculated the purchase price based on either the f.o.b. or c.i.f., duty paid, packed price to unrelated purchasers for sale in the United States. We made deductions, where appropriate, for foreign inland freight and handling charges, air or ocean freight, marine insurance, U.S. customs duties, and U.S. inland freight and brokerage.

For OKI, we used exporter's sales price (ESP) to represent the United States price because the merchandise was sold to unrelated purchasers after importation into the United States. For these sales, we made deductions, where appropriate, for foreign inland freight and handling charges, air or ocean freight, U.S. Customs duties, U.S. inland freight and brokerage, and other selling expenses incurred in the United States. In calculating the ESP for OKI, we also deducted the value added to the imported units through further manufacture prior to sale in the United States.

#### Foreign Market Value

In accordance with section 773(e) of the Act, we calculated foreign market value based on constructed value for OKI, Hitachi and Toshiba as there were not sufficient home market or third country sales of such or similar merchandise for the purpose of

comparison. In determining constructed value, we calculated the cost of materials, fabrication, general expenses, profit, and the cost of packing. The amounts added for general expenses were calculated from data provided in the responses and in certain cases from data obtained through verification of the responses. In all instances the amounts used for general expenses were higher than the statutory minimum of 10 percent of the sum of material and fabrication costs. The amount added for profit was the statutory minimum of 8 percent of the sum of materials, fabrication costs, and general expenses, or the actual profit, whichever was higher. We are seeking additional information concerning the profit made by producers on home market sales of the same general class or kind as the merchandise under consideration.

As Mitsubishi had no reported sales or offers for sale of such or similar merchandise in the home market, we calculated foreign market value based on third country sales of such or similar merchandise, as provided for in section 773(a)(1)(B) of the Act. Comparisons were made using sales to the same level of trade as the U.S. sales. Calculations for Mitsubishi's foreign market value were based on delivered or ex-factory, unpacked prices to unrelated purchasers in Sweden. Deductions were made, as appropriate, for air and inland freight. We also made adjustments for differences in advertising expenses. U.S. export packing was added to the third country market prices used. We also adjusted for physical differences in the merchandise in accordance with § 353.16 of the Commerce Regulations.

In calculating foreign market value, we made currency conversions in accordance with § 353.56(a)(1) of our regulations, using certified exchange rates as furnished by the Federal Reserve Bank of New York.

#### Verification

We have verified a portion of the data used in reaching the preliminary determination in this investigation, by using standard verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and randomly selected documents. In accordance with section 776(a) of the Act, we will verify all data used in reaching a final determination.

#### Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, we are directing the United States Customs Service to suspend liquidation of the products covered by



this investigation from Japan which are entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or bond in an amount equal to the estimated amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price.

This suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturers/sellers/exporters	Weighted-average margin percentage
Oki	18.51
Hitachi	20.90
Toshiba	4.77
MELCO	21.94
NEC	95.57
Matsushita	106.60
All other manufacturers/producers/exporters	32.77

#### ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports are materially injuring, or are threatening material injury to, a U.S. industry before the later of 120 days after we make our preliminary affirmative determination or 45 days after we make our final determination.

#### Public Comment

In accordance with § 353.47 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 9:00 a.m. on July 23, 1985, at the U.S. Department of Commerce, Room 4830, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1)

The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least ten copies must be submitted to the Deputy Assistant Secretary by July 16, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within thirty days of publication of this notice, at the above address in at least 10 copies.

Alan F. Holmer,  
Deputy Assistant Secretary for Import Administration.

June 4, 1985.

[FR Doc. 85-15031 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-05-M

[A-351-402]

#### Termination of Antidumping Duty Investigation; Oil Country Tubular Goods From Brazil

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** On May 31, 1985, Lone Star Steel Company and CF&I Steel Corporation withdrew their antidumping petition, filed on June 13, 1984, on oil country tubular goods from Brazil. Based on the withdrawal, we are terminating the investigation.

**EFFECTIVE DATE:** June 11, 1985.

**FOR FURTHER INFORMATION CONTACT:** Paul Tambakis, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-0186.

#### SUPPLEMENTARY INFORMATION:

##### Case History

On June 13, 1984, we received a petition from Lone Star Steel Company and CF&I Steel Company filed on behalf of the U.S. industry producing oil country tubular goods.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping investigation. We notified the International Trade Commission (ITC) of our action and initiated the investigation on July 22, 1984 (49 FR 28085). On July 30, 1984, the ITC found that there was a reasonable indication that imports of OCTG from Brazil materially injure, or threaten material injury to, a United States industry. On

August 3, 1984, LTV Steel Company became an additional petitioner. On January 9, 1985, we made a preliminary determination that OCTG from Brazil were being, or were likely to be, sold in the United States at less than fair value (50 FR 2309).

#### Scope of Investigation

The products under investigation are oil country tubular goods (OCTG). OCTG are extension hollow steel products of circular cross section intended for use in the drilling of oil or gas. OCTG includes oil well casing, tubing, and drill pipe of carbon or alloy steel, whether welded or seamless, to either American Petroleum Institute (API) or non-API specifications (such as proprietary), as currently provided for in the Tariff Schedules of the United States, Annotated (TSUSA) items 610.3216, 610.3219, 610.3233, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3258, 610.3259, 610.3262, 610.3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244. This investigation includes OCTG that are finished and unfinished.

#### Withdrawal of Petition

On May 31, 1985, petitioners notified us that they were withdrawing their petition, and requested that the investigation be terminated. Under section 734(a) of the Tariff Act of 1930, as amended by section 604 of the Trade and Tariff Act of 1984 (the Act), upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. This withdrawal is based on arrangements with the Government of Brazil to limit the volume of imports of this product. We have assessed the public interest factors set out in section 734(a) of the Act and consulted with potentially affected producers, workers, and consuming interests and with the ITC. On the basis of our assessment of the public interest factors and our consultations with affected interests, we have determined that termination would be in the public interest.

We have notified all parties to the investigation and the ITC of petitioners' withdrawal and our intention to terminate.



For these reasons, we are terminating our investigation.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-14030 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-OS-M

[Case No. 663]

### Josef Forstner, Forson Elektronische Geraete GmbH: Order Modifying Temporary Denial Order

In the matter of Josef Forstner, individually and doing business as Forson Elektronische Geraete GmbH Breitenfurterstrasse 183, A-1120 Vienna, Austria.

The U.S. Department of Commerce (Department) has moved for a Modification of the Temporary Denial Order issued on April 10, 1985 (50 FR 15206, April 17, 1985) against respondent Josef Forstner, individually and doing business as Forson Elektronische Geraete GmbH, by adding the formal trade name for Fuchs GmbH, named as a related party in the Temporary Denial Order. The Temporary Denial Order denies the respondents and any related party, pursuant to § 388.19 of the Export Administration Regulations (currently codified at 15 CFR Part, 368-399 (1985)), all privileges of participating, in any manner or capacity, in any export-related transaction involving U.S.-origin commodities or technical data.

The Department presented information showing that the formal trade name for Fuchs GmbH is F.F. Elektronische Geraete GmbH, located at the same address. The Department additionally stated that the same persons who operated Fuchs GmbH are operating F.F. Elektronische Geraete GmbH. Based on the Department's presentation, I find that its requested motion is justified.

Accordingly, it is hereby ordered that, effective immediately, the Temporary Denial Order is modified as follows:

Every reference in the Temporary Denial Order to Fuchs GmbH, including such reference as "related party," shall also mean F.F. Elektronische Geraete GmbH as set forth below:

F.F. Elektronische Geraete GmbH, Schoenbrunnerstrasse 237, A-1120, Vienna, Austria.

A copy of this Modification of the Temporary Denial Order shall be served upon respondent Josef Forstner and upon the related party named in paragraph III of the Temporary Denial Order, and this Modification of the Temporary Denial Order shall be published in the Federal Register.

Dated: June 4, 1985.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 85-14027 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-DT-M

### National Bureau of Standards

[Docket No. 50574-5074]

### Approved FIPS Minimal BASIC Interpretation 1

**AGENCY:** National Bureau of Standards, Commerce.

**ACTION:** Notice of Approved FIPS Minimal BASIC Interpretation 1.

**SUMMARY:** Under the provisions of Pub. L. 89-306 (79 Stat. 1127); 40 U.S.C. 759(f) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal automatic data processing standards. FIPS PUB 29-1 defines procedures to be followed in providing solutions to questions of interpretation of FIPS languages. Accordingly, in the October 30, 1984 issue of the Federal Register (49 FR 43578), and the correction in the November 16, 1984 issue of the Federal Register (49 FR 45470), the National Bureau of Standards published a notice of proposed interpretation of FIPS Minimal BASIC as pertains to exception reporting and handling. All comments submitted about the proposed interpretation have been duly considered.

The following approved interpretation contains a definition of the problem, discussion of the issues, approved interpretation, supporting justification, necessary clarifications to FIPS Minimal BASIC, and the effective date of the interpretation. The approved interpretation, as of the effective date, becomes an integral part of FIPS Minimal BASIC and, as such, is considered to be included whenever reference is made to FIPS Minimal BASIC.

**DATE:** This interpretation is effective on July 11, 1985.

**ADDRESS:** Written comments concerning interpretations of FIPS languages should be submitted to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, MD 20899, ATTN: FIPS Languages.

**FOR FURTHER INFORMATION CONTACT:** Mr. John V. Cugini, Center for Programming Science and Technology, Institute for Computer Sciences and Technology, National Bureau of

Standards, Gaithersburg, MD 20899, telephone (301-921-2431).

Dated: June 5, 1985.

Ernest Ambler,

Director.

### FIPS Minimal BASIC

#### Interpretation NO. 1—Exception Reporting and Handling

**Problem:** In order to conform to the standard for Minimal BASIC, under what conditions must implementations report exceptions and what information must the report contain?

**Issues:** Given program sections such as the following:

1. 100 LET X=0
2. 110 LET Y=5/X
1. 100 LET X=-3
2. 110 LET Y=A(X)

The first is classified as a nonfatal exception by the standard, the second as fatal. Must an exception be reported in both cases? What sort of action constitutes a valid report? What information must the report contain and in what format must it appear?

**Interpretation:** This interpretation applies to American National Standard for Minimal BASIC X3.60-1978, as it has been adopted as FIPS Minimal BASIC, FIPS PUB 68. All exceptions described in the Minimal BASIC standard must be reported, unless an implementor-defined syntactic enhancement provides for another means of processing. An exception report must be understandable by a reasonably well-informed user, either because its meaning is self-evident (in English) or because documentation accompanying the implementation explains the format and interpretation of the report. At a minimum, the report must correctly identify the type of exception which has occurred in terms of the Minimal BASIC standard. Information supplied in the report must be correct. For instance, if the line number of the source program statement which caused the exception is reported, it must be accurate.

**Supporting Justification:** The following references in the American National Standard for Minimal BASIC, X3.60-1978, pertain to the issue involved in this interpretation:

1. Page 7, 1. Introduction, 1.1 Scope, 1.1.1 Inclusions: "This standard establishes: . . . (5) The errors and exceptional circumstances that must be detected and also the manner in which such errors and exceptional circumstances shall be handled."
2. Page 8, 1. Introduction, 1.4 Conformance, 1.4.2. Conformance by an Implementation: "An implementation is said to conform to this standard only under the following conditions: . . . (3) It detects and processes exceptional



circumstances according to the specifications of this standard."

3. Page 8-9, 2. Organization of the Standard, 2.6 Subsection 5: Exceptions: "... All exceptions described in this subsection must be reported unless some explicit mechanisms provided in an enhancement to this standard has been invoked by the user to handle an exception. . . . Where indicated, certain exceptions may be handled by specified procedures; if no procedure is given, or if restrictions imposed by the hardware or operating environment make it impossible to follow the given procedures, then the exception must be handled by terminating the program. Enhancements to this standard may describe mechanisms for controlling the manner in which exceptions are reported and handled, but no such mechanisms are specified in this standard."

Two points emerge from the above references. First, all exceptions described in the subsection on exceptions (subsection 5 of each section) must be reported whether or not a recovery procedure is specified (i.e., whether fatal or not). The presence or absence of a recovery procedure affects the handling of the exception, but not the fact that it is reported. "Handling and exception" refers to such actions as supplying machine infinity and continuing or terminating the program.

The second point is that the standard specifies the description of exceptions and the report must be couched in terms of this classification.

*Clarification of FIPS Minimal BASIC:* None necessary.

[FR Doc. 85-13991 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-13-M

## National Oceanic and Atmospheric Administration

### Permits; Marine Mammals; California Department of Fish and Game

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
  - a. Name California Department of Fish and Game (P191C).
  - b. Address 1416 Ninth Street, Sacramento, CA 95814.
2. Type of Permit: Scientific Research
3. Name and Number of Marine Mammals: California sea lions (*Zalophus californianus*), 300. Harbor seals (*Phoca vitulina richardi*), 150.
4. Type of Take: The animals will be offered fish that have been injected with a taste aversion agent (LiCl) as part of an effort to identify marine mammal/

fisheries conflicts and develop mitigative techniques of reducing or eliminating the conflicts.

5. Location of Activity: California coastal waters.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or request for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731.

Dated: June 5, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-14059 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-22-M

### Mid-Atlantic Fishery Management Council; Public Meeting

The Mid-Atlantic Fishery Management Council will convene a public meeting, June 26-27, 1985, at the Ramada Inn, 76 Industrial Highway, Essington, PA (telephone: 215-521-9600), to discuss the Squid, Mackerel and Butterfish Fishery Management Plan (FMP); the Billfish, Swordfish, and Lobster FMPs, as well as discuss other fishery management and administrative matters.

The Council may also convene a closed session to discuss personnel and/or national security matters and the meeting may be lengthened or shortened

depending upon progress on agenda items. A detailed agenda will be made available to the public around June 17, 1985. For further information, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: June 5, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-14009 Filed 6-10-85; 8:45 am]

BILLING CODE 3510-22-M

### COMMODITY FUTURES TRADING COMMISSION

#### Financial Products Advisory Committee; Meeting

This is to give notice pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a) and 41 CFR 101-6.1015(b), that the Commodity Futures Trading Commission's Financial Products Advisory Committee will conduct a public meeting in the Fifth Floor Hearing Room at the Commission's Washington, D.C. headquarters located at Room 532, 2033 K Street, NW., Washington, D.C. 20581, on June 28, 1985, beginning at 9:30 a.m. and lasting until 3:00 p.m. The agenda will consist of:

(1) Welcoming Remarks, Introduction of Commissioners Hineman, West and Seale—Susan M. Phillips, Chairman, CFTC;

(2) Introduction of Committee Members and Statement of Committee purposes—Robert R. Davis, Chairman of the Advisory Committee and Commissioner, CFTC;

(3) Briefing on the functions of the CFTC—Staff of CFTC, Divisions of Economic Analysis, Trading and Markets, Enforcement;

(4) Discussion of Institutional and Regulatory Constraints on the Commercial Use of the Derivative Financial Products Markets;

(5) Discussion of the Impact of Improved Audit Trail Systems on Derivative Financial Products Markets;

(6) Discussion of Objectives, Agenda Items and Scheduling for Future Committee Meetings.

The purpose of this meeting is to solicit the views of the Committee on the above-listed agenda matters. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on



financial products issues. The purposes and objectives of the Advisory Committee are more fully set forth at 50 FR 21332, (May 23, 1985).

The meeting is open to the public. The Chairman of the Advisory Committee, Commissioner Robert R. Davis, is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: The Commodity Futures Trading Commission's Financial Products Advisory Committee c/o Robert T. Bernat or Becky J. Baker, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, before the meeting. Members of the public who wish to make oral statements should also inform Robert T. Bernat or Becky J. Baker in writing at the latter address at least three business days before the meeting. Reasonable provision will be made, if time permits, for oral presentations of no more than five minutes each in duration.

Issued by the Commission in Washington, D.C. on June 7, 1985.

Jean A. Webb,  
Secretary to the Commission.

[FR Doc. 85-14065 Filed 6-10-85; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: June 24-28, 1985.

Time: 0800-1600 hours daily (Open).

Place: June 24, 1985—Ft. Hunter-Liggett, CA. June 25-26, 1985—Ft. Ord, CA.

Agenda: Selected members of the 1985 Army Science Board Summer Study on Training and Training Technology—Applications for AirLand Battle and Future Concepts will visit Ft. Hunter-Liggett and Ft. Ord, CA sites to observe National Guard Training and receive orientation on projects and training programs at the Combat Developments Experimentation Command and the 7th Infantry Division. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally

Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85-14066 Filed 6-6-85; 2:32 pm]

BILLING CODE 3710-08-M

## DEPARTMENT OF EDUCATION

### Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Notice of Proposed Information Collection Requests.

**SUMMARY:** The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATES:** Interested persons are invited to submit comments on or before July 11, 1985.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Office, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20202.

**FOR FURTHER INFORMATION CONTACT:** Margaret B. Webster, (202) 426-7304.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information collection requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the

collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available for Margaret Webster at the address specified above.

Dated: June 6, 1985.

Linda M. Combs,

Deputy Under Secretary for Management.

### Office of Postsecondary Education

Type of Review Requested: Revision  
Title: Special Condition Application for Federal Student Aid

Agency Form Number: ED 255-2

Frequency: Annually

Affected Public: Individuals or households

Reporting Burden: Responses: 236,000;

Burden Hours: 271,400

Recordkeeping Burden: Responses: 236,000; Burden Hours: 4,720

**Abstract:** This form collects the data necessary to determine student eligibility for Federal student aid when a student's family financial situation changes. A Student Aid Index for the distribution of Pell Grants and a uniform methodology number are calculated for the use of financial aid administrators.

[FR Doc. 85-14038 Filed 6-10-85; 8:45 am]

BILLING CODE 400-01-M

### Secretary's Discretionary Program—Field Initiated Grants

**AGENCY:** Education.

**ACTION:** Application Notice for New Awards under the Secretary's Discretionary Program for Fiscal Year 1985.

**SUMMARY:** The Secretary of Education (the Secretary), under the Secretary's Discretionary Program for Fiscal Year (FY) 1985, announces a grant competition and invites applications for projects on field-initiated topics. The Secretary especially invites applications for projects in the areas of content, character, and choice.

To be eligible for funding under this program, a project must relate to one or more of the following purposes of the Education Consolidation and Improvement Act of 1981 (ECIA): gathering and disseminating information; evaluation of the effectiveness of programs or projects; research, demonstration; training of teachers or other instructional personnel; or technical assistance to a State educational agency (SEA) or a local educational agency (LEA). The ECIA generally addresses meeting the



special educational needs of educationally deprived children and improving elementary and secondary education for children.

Authority for this program is contained in section 583 of the ECIA.

(20 U.S.C. 3851)

#### Invitations

The Secretary has challenged the American people to consider three essential aspects of educational excellence: *content*—teaching what is most important for students to know in order to function as informed and educated citizens; *character*—instilling fundamental qualities of mind and heart that form the basis for sound judgment; and *choice*—allowing parents greater opportunity to select educational services they deem most appropriate for their children. To encourage improvement in education, the Secretary invites applications for projects to: (1) Stimulate improvement in the content of textbooks and other instructional materials; (2) foster student character development; and (3) expand parental choice in education. The Secretary invites applications that propose activities in the areas of evaluation, research, demonstration, planning, and dissemination.

Activities suggested under these areas include, but are not limited to, the following:

*Evaluation* projects that assess the effectiveness of textbooks and other instructional materials, or determine the factors that promote or impede the development of wholesome student character or parental choice;

*Research* projects that analyze the content of instructional materials, the effects of school policies on student discipline, or community attitudes toward education vouchers and other vehicles for parental choice;

*Demonstration* projects that develop practices or procedures that others can adopt for their own use in order to stimulate improvement in the content of textbooks and other instructional materials, foster character development, or expand parental choice;

*Planning* projects for efforts to stimulate improvement in the content of textbooks and other instructional materials, foster the development of wholesome student character, or increase parental choice; and

*Dissemination* projects that widely distribute information concerning improvement in the content of textbooks and other instructional materials, fostering of character development, or expansion of parental choice. The dissemination could take the form of

regional or national conferences, a newsletter, or an information clearinghouse.

The Secretary's specific interests under Content, Character, and Choice are described below:

#### 1. Stimulating Improvement in the Content of Textbooks and Other Instructional Materials

The Secretary encourages a wide range of approaches to stimulate the upgrading of textbooks and other educational materials, especially those that will lead to greater knowledge and understanding of such basic academic subjects as history, literature, languages, philosophy, mathematics, and science. The Secretary particularly welcomes applications for projects that propose ways to use American historical documents, literary classics, and other works central to the development of western thought and civilization in textbooks and other instructional materials. The Secretary invites the public and private sector, including publishers, university scholars, scientists, teachers, administrators, and parents, to work together to accomplish this task.

Applicants are advised that the Secretary discourages the use of these funds for the development of instructional materials.

#### Activities

Projects may involve evaluation, research, demonstration, planning, or dissemination activities within the scope of the ECIA and related to one or a combination of the following examples:

- The systematic review of textbooks to identify specific weaknesses such as limited coverage of important topics, inadequate scholarship, biased presentation, poor writing, or a lack of challenging material.
- The development of guidelines or criteria to be used by teachers, parents, and educational groups in reviewing textbooks.
- The establishment of consortia or task forces to promote the development of quality instructional materials in order to address persistent inadequacies.
- The identification and dissemination of information on superior teaching materials.
- The assessment and/or development of efforts at the State, local, and non-public levels to address problems affecting textbooks and other instructional materials.
- The development of projects that allow the public to identify essential knowledge, e.g., literary works or

historical events, that should be familiar to every student.

*The above examples are only suggestions. Applicants are encouraged to expand upon, combine, or consider ideas other than these examples.*

#### 2. Fostering Student Character Development

The Secretary also invites applications for projects concerning the fostering of student character development in the Nation's elementary and secondary schools. Applications should propose ways schools and parents can encourage such qualities as thoughtfulness, kindness, honesty, respect for the law, knowing right from wrong, respect for parents and teachers, diligence, self-sacrifice, hard work, fairness, self-discipline, and love of country.

#### Activities

Applicants may consider proposing evaluation, research, demonstration, planning, and dissemination activities within the scope of the ECIA and related to one or a combination of the following examples:

- The use of history literature, or other subjects to encourage character development.
- Clearly defined school goals and policies and the communication of these goals and policies to teachers and students.
- A clean, orderly, and drug-free school environment.
- A consistent and fair policy on student discipline.
- Practices to encourage the development of self-discipline.
- School policies and practices that respect and support values from the student's home.
- The establishment of a positive policy to encourage increased rates of attendance and graduation.
- School policies on the behavior of the school staff with respect to providing positive role models for students.

*The above examples are only suggestions. Applicants are encouraged to expand upon, combine, or consider ideas other than these examples.*

#### 3. Expanding Parental Choice in Education

The Secretary invites applications for projects that propose ways in which parents can be afforded more choice and greater involvement in defining and selecting the most appropriate educational services for their children.



## Activities

Applicants may propose evaluation, research, demonstration, planning, and dissemination activities within the scope of the ECIA and related to one or a combination of the following examples:

- Vouchers to parents for alternative educational services for their children.
- State and local tuition tax credits or tax deductions for parents who choose alternative educational services.
- Special transportation services designed to facilitate student attendance in schools chosen by their parents.
- A program to inform parents of choices available to them, such as curricular strengths of individual schools or special services offered.
- A survey of parents, the community, and school staff concerning such questions as: What educational climate should the schools have? What kinds of curricula should be offered? Would greater choice increase parental involvement and parental satisfaction? Would greater parental choice decrease community conflict?
- Workable administrative procedures for disbursing payments to other providers of educational services.
- Greater equity for the economically disadvantaged through greater choice.
- Alternative providers for educational services, such as supplementary basic skills instruction.
- Alternative instructional services to educate high school dropouts and other high-risk students.

*The above examples are only suggestions. Applicants are encouraged to expand upon, combine, or consider ideas other than these examples.*

## Closing Date for the Transmittal of Applications

Applications for new awards must be mailed or hand delivered by August 5, 1985.

## Applications Delivered by Mail

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (CFDA No. 84-122B), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

An applicant must show one of the following as proof of 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 proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that the application will not be considered.

## Applications Delivered by Hand

Applications that are hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:00 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand delivered will not be accepted after 4:00 p.m. on the closing date.

## Program Information

The ECIA (20 U.S.C. 3801 *et seq.*) was enacted as Title V of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). The ECIA has two principal purposes: Chapter 1 provides financial assistance to SEAs and LEAs to meet the special needs of educationally deprived children, and Chapter 2 consolidates 29 elementary and secondary level education grant programs funded in fiscal year 1981 into a single authorization of grants to States for the same purposes contained in the programs consolidated.

Section 583(a) of Chapter 2 authorizes the Secretary to carry out directly, or through grants or contracts, programs and projects that: (1) Provide a national source for gathering and disseminating information on the effectiveness of programs designed to meet the special educational needs of educationally deprived children and others served by the ECIA, and for assessing the needs of such individuals; (2) carry out research and demonstrations related to the purposes of the ECIA; (3) are designed to improve the training of teachers and other instructional personnel needed to carry out the purposes of ECIA; or (4) provide technical assistance to SEAs and LEAs in the implementation of programs under the ECIA.

## Eligible Applicants

SEAs and LEAs, institutions of higher education, and other public and private agencies, organizations, and institutions may apply for a grant. An applicant may apply singly or jointly with another eligible applicant, as provided in 34 CFR 75.127 through 75.129.

## Selection Criteria

(a) In evaluating applications, the Secretary will use the selection criteria contained in §760.31 of the regulations. The maximum possible number of points for all the criteria is 85, and the value assigned by the regulations for each criterion is as follows:

- (1) Plan of operation. (20 points)
- (2) Quality of key personnel. (15 points)
- (3) Budget and cost effectiveness. (5 points)
- (4) Evaluation plan. (5 points)
- (5) Adequacy of resources. (5 points)
- (6) Improving elementary and secondary education. (10 points)
- (7) National significance. (15 points)
- (8) Applicant's commitment and capacity. (10 points)

(b) Furthermore, the regulations authorize the Secretary to distribute an additional 15 points among the criteria listed in the regulations to bring the total to a maximum of 100 points. The Secretary will distribute these additional points as follows:

- (6) Improving elementary and secondary education. Fifteen (15) additional points will be added for a possible total of 25 points.

(c) The Secretary uses the procedures contained in §760.32 of the regulations to select applications for funding.

## Private School Children Participation

To receive a grant under the competition described in this notice, an LEA must comply with the provisions of section 586 of the ECIA, governing equitable participation of private school children in the purposes and benefits of Chapter 2. Applicants are referred to the regulations implementing Chapter 2 of the ECIA codified at 34 CFR Part 298 (47 FR 52368, November 19, 1982) as a guide to the extent and nature of the required consultation with private school officials and the required provisions of benefits to private school children.

## Length of Project Period

Projects supported under this program will be for a period of up to 12 months in duration.

## Available Funds

The Secretary urges applicants to limit the amount of assistance requested



since resources available under this announcement are limited. For example, it is estimated that appropriate planning activities may be conducted for amounts up to \$25,000; evaluation, research, and dissemination activities may be conducted for amounts up to \$75,000; and demonstration activities could be carried out for amounts up to \$150,000.

Under 34 CFR 760.10(b), funds may not be used as general operating revenue to meet local needs of any applicant.

It is estimated that 10 to 20 awards will be made. The Secretary encourages applicants to propose projects that show a thorough knowledge of previous work in the area of the project and its relationship to the proposed project and that use existing materials to the fullest extent possible. Also, because of the limited available resources, the Secretary encourages applicants to propose projects that would use the funds awarded for this competition to supplement other sources of funding.

The above estimates assume that applications of satisfactory quality will be received. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Applicants should be aware that funds for Fiscal Year 1985 projects are not available at this time. Under a Congressional directive in the conference report accompanying the Department's FY 1985 appropriation act, the Department used fiscal year 1985 Secretary's Discretionary Program funds to support FY 1984 projects that did not receive the full amount of their funding commitments due to the freeze on FY 1984 funds imposed by the United States District Court for the Northern District of Illinois, Eastern Division, in *United States v. Board of Education of the City of Chicago*. At such time as the FY 1984 funds are released by the District Court, accounting adjustments will be made so that FY 1985 grants can be awarded using FY 1985 funds.

#### Application Forms

Application forms and program information packages may be obtained by writing to: Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4181, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intended to aid applicants in applying for

assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length and that the total application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested. (Approved by OMB under control number 1880-0505.)

#### Applicable Regulations

The following regulations apply to this program:

(a) Regulations governing the Secretary's Discretionary Program in 34 CFR Part 760, published October 26, 1984 (49 FR 43226).

(b) The Education Department General Administrative Regulations (EDGAR) 34 CFR Parts 74, 75, 77, and 78.

#### For Further Information Contact:

Thomas E. Enderlein, Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue S.W., Room 4181, Washington, D.C. 20202. Telephone: (202) 472-1762.

(20 U.S.C. 3851).

(Catalog of Federal Domestic Assistance Number 84.122, Secretary's Discretionary Program)

Dated: June 7, 1985

William J. Bennett,  
Secretary of Education.

[FR Doc. 85-14135 Filed 6-10-85; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP85-155-000]

#### Columbia Gas Transmission Corp.; Proposed Changes In FERC Gas Tariff

June 6, 1985

Take notice that Columbia Gas Transmission Corporation (Columbia) on May 31, 1985 tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective July 1, 1985:

First Revised Sheet No. 45  
First Revised Sheet No. 45A  
First Revised Sheet No. 45B  
First Revised Sheet No. 45C  
First Revised Sheet No. 45D  
First Revised Sheet No. 45E  
First Revised Sheet No. 45F

This filing will replace and expand Columbia's present TS-1 and TS-2 Rate Schedules, which will expire on June 30, 1985. It also implements a number of changes in Columbia's transportation policies and procedures, as more fully described in the letter of transmittal accompanying this filing.

Copies of the filing were served upon the Company's jurisdictional customers, interested state commissions and all parties in Docket No. RP84-11.

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, N.E., Washington, D.C. 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 13, 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 proceedings. Any person wishing to become a party to the proceeding 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. 85-14041 Filed 6-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA85-2-12-000 and TA85-2-12-001]

#### Distrigas Corp., Distrigas of Massachusetts Corp.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

June 6, 1985.

Take notice that Distrigas Corporation (Distrigas) on May 31, 1985 tendered for filing Seventeenth Revised Sheet No. 1 to its FERC Gas Tariff and Distrigas of Massachusetts Corporation (DOMAC) on the above date tendered for filing Seventeenth Revised Sheet No. 3A.

Seventeenth Revised Sheet No. 1 and Seventeenth Revised Sheet No. 3A are being filed pursuant to Distrigas' and DOMAC's purchased LNG cost adjustment provision set forth in their respective tariffs. The Distrigas rate change is being filed to reflect in its sales rate to DOMAC a redetermination (decrease) of the price paid for the purchase of LNG from its supplier SONATRACH in accordance with the Distrigas-SONATRACH Agreement for Sale and Purchase of Liquefied Natural Gas, together with and amortization over the six-month period, July 1, 1985



through December 31, 1985, of the balance of the unrecovered purchased LNG cost account.

The DOMAC rate change is being filed to reflect the Distrigas rate change in DOMAC's rates for resale to its distribution customer companies and the amortization over the six-month period, July 1, 1985 through December 31, 1985, of the balance in DOMAC's unrecovered purchased LNG cost account and the GRI Surcharge.

Distrigas and DOMAC request that the proposed tariff sheets become effective July 1, 1985, to coincide with the change in LNG costs from SONATRACH.

A copy of this filing is being served on all affected parties and interested State commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 13, 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. 85-14042 Filed 6-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-154-000]

#### Gas Research Institute; Annual Application

June 5, 1985.

Take notice that on June 3, 1985, Gas Research Institute (GRI) filed herein an application requesting advance approval of its 1986-1990 Five-Year R&D Plan and 1986 R&D Program and the funding of its R&D activities for 1986 pursuant to the Natural Gas Act and the Commission's Regulations thereunder, particularly 18 CFR 154.38(d)(5).

GRI states that its application demonstrates compliance with the Commission's Regulations, the requirements of Opinion No. 226, Opinion and Order Amending and Approving Gas Research Institute's 1985 Research Development Program, Docket No. RP84-85-000, issued September 28, 1984, and the ongoing provisions of a

Stipulation and Agreement reached by the parties to the proceedings in Docket No. RM77-14 and approved by the Commission in Opinion No. 11, Opinion and Order Approving the Initial Research Development and Demonstration Program of Gas Research Institute, Docket No. RM77-14, issued March 28, 1978. GRI's application seeks approval of its 1986 R&D Program and approval for its jurisdictional members to collect an R&D Funding Unit of 1.35 cents per Mcf during the twelve months ending December 31, 1986 to support GRI's 1986 R&D program. Applicant states that its application was filed in accordance with the provision of Order No. 566 which requires "RD&D organizations" to submit, annually, a five-year program plan at least 180 days prior to the commencement of the five-year period of the plan, which is scheduled to commence on January 1, 1986.

GRI states its Annualized Funding Requirement for 1986 is \$143,916,000 and Estimated Funding Services are 10.643 Bcf. This results in a funding unit of 1.35 cents per Mcf.

GRI proposes a 1986 total GRI obligations budget of \$164.0 million including R&D obligations of \$137.8 million; and project management and general expenses and capital asset purchases of \$26.2 million. GRI proposes to fund 260 projects in 1986. GRI states about 85 percent of the R&D obligations budget will fund continuing projects. GRI proposes to fund \$21.4 million in new activities. GRI projects its 1986 total obligations budget will increase from \$164.0 million in 1986 to \$219.8 million (in 1986 dollars) in 1990. GRI states the required funding unit would increase from 1.35 cents in 1986 to 2.00 cents (in 1986 dollars) in 1990.

GRI's filing was accomplished by workpapers providing detail about its application. These workpapers are available for inspection in the Commission's Division of Public Information.

An appendix to the application contains a list of GRI members and state regulatory commissions which were served with a copy of GRI's application on June 3, 1985. Such members and commissions are hereby permitted to participate in this proceeding as intervenors and need not file formal petition to intervene or notices of intervention.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 28, 1985 file with the Federal Energy Regulatory Commission, Washington, DC 20426, a comment, protest, or petition to intervene in accordance with

the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All comments or protest with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein, other than those listed in the appendix who are automatically entitled to participate, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that a Commission staff report on GRI's filing will be served on all parties and filed with the Commission as a public document by July 31, 1985. Comments on the staff report by all parties except GRI should be filed with the Commission on or before August 16, 1985. GRI's reply comments should be filed on or before September 2, 1985. It should also be noted that the Commission's Regulations (18 CFR § 381.206) provide that the fee for a petition seeking advance Commission approval of rate treatment of RD&D expenditures will be determined and billed according to the procedures for direct billing set forth under 18 CFR 318.107.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 85-14043 Filed 6-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-225-000]

#### Mid Louisiana Gas Company; Informal Technical Conference

June 5, 1985.

Take notice that on June 18, 1985, at 10:00 a.m., an informal, technical conference will be convened in the above-captioned matter to discuss various aspects of the proposals submitted by Mid Louisiana Gas Company. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

All interested parties and the Commission staff are invited to attend; however, attendance at the conference will not confer party status. Any person wishing to become a party to this proceeding must file a Motion To Intervene or Notice of Intervention in accordance with the Rule 214 of the



## Commission's Rules of Practice and Procedure, (18 CFR 385.214).

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14044 Filed 6-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-132-003]

## North Penn Gas Company; Proposed Changes in FERC Gas Tariff

June 6, 1985.

Take notice that on May 31, 1985, North Penn Gas Company (North Penn) filed a proposed change to the base tariff rates, FERC Gas Tariff, First Revised Volume No. 1, to become effective July 1, 1985.

The proposed rate change would decrease North Penn's base tariff rates \$0.00830.

North Penn states that the decrease in base tariff rates reflects, in accordance with the settlement agreement in Docket No. RP82-132 and the Commission's Order of September 20, 1983, approving such settlement, termination as of June 30, 1985, of allowances for amortization and return on the average unamortized balance of a storage gas loss included in the settlement cost of service.

North Penn respectfully requests waiver of any of the Commission's Rules and Regulations as may be required to permit this filing to become effective July 1, 1985, as proposed.

Copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington,

D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 13, 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. 85-14045 Filed 6-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST79-37-002 et al.]

## Oasis Pipe Line Co. et al.; Extension Reports

June 7, 1985.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the

extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. The following symbols are used for transactions pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations: a "G(HT)", "G(HS)" or "G(HA)", respectively, indicates transportation, sale or assignments by a Hinshaw pipeline; a "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before June 27, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 Subpart	Effective date	Expiration date <sup>1</sup>
ST79-37-002	Oasis Pipeline Line Co., P.O. Box 1188, Houston, TX 77001	El Paso Natural Gas Co.	05-09-85	C	08-14-85	
ST79-39-002	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001	El Paso Natural Gas Co.	05-09-85	C	08-14-85	
ST81-391-002	Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71309	Southern Natural Gas Co.	05-06-85	C	08-24-85	
ST81-446-002	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001	Florida Gas Transmission Co.	05-09-85	C	08-18-85	
ST83-383-001	Western Gas Supply Co., 1050 17th St., Denver, CO 80265	Northwest Pipeline Corp.	05-02-85	G(HT)	05-12-85	07-31-85
ST83-491-001 *	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77001	Natural Gas Pipeline Co. of America	05-15-85	G	05-24-85	08-13-85
ST83-574-001	Natural Gas Pipeline Co. of America, P.O. Box 1208, Lombard, IL 60148	Bridgeline Gas Distribution Co.	05-03-85	B	08-02-85	
ST83-630-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Gulfide Gas Corp.	05-13-85	B	08-15-85	
ST83-641-001 *	Parhandle Eastern Pipe Line Co., P.O. Box 1842, Houston, TX 77001	Kansas Power and Light Co.	05-03-85	B	07-06-85	08-01-85
ST83-645-001	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001	United Gas Pipe Line Co.	05-01-85	C	08-01-85	
ST83-646-001	Oasis Pipe Line Co., P.O. Box 1188, Houston, TX 77001	El Paso Natural Gas Co.	05-01-85	C	08-04-85	
ST83-651-001	Southern Natural Gas Co., P.O. Box 2563, Birmingham, AL 35202	Natural Gas Pipeline Co. of America	05-09-85	G	08-08-85	
ST83-660-001	Acadian Gas Pipeline System, 1200 Milam, Houston, TX 77002	Florida Gas Transmission Co.	05-13-85	C	08-26-85	
ST83-683-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Monterey Pipeline Co.	05-13-85	B	08-29-85	
ST83-684-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001	Cajun Natural Gas Co.	05-13-85	B	08-29-85	
ST83-686-001 *	Red River Pipeline, 1700 Pacific Ave., Dallas, TX 75201	El Paso Natural Gas Co.	05-08-85	C	08-04-85	08-06-85
ST83-677-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Delhi Gas Pipeline Corp.	05-09-85	B	08-17-85	
ST83-692-002	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	West Texas Gas, Inc.	05-09-85	B	08-19-85	
ST84-1052-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325	Cincinnati Gas & Electric Co.	05-02-85	B	08-01-85	
ST85-25-001 *	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325	Columbia Gas of Kentucky, Inc.	05-08-85	B	08-01-85	08-06-85



Docket No.	Transporter/seller	Recipient	Date filed	Part 284 Subpart	Effective date	Expiration date <sup>1</sup>
ST85-91-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325	Union Light Heat & Power Co.	05-02-85	B	08-01-85	
ST85-133-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Columbia Gas of Virginia, Inc.	05-02-85	B	08-01-85	
ST85-135-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Columbia Gas of Ohio, Inc.	05-02-85	B	08-01-85	
ST85-136-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Columbia Gas of New York, Inc.	05-02-85	B	08-01-85	
ST85-137-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Columbia Gas of Maryland, Inc.	05-02-85	B	08-01-85	
ST85-139-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325	Columbia Gas of Maryland, Inc.	05-02-85	B	08-01-85	
ST85-143-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325	Columbia Gas of Virginia, Inc.	05-02-85	B	08-01-85	
ST85-145-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325	Columbia Gas of Ohio, Inc.	05-02-85	B	08-01-85	
ST85-146-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325	Columbia Gas of New York, Inc.	05-02-85	B	08-01-85	
ST85-314-001	Columbia Gas Transmission Corp., P.O. Box 683, Houston, TX 77001	Columbia Gas of Pennsylvania, Inc.	05-02-85	B	08-01-85	
ST85-318-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325	Columbia Gas of Pennsylvania, Inc.	05-02-85	B	08-01-85	
ST85-729-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Mountaineer Gas Co.	05-02-85	B	08-01-85	
ST85-731-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston, TX 77001	Baltimore Gas & Electric Co.	05-02-85	B	08-01-85	
ST85-732-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325	Mountaineer Gas Co.	05-02-85	B	08-01-85	
ST85-733-001	Columbia Gas Transmission Corp., P.O. Box 1273, Charleston, WV 25325	Baltimore Gas & Electric Co.	05-02-85	B	08-01-85	

<sup>1</sup> The pipeline has sought Commission approval of the extension of this transaction. The 90-day Commission review period expires on the date indicated.

<sup>2</sup> These extension reports were filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order.

NOTE:—The noticing of these filings does not constitute a Determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 85-14046 Filed 6-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA85-36-000]

# **Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Petition for Adjustment**

June 7, 1985.

Take notice that on May 22, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed a petition in Docket No. SA85-36-000 for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978, wherein Petitioner seeks an exemption from the filing requirements of the essential agriculture use regulations as promulgated by Order No. 29 of the Commission, as amended, (Docket No. RM79-15, issued May 2, 1979), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that the exemption is sought because the annual collection and review of essential agricultural use data and the annual update required by § 281.204(b)(2) of the Commission's Regulations involves a substantial amount of time and expense for the parties involved. Petitioner also states that it would be able to meet the full requirements of its customers in the near term as indicated in Petitioner's FERC Form No. 16 filed on May 15, 1985, and its FERC Form No. 15 for the year ended December 31, 1984. Therefore, Petitioner

alleges that compliance with the filing requirements of § 281.204(b)(2) of the Commission's Regulations is currently unnecessary and would result in a special hardship and an unfair distribution of burdens to the Petitioner's customers, as well as to the Petitioner. It is indicated that the Petitioner would make the appropriate tariff filings to comply with the Commission's Regulations implementing Section 401 of the Natural Gas Policy Act of 1978, if Petitioner determines, at a future date, that it would not be able to meet its full customer requirements or should its FERC No. 16 projections indicate a supply deficiency.

The procedures applicable to the conduct of this adjustment are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any person desiring to participate in the adjustment proceeding shall file a motion to intervene in accordance with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication in the Federal Register.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 85-14047 Filed 6-10-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-157-000]

# **United Gas Pipe Line Company; Filing**

June 6, 1985.

Take notice that on May 31, 1985, United Gas Pipe Line Company (United) tendered for filing the following

proposed tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Thirteenth Revised Sheet No. 5  
Fourteenth Revised Sheet No. 10  
Twenty-Third Revised Sheet No. 21

The proposed tariff sheets clarify the applicability of United's existing Rate Schedules DG, G and PL where a customer's service agreement has terminated but authorization to abandon service has not been granted.

United requests any waivers necessary so that the proposed tariff sheets may become effective on June 1, 1985. United states that copies of this filing were mailed to all its jurisdictional customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 13, 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. 85-14048 Filed 6-10-85; 8:45 am]

BILLING CODE 6717-01-M



[Docket No. RP85-156-000]

**Valero Interstate Transmission Co.; Filing**

June 6, 1985.

Take notice that on May 31, 1985, Valero Interstate Transmission Company ("Vitco") tendered pursuant to § 154.38(d)(4)(vi)(a) the following tariff sheets for filing to establish new Base Tariff Rates under Vitco's FERC Gas Tariff:

- 2nd Revised Sheet No. 6, Superseding 1st Revised Sheet No. 6, to FERC Gas Tariff, Original Volume No. 2.  
8th Revised Sheet No. 14, Superseding 7th Revised Sheet No. 14 to FERC Gas Tariff, Original Volume No. 1.

Vitco states that the rates set out on the 2nd Revised Sheet No. 6 and the 8th Revised Sheet No. 14 reflect new Base Tariff Rates based on the supporting documents therewith. Vitco proposes to establish a new purchased gas cost component of its Base Tariff Rates equivalent to the sum of its existing current and cumulative adjustment amounts. However, for reasons more fully explained in its filing, Vitco does not propose to change the gathering and transmission cost component of its present Base Tariff Rates at this time, and Vitco requests a waiver of any requirement under § 154.38(d)(4)(vi)(a) to do so.

The proposed effective date of the above filings is July 1, 1985. Vitco requests a waiver of any Commission regulations or orders which would prohibit implementation by July 1, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 625 North Capitol Street, N.E., Washington, D. C. 20426, in accordance with Rules

211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 13, 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. 85-14049 Filed 6-10-85; 8:45 am]

BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

[OPTS-53072; TSH-FRL 2849-4]

**Premanufacture Notices; Monthly Status Report for March 1985**

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

**ACTION:** Notice.

**SUMMARY:** Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the Federal Register each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for March 1985.

**DATE:** Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

Nonconfidential portions of the PMNs may be seen in Rm. E-107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

**ADDRESS:** Written comments, identified with the document control number "[OPTS-53072]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202-382-3532).

**FOR FURTHER INFORMATION CONTACT:**

Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613, 401 M Street, SW., Washington, DC 20460, (202-382-3725).

**SUPPLEMENTARY INFORMATION:** The monthly status report published in the Federal Register as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during March; (b) PMNs received previously and still under review at the end of March; (c) PMNs for which the notice review period has ended during March; (d) chemical substances for which EPA has received a notice of commencement to manufacture during March and (e) PMNs for which the review period has been suspended. Therefore, the March 1985 PMN Status Report is being published.

Dated: May 31, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

**Premanufacture Notices Monthly Status Report, March 1985****I. 117 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH**

PMN No.	Identity/generic name	FR citation	Expiration date
P85-613	Generic name: Dialkylamine substituted aryl-n-arylnitrone.	50 FR 10536(10537) (3-15-85)	May 29, 1985.
P85-614	Generic name: Dialkylamine substituted aryl-n-arylnitrone.	50 FR 10536(10537) (3-15-85)	Do.
P85-615	Generic name: Nitrobenzoic acid-ester.	50 FR 10536(10537) (3-15-85)	Do.
P85-616	Generic name: Brominated propanoic acid derivative.	50 FR 10536(10537) (3-15-85)	Do.
P85-617	Generic name: Substituted-phenylazo-substituted-naphthalenedisulfonic acid, sodium salt.	50 FR 10536(10537) (3-15-85)	Do.
P85-618	Generic name: Substituted-phenylazo-substituted-naphthalenedisulfonic acid, sodium salt.	50 FR 10536(10537) (3-15-85)	Do.
P85-621	Generic name: A cyclopenten substituted alcohol.	50 FR 10536(10537) (3-15-85)	June 1, 1985.
P85-622	Generic name: Poly[alkyl sulfonic acid, ammonium salt].	50 FR 10536(10538) (3-15-85)	Do.
P85-623	Generic name: Substituted benzene sulfonic acid, [chloro-[(substituted phenylamino)-triazinyl amino]-[(amino carbonyl-ethyl-hydroxy-methyl-oxo-pyridinyl(hydroxy- methyl-oxo-pyridine)azo)-alkali metal salt].	50 FR 10536(10538) (3-15-85)	Do.
P85-624	Generic name: Amino-hydroxy-naphthalene disulfonic acid, [(dichloro-bis(triazinyl)amino) substituted phenyl azo]-[(substituted phenyl)azo]-alkali metal salt.	50 FR 10536(10538) (3-15-85)	Do.
P85-625	Generic name: Copper phthalocyanine, [(chloro-substituted-triazinyl amino) substituted sulfonyl sulfo derivatives alkali metal salt.	50 FR 10536(10538) (3-15-85)	Do.
P85-626	3-Acetyl-7-(diethylamino)-2H-1-benzopyran-2-one.	50 FR 10536(10538) (3-15-85)	Do.
P85-627	Generic name: Alkylalkoxysilane.	50 FR 10536(10538) (3-15-85)	June 2, 1985.
P85-628	Generic name: Synthetic oil.	50 FR 10536(10538) (3-15-85)	Do.
P85-629	Potassium, 1-n-octyl sulfonate.	50 FR 10536(10538) (3-15-85)	Do.
P85-630	Ammonium, 1-n-tetradecyl sulfonate.	50 FR 10536(10538) (3-15-85)	Do.
P85-631	Sodium, 1-n-tetradecyl sulfonate.	50 FR 10536(10538) (3-15-85)	Do.
P85-632	Ammonium, 1-n-hexadecyl sulfonate.	50 FR 10536(10538) (3-15-85)	Do.
P85-633	Generic name: Aminoalkanoic acid.	50 FR 10536(10538) (3-15-85)	Do.
P85-634	Generic name: Butyltin alkyl thio-glycolate.	50 FR 10536(10538) (3-15-85)	Do.



## I. 117 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No	Identity/generic name	FR citation	Expiration date
P85-635	Polymer of: Methylmethacrylate; butyl acrylate; dimethylaminoethyl methacrylate; and methacrylic acid.	50 FR 10536(10539) (3-15-85)	Do.
P85-636	Generic name: Substituted epoxy resin.	50 FR 10536(10539) (3-15-85)	Do.
P85-637	Generic name: Phosphonomethylated amine.	50 FR 10536(10539) (3-15-85)	June 3, 1985
P85-638	Generic name: Substituted polyglycol.	50 FR 10536(10539) (3-15-85)	Do.
P85-639	Generic name: Substituted polyglycol.	50 FR 10536(10539) (3-15-85)	Do.
P85-640	Generic name: Substituted propanamide.	50 FR 10536(10539) (3-15-85)	Do.
P85-641	Generic name: Substituted amino carbox amide.	50 FR 10536(10539) (3-15-85)	June 4, 1985
P85-642	2-Nonyloic acid, 2-methylpropyl ester.	50 FR 10536(10539) (3-15-85)	Do.
P85-643	Generic name: Substituted pyridine.	50 FR 10536(10539) (3-15-85)	Do.
P85-644	Generic name: Substituted alkanolic triester.	50 FR 10536(10539) (3-15-85)	Do.
P85-645	Generic name: A titanium complex compound.	50 FR 10536(10539) (3-15-85)	Do.
P85-646	Generic name: A titanium complex compound.	50 FR 10536(10539) (3-15-85)	Do.
P85-647	Generic name: Trisubstituted naphthalene-carboxamide.	50 FR 11557(11558) (3-22-85)	June 5, 1985
P85-648	Generic name: Isopropylidene-bis(1,1-dimethylpropyl) derivative.	50 FR 11557(11558) (3-22-85)	Do.
P85-649	Generic name: Sulfurized alkyl phenol.	50 FR 11557(11558) (3-22-85)	Do.
P85-650	Generic name: Mixed amine/alkane spiropolycarboxylate octaesters.	50 FR 11557(11558) (3-22-85)	Do.
P85-651	Generic name: Mixed amine/alkane spiropolycarboxylate octaesters.	50 FR 11557(11558) (3-22-85)	Do.
P85-652	Generic name: Reacted epoxy resin.	50 FR 11557(11558) (3-22-85)	June 8, 1985
P85-653	Generic name: Organomagnesium compound.	50 FR 11557(11558) (3-22-85)	Do.
P85-654	Generic name: Halogenated organo-metal complex.	50 FR 11557(11558) (3-22-85)	June 9, 1985
P85-655	Generic name: Quaternary ammonium humate.	50 FR 11557(11558) (3-22-85)	Do.
P85-656	Generic name: Cyanobiphenyl, alkyl cyclohexane carboxylic acid.	50 FR 11557(11558) (3-22-85)	Do.
P85-657	Generic name: Cyano-alkylterphenyl.	50 FR 11557(11558) (3-22-85)	Do.
P85-658	Generic name: Cyanobiphenyl, alkylbenzoic acid.	50 FR 11557(11558) (3-22-85)	Do.
P85-659	Generic name: Cyanonaphthyl alkyl cyclohexane carboxylic acid.	50 FR 11557(11558) (3-22-85)	Do.
P85-660	Generic name: Fatty acids, esters with alkanolamine, alkoxylated.	50 FR 11557(11558) (3-22-85)	June 10, 1985
P85-661	Generic name: Alkylthiophenol.	50 FR 11557(11558) (3-22-85)	Do.
P85-662	Generic name: Organometallic polymer.	50 FR 12623 (3-29-85)	June 12, 1985
P85-663	Generic name: Pyrrolopyrrol.	50 FR 12623 (3-29-85)	Do.
P85-664	Generic name: Reaction product of metallic alkyl and polysiloxanes.	50 FR 12623 (3-29-85)	Do.
P85-665	Generic name: Reaction product of metallic alkyls, polysiloxanes and titanates.	50 FR 12623 (3-29-85)	Do.
P85-666	Generic name: Polyester polyurethane.	50 FR 12623 (3-29-85)	June 15, 1985
P85-667	Generic name: Aliphatic unsaturated aldehyde.	50 FR 12623 (3-29-85)	Do.
P85-668	Mixture of acetic acid, 2,2,2'-(dodecylstannylidene)tris(thio)-tris-trisooctyl ester and acetic acid, 2,2'-(dodecylstannylidene)bis(thio)-bis-disooctyl ester.	50 FR 12623 (3-29-85)	Do.
P85-669	Generic name: Silylated amino carboxylate.	50 FR 12623 (3-29-85)	Do.
P85-670	Generic name: Tall oil rosin propylene oxide reaction.	50 FR 12623(12624) (3-29-85)	June 30, 1985
P85-671	Generic name: Reacted modified cyclo-aliphatic diamine.	50 FR 12623(12624) (3-29-85)	June 4, 1985
P85-672	Generic name: Thionocarbamate derivative.	50 FR 12623(12624) (3-29-85)	June 15, 1985
P85-673	Generic name: Silylated amino carboxylate.	50 FR 12623(12624) (3-29-85)	Do.
P85-674	Generic name: Aliphatic polyester.	50 FR 12623(12624) (3-29-85)	June 16, 1985
P85-675	Generic name: Aliphatic/aromatic polyester.	50 FR 12623(12624) (3-29-85)	Do.
P85-676	Generic name: Functional polyester.	50 FR 12623(12624) (3-29-85)	Do.
P85-677	Generic name: Functional polyether.	50 FR 12623(12624) (3-29-85)	Do.
P85-678	Generic name: Benzenesulfonamide.	50 FR 12623(12624) (3-29-85)	Do.
P85-679	Generic name: Polyurethane.	50 FR 12623(12624) (3-29-85)	Do.
P85-680	Generic name: 1,1-dimethylpropyl peroxyester.	50 FR 12623(12624) (3-29-85)	Do.
P85-681	1,2,7,8-diepoxyoctane.	50 FR 12623(12624) (3-29-85)	Do.
P85-682	Generic name: Vinyl reactive plasticizer.	50 FR 12623(12624) (3-29-85)	Do.
P85-683	Methacryloxy ethylacidipthalate.	50 FR 12623(12625) (3-29-85)	Do.
P85-684	Generic name: Aliphatic polyester.	50 FR 12623(12625) (3-29-85)	Do.
P85-685	Triethanolamine, compounded with boron fluoride (1:1).	50 FR 12623(12625) (3-29-85)	Do.
P85-686	Generic name: Acrylate copolymer.	50 FR 12623(12625) (3-29-85)	Do.
P85-687	Generic name: Acrylate copolymer.	50 FR 12623(12625) (3-29-85)	Do.
P85-688	Generic name: Acrylate copolymer.	50 FR 12623(12625) (3-29-85)	Do.
P85-689	Generic name: Acrylate copolymer.	50 FR 12623(12625) (3-29-85)	Do.
P85-690	Potassium antimony tris(ethanedioyl).	50 FR 12623(12625) (3-29-85)	June 17, 1985
P85-691	Generic name: Metal salt of substituted (dialkyl) bis (alkyl succinate ester).	50 FR 12623(12625) (3-29-85)	Do.
P85-692	7-(diethylamino)-3-(1-oxo-3-phenyl-2-propenyl)-2H-1-benzopyran-2-one.	50 FR 12623(12625) (3-29-85)	June 18, 1985
P85-693	Generic name: Acrylated urethane resin.	50 FR 12623(12625) (3-29-85)	Do.
P85-694	Generic name: 2-propenoic acid copolymer.	50 FR 12623(12625) (3-29-85)	Do.
P85-695	Generic name: Acrylate copolymer.	50 FR 12623(12625) (3-29-85)	Do.
P85-696	Generic name: Acrylate copolymer.	50 FR 12623(12625) (3-29-85)	Do.
P85-697	Generic name: Acrylate copolymer.	50 FR 12623(12625) (3-29-85)	Do.
P85-698	Generic name: Acrylate copolymer.	50 FR 12623(12625) (3-29-85)	Do.
P85-699	Generic name: Polymer of styrene with acrylate and methacrylates.	50 FR 13652 (4-5-85)	June 19, 1985
P85-700	Generic name: Mixed acrylate/methacrylate polymer.	50 FR 13652 (4-5-85)	Do.
P85-701	Generic name: Polyester derivative.	50 FR 13652 (4-5-85)	Do.
P85-702	Generic name: Acrylic terpolymer resin.	50 FR 13652 (4-5-85)	Do.
P85-703	Polymer of hydroxy ethyl acrylate; isophorone diisocyanate; and melpol 125.	50 FR 13652 (4-5-85)	Do.
P85-704	Generic name: Modified triphenol novolac.	50 FR 13652 (4-5-85)	Do.
P85-705	Generic name: Substituted polyglycol.	50 FR 13652 (4-5-85)	Do.
P85-706	Generic name: Substituted pyridine.	50 FR 13652 (4-5-85)	Do.
P85-707	Generic name: Saturated polyester.	50 FR 13652 (4-5-85)	Do.
P85-708	Generic name: Saturated polyester, silicone modified.	50 FR 13652(13653) (4-5-85)	Do.
P85-709	Generic name: Styrene-acrylic modified oil.	50 FR 13652(13653) (4-5-85)	Do.
P85-710	Generic name: Poly acrylate/methacrylate ester.	50 FR 13652(13653) (4-5-85)	June 22, 1985
P85-711	Generic name: Metal alkoxide.	50 FR 13652(13653) (4-5-85)	June 23, 1985
P85-712	Generic name: Acrylic polymer substituted amine reaction product.	50 FR 13652(13653) (4-5-85)	Do.
P85-713	Generic name: Styrene, acrylic copolymer.	50 FR 13652(13653) (4-5-85)	Do.
P85-714	Generic name: Distributed urea.	50 FR 13652(13653) (4-5-85)	Do.
P85-717	Generic name: Polycarbodiimide.	50 FR 13652(13653) (4-5-85)	Do.
P85-716	Generic name: Poly(ethylene-butyl acrylate-maleic anhydride).	50 FR 13652(13653) (4-5-85)	June 24, 1985
P85-717	Polyglycidyl ether of polyglycol.	50 FR 13652(13653) (4-5-85)	Do.
P85-718	Generic name: Polyol polyacrylate.	50 FR 13652(13653) (4-5-85)	Do.
P85-719	Generic name: Polymer of styrene and methacrylates.	50 FR 13652(13653) (4-5-85)	June 25, 1985
P85-720	Generic name: Polyacrylate.	50 FR 13652(13653) (4-5-85)	Do.
P85-721	Generic name: Melamine, hydroxypropyl-melamine polymer with formaldehyde.	50 FR 13652(13653) (4-5-85)	Do.
P85-722	C <sub>12</sub> and C <sub>14</sub> unsaturated alkyl nitriles.	50 FR 13652(13654) (4-5-85)	Do.
P85-723	Distillation residue from C <sub>12</sub> -C <sub>14</sub> unsaturated alkyl nitriles.	50 FR 13652(13654) (4-5-85)	Do.
P85-724	Generic name: Ethoxylated thiol ether.	50 FR 13652(13654) (4-5-85)	June 26, 1985



## I. 117 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
Y85-28	Generic name: Rosin modified alkyl resin.	50 FR 10539(10540) (3-15-85)	June 25, 1985
Y85-29	Generic name: Modified rosin ester	50 FR 11559 (3-22-85)	Mar. 29, 1985
Y85-30	Generic name: Acrylic polymer	50 FR 11559 (3-22-85)	Mar. 30, 1985
Y85-31	Generic name: Styrene acrylate t-thiol polymer	50 FR 11559 (3-22-85)	Apr. 1, 1985
Y85-32	Generic name: Terpolyamide	50 FR 11559 (3-22-85)	Do
Y85-33	Generic name: Copolyamide (polymer)	50 FR 11559 (3-22-85)	Do
Y85-34	Generic name: Calcium salt of -2-acrylamide-2-methyl-propanesulfonic acid copolymer	50 FR 12626 (3-29-85)	Apr. 4, 1985
Y85-35	Generic name: Aliphatic polyester	50 FR 12626 (3-29-85)	Do

## II. 166 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH

PMN No.	Identity/generic name	FR citation	Expiration date
P85-457	Generic name: Reaction product of poly-tetramethylene glycol, methylene bis phenylisocyanate) and alcohols.	50 FR 6383 (6384) (2-15-85)	May 1, 1985
P85-458	Generic name: Alkyl ester of a trialkoxy-silane.	50 FR 6383 (6384) (2-15-85)	May 4, 1985
P85-460	Generic name: Substituted succinic anhydride, reaction product with hetero-cyclic amine	50 FR 6383 (6384) (2-15-85)	Do
P85-461	Generic name: Hydroxy terminated polyester diol reaction with benzophenone tetracarboxylic dianhydride, terminated with hydroxyethyl methacrylate.	50 FR 6383 (6384) (2-15-85)	Do
P85-462	Generic name: Acrylic polymer	50 FR 6383 (6384) (2-15-85)	May 5, 1985
P85-463	Generic name: Silane	50 FR 6383 (6384) (2-15-85)	Do
P85-464	Generic name: Substituted phenyl azo substituted heteromonocycle	50 FR 6383 (6384) (2-15-85)	Do
P85-465	Generic name: Mercaptan terminated polyether polymer	50 FR 6383 (6384) (2-15-85)	Do
P85-466	N-butyl cyanoacetate	50 FR 6383 (6384) (2-15-85)	Do
P85-467	Generic name: Functional vinyl copolymer	50 FR 6383 (6384) (2-15-85)	May 6, 1985
P85-468	Generic name: Polycyclic sulfonic acid salt	50 FR 6383 (6384) (2-15-85)	May 7, 1985
P85-469	Generic name: Phosphate(mono/di) methacrylate monomer	50 FR 6383 (6385) (2-15-85)	Do
P85-470	Generic name: Substituted alkyl butylester	50 FR 6383 (6385) (2-15-85)	Do
P85-471	Generic name: Carbomonocyclic butyl ester	50 FR 6383 (6385) (2-15-85)	Do
P85-472	Generic name: Aromatic polycarbodiimide	50 FR 6383 (6385) (2-15-85)	Do
P85-473	Generic name: Alkylaluminum chloride	50 FR 6383 (6385) (2-15-85)	Do
P85-474	Generic name: Alkylaluminum chloride	50 FR 6383 (6385) (2-15-85)	Do
P85-475	Generic name: Alkylaluminum chloride	50 FR 6383 (6385) (2-15-85)	Do
P85-476	Generic name: Substituted cyclohexene carboxylic acid	50 FR 7640 (2-25-85)	May 8, 1985
P85-477	Generic name: Substituted cyclohexene carboxylic acid	50 FR 7640 (2-25-85)	Do
P85-478	Found to be on the inventory		
P85-479	2,5-furandimethanol	50 FR 7640 (2-25-85)	Do
P85-480	Generic name: Cellulose ester.	50 FR 7640 (7641) (2-25-85)	Do
P85-481	Generic name: Polyamic acid polymer A	50 FR 7640 (7641) (2-25-85)	Do
P85-482	Generic name: Polyamic acid polymer B	50 FR 7640 (7641) (2-25-85)	Do
P85-483	Generic name: Polyamic acid polymer C	50 FR 7640 (7641) (2-25-85)	Do
P85-484	Generic name: Polyamic acid polymer D	50 FR 7640 (7641) (2-25-85)	Do
P85-485	Found to be on the inventory		Do
P85-486	Found to be on the inventory		
P85-487	Generic name: Alkylalcohol ethoxylate, phosphate ester, sodium salt	50 FR 7640 (7641) (2-25-85)	May 11, 1985
P85-488	Generic name: Vinyl acetate copolymer	50 FR 7640 (7641) (2-25-85)	Do
P85-489	Generic name: Polyvinyl alcohol	50 FR 7640 (7641) (2-25-85)	Do
P85-490	Generic name: Substituted benzene-sulfonamide	50 FR 7640 (7641) (2-25-85)	Do
P85-491	Generic name: Carbonic acid, polymer with 4,4'-(1-methylethylidene)bis(phenol) and hydroxy arene.	50 FR 7640 (7641) (2-25-85)	Do
P85-492	Generic name: Carbonic acid, polymer with 4,4'-(1-methylethylidene)bis(phenol) and 4-alkyl phenol.	50 FR 7640 (7641) (2-25-85)	Do
P85-493	Generic name: Carbonic acid, polymer with 4,4'-(1-methylethylidene)bis(phenol) and 4-alkyl phenol.	50 FR 7640 (7641) (2-25-85)	Do
P85-494	Generic name: Carbonic acid, polymer with 4,4'-(1-methylethylidene)bis(phenol) and 4-alkyl phenol.	50 FR 7640 (7642) (2-25-85)	Do
P85-495	Ethanone, 1-(3-fluorophenyl)-	50 FR 7640 (7642) (2-25-85)	May 12, 1985
P85-496	Invalid submission		
P85-497	2-hydroxy-3-epsilon lysino propyl trimethyl ammonium chloride derivatized soy protein isolate	50 FR 7640 (7642) (2-25-85)	May 13, 1985
P85-498	2-hydroxy-3-epsilon lysino propyl trimethyl ammonium chloride derivatized soy protein isolate	50 FR 7640 (7642) (2-25-85)	Do
P85-499	Generic name: Polyether polyurethane derivative	50 FR 7640 (7642) (2-25-85)	Do
P85-500	Generic name: Modified styrene copolymer	50 FR 7640 (7642) (2-25-85)	Do
P85-501	Generic name: Substituted benzopyran	50 FR 7640 (7642) (2-25-85)	Do
P85-502	Generic name: Substituted benzopyran	50 FR 7640 (7642) (2-25-85)	Do
P85-503	Generic name: Substituted imidic acid, methyl ester, hydrochloride	50 FR 7640 (7642) (2-25-85)	Do
P85-504	Generic name: Substituted diisocyanate polymer	50 FR 7640 (7642) (2-25-85)	May 14, 1985
P85-505	Generic name: Propoxylated quaternary ammonium compound	50 FR 7640 (7642) (2-25-85)	Do
P85-506	Generic name: Inorganic complex of rosin	50 FR 7640 (7642) (2-25-85)	Do
P85-507	Generic name: Substituted quinoline	50 FR 7640 (7642) (2-25-85)	Do
P85-508	Generic name: Substituted borzopyran	50 FR 7640 (7642) (2-25-85)	Do
P85-509	Generic name: Substituted-substituted-substituted-anthraquinone	50 FR 7640 (7643) (2-25-85)	Do
P85-510	Poly(oxy-1,2-ethanedyl), alpha-higher alkyl C>30, omega-hydroxy	50 FR 7640 (7643) (2-25-85)	Do
P85-511	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	May 12, 1985
P85-512	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	Do
P85-513	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	Do
P85-514	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	Do
P85-515	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	Do
P85-516	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	Do
P85-517	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	Do
P85-518	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	Do
P85-519	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	Do



## II. 166 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P85-520	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	Do.
P85-521	Generic name: Terephthalic acid and C <sub>10</sub> -saturated dimer acid polymer with poly-tetramethylene ether glycol and alkane diols.	50 FR 7640 (7643) (2-25-85)	Do.
P85-522	Generic name: Polymer of functional acrylates and methacrylates.	50 FR 8390 (8391) (3-1-85)	May 15, 1985.
P85-523	Generic name: Functionally modified urethane.	50 FR 8390 (8391) (3-1-85)	Do.
P85-524	Polymer of hydroxy ethyl acrylate, Desmodur W, Duracarb 122, and Jeffamine D230.	50 FR 8390 (8391) (3-1-85)	Do.
P85-525	Generic name: Modified acrylic terpolymer.	50 FR 8390 (8391) (3-1-85)	May 19, 1985.
P85-526	Generic name: terpolymer Modified acrylate.	50 FR 8390 (8391) (3-1-85)	Do.
P85-527	Generic name: Vinyl-epoxy ester.	50 FR 8390 (8391) (3-1-85)	May 20, 1985.
P85-528	Generic name: Anthranilate Schiff base.	50 FR 8390 (8391) (3-1-85)	Do.
P85-529	Generic name: Trisubstituted naphthalenecarboxamide.	50 FR 8390 (8391) (3-1-85)	Do.
P85-530	Generic name: Trisubstituted naphthalenecarboxamide.	50 FR 8390 (8391) (3-1-85)	Do.
P85-531	Prepolymer of ethanol-1,1'-thiobis, ethanol-2-mercapto, reaction product with propylene oxide, and benzene, isocyanate.	50 FR 8390 (8392) (3-1-85)	Do.
P85-532	Generic name: Modified epoxy resin.	50 FR 8390 (8392) (3-1-85)	Do.
P85-533	Generic name: Aminated epoxy resin.	50 FR 8390 (8392) (3-1-85)	Do.
P85-534	Generic name: Alkyl sulfonate.	50 FR 8390 (8392) (3-1-85)	Do.
P85-535	Generic name: Substituted pyridine.	50 FR 8390 (8391) (3-1-85)	Do.
P85-536	Invalid submission.		
P85-537	1-(1-phenylethylidene)-2,2-diphenyl-hydrazine	50 FR 8390 (8392) (3-1-85)	Do.
P85-538	2,3,3-trimethyl-5-nitro-3H-indole	50 FR 8390 (8392) (3-1-85)	Do.
P85-539	Generic name: Indolo-isoxazolidinone pericyanine.	50 FR 8390 (8392) (3-1-85)	Do.
P85-540	1,2,3,3-tetramethyl-5-nitro-3H-indolium 4-methylbenzene sulfonate	50 FR 8390 (8392) (3-1-85)	Do.
P85-541	Generic name: Indolo-pyrrolopyridine carbocyanine.	50 FR 8390 (8392) (3-1-85)	Do.
P85-542	Generic name: Polymethacrylate cationic polymer.	50 FR 8390 (8392) (3-1-85)	Do.
P85-543	2-butenedioic acid (Z), mono[2-(1-oxo-2-propenyl)oxy]ethyl-ester	50 FR 8390 (8392) (3-1-85)	Do.
P85-544	2-propenoic acid, 2-methyl-, 7,7,9-trimethyl-4,13-dioxo-3,1,4-dioxo-5,12-diaza hexadecano-1,16-dylester.	50 FR 10538(10537) (3-15-85)	Do.
P85-545	2-propenoic acid-3-(dimethylamino)-2,2-dimethyl-propyl ester.	50 FR 10538(10537) (3-15-85)	Do.
P85-546	2-propenoic acid, 2-methyl-3,3,5-trimethyl-cyclohexylester	50 FR 8390 (8393) (3-1-85)	Do.
P85-547	2-propenoic acid, 3,3,5-trimethyl-cyclo-hexylester	50 FR 8390 (8393) (3-1-85)	Do.
P85-548	Generic name: Oligoaminoester	50 FR 8383 (8393) (3-1-85)	Do.
P85-549	Generic name: Poly(methacrylate)	50 FR 8383 (8393) (3-1-85)	Do.
P85-550	Generic name: Poly(methacrylate)	50 FR 8390 (8393) (3-1-85)	Do.
P85-551	3-carbomethoxypropionyl chloride	50 FR 8390 (8393) (3-1-85)	May 21, 1985.
P85-552	Generic name: Tetraalkylxyethane/methacrylate polymer.	50 FR 8390 (8393) (3-1-85)	Do.
P85-553	Generic name: Unsaturated ester	50 FR 8390 (8393) (3-1-85)	Do.
P85-554	Generic name: Unsaturated ester	50 FR 8390 (8393) (3-1-85)	Do.
P85-555	Generic name: Unsaturated ester	50 FR 8390 (8393) (3-1-85)	Do.
P85-556	1,3,5-triazine, 2,4,6-triazine, N,N,N'-tris(4-aminophenyl)-	50 FR 8390 (8393) (3-1-85)	Do.
P85-557	Generic name: Methine dye	50 FR 8390 (8393) (3-1-85)	Do.
P85-558	Generic name: Waterborne urethane-acrylic polymer	50 FR 9504 (3-8-85)	May 22, 1985.
P85-559	Generic name: Alkyl alkaryl acetate	50 FR 9504 (3-8-85)	Do.
P85-560	Generic name: Substituted olefinic ketone	50 FR 9504 (9505) (3-8-85)	Do.
P85-561	Generic name: Substituted olefinic alcohol	50 FR 9504 (9505) (3-8-85)	Do.
P85-562	Generic name: Trimethylolpropane triacrylate octylamino adduct	50 FR 9504 (9505) (3-8-85)	Do.
P85-563	Generic name: Polyester polymer composed of fumarated rosin, glycerine, diethylene glycol and a polyhydroxy prepolymer.	50 FR 9504 (9505) (3-8-85)	Do.
P85-564	Polymer of hydroxyethyl acrylate, 4,4'-diphenylmethane diisocyanate, and polymethylene poly-phenyl isocyanate.	50 FR 9504 (9505) (3-8-85)	Do.
P85-565	Generic name: Organo sulfonic acid, zinc salt	50 FR 9504 (9505) (3-8-85)	Do.
P85-566	Generic name: Alcohol ether sulfate, amine salt	50 FR 9504 (9505) (3-8-85)	Do.
P85-567	Generic name: Silyl ketone acetal	50 FR 9504 (9505) (3-8-85)	May 25, 1985.
P85-568	Generic name: Difunctional ester	50 FR 9504 (9505) (3-8-85)	May 26, 1985.
P85-569	Generic name: Styrene/acrylate/methacrylate polymer	50 FR 9504 (9505) (3-8-85)	Do.
P85-570	Generic name: Ester of olefinic acid	50 FR 9504 (9505) (3-8-85)	Do.
P85-571	Generic name: Ester of olefinic acid	50 FR 9504 (9505) (3-8-85)	Do.
P85-572	Generic name: Quaternary ammonium montmorillonite	50 FR 9504 (9505) (3-8-85)	Do.
P85-573	Generic name: Quaternary ammonium hecoteite	50 FR 9504 (9505) (3-8-85)	Do.
P85-574	Generic name: Substituted benzocyclo-ethyldine	50 FR 9504 (9505) (3-8-85)	Do.
P85-575	Generic name: Substituted bisbenzophenone	50 FR 9504 (9506) (3-8-85)	Do.
P85-576	Polymer of phthalic anhydride, 2,2,4-trimethyl-1,3-pentanediol, 2,2'-oxybis (ethanol), and Fascat 4100.	50 FR 9504 (9506) (3-8-85)	Do.
P85-577	Polymer of 1,3-benzenedicarboxylic acid, 1,4-benzenedicarboxylic acid, 2,2'-oxybis (ethanol), 2,2'-dimethyl-1,3-propanediol, and 2,2,4-trimethyl-1,3-pentanediol.	50 FR 9504 (9506) (3-8-85)	Do.
P85-578	Generic name: Substituted stilbene	50 FR 9504 (9506) (3-8-85)	Do.
P85-579	Generic name: Sulfonated styrene-containing polymer	50 FR 9504 (9506) (3-8-85)	Do.
P85-580	Generic name: Sulfonated styrene-containing polymer	50 FR 9504 (9506) (3-8-85)	Do.
P85-581	Generic name: Chlorine-containing styrene copolymer	50 FR 9504 (9506) (3-8-85)	Do.
P85-582	Generic name: Styrene-containing ion exchange material	50 FR 9504 (9506) (3-8-85)	Do.
P85-583	Generic name: Chlorosulfonated polystyrene	50 FR 9504 (9506) (3-8-85)	Do.
P85-584	Generic name: Polymer of acrylate-acrylonitrile, salt	50 FR 9504 (9506) (3-8-85)	May 27, 1985.
P85-585	Generic name: Alkyd resin	50 FR 9504 (9506) (3-8-85)	Do.
P85-586	Generic name: Functionally modified acrylic system	50 FR 9504 (9506) (3-8-85)	Do.
P85-587	Generic name: Reaction product of mono-sulfonated heterocyclic compound with cyclic amine	50 FR 9504 (9506) (3-8-85)	Do.
P85-588	Generic name: Reaction product of mono-sulfonated heterocyclic compound with cyclic amine	50 FR 9504 (9507) (3-8-85)	Do.
P85-589	Generic name: Reaction product of mono-sulfonated heterocyclic compound with cyclic amine	50 FR 9504 (9507) (3-8-85)	Do.
P85-590	Generic name: Reaction product of mono-sulfonated heterocyclic compound with cyclic amine	50 FR 9504 (9507) (3-8-85)	Do.
P85-591	Generic name: Reaction product of mono-sulfonated heterocyclic compound with cyclic amine	50 FR 9504 (9507) (3-8-85)	Do.
P85-592	Generic name: Heterocyclic substituted butane	50 FR 9504 (9507) (3-8-85)	Do.
P85-593	Generic name: Polyamine ion exchange resin	50 FR 9504 (9507) (3-8-85)	Do.
P85-594	Generic name: Polyamine ion exchange resin	50 FR 9504 (9507) (3-8-85)	Do.
P85-595	Generic name: Emulsion tetrapolymer	50 FR 9504 (9507) (3-8-85)	Do.
P85-596	Generic name: 1-substituted-3-alkyl-heteromonocyclic-4-hydroxybenzene	50 FR 9504 (9507) (3-8-85)	Do.
P85-597	Generic name: 3-alkylheteromonocyclic-4-hydroxy-1-substitutedbenzene	50 FR 9504 (9507) (3-8-85)	Do.
P85-598	Generic name: Di(trisubstitutedheteromonocyclic(carbomonocyclicsubstituted))heteropolycycle	50 FR 9504 (9507) (3-8-85)	Do.
P85-599	Generic name: Di(trisubstitutedheteromonocyclic(carbomonocyclicsubstituted))heteropolycycle	50 FR 9504 (9507) (3-8-85)	Do.
P85-600	Generic name: Di(trisubstitutedheteromonocyclic(carbomonocyclicsubstituted))heteropolycycle	50 FR 9504 (9507) (3-8-85)	Do.
P85-601	Generic name: Disubstituted phenol	50 FR 9504 (9508) (3-8-85)	Do.
P85-602	Generic name: 2,4-diheteromonocyclic phenol	50 FR 9504 (9508) (3-8-85)	Do.



## II. 166 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P85-603	Generic name: (3-alkylheteromonocyclic-4-hydroxyphenylsubstituted)(3'-substituted-4'-hydroxy-phenylsubstituted) alkyl.	50 FR 9504 (9506) (3-8-85)	Do.
P85-604	Generic name: Ditrissubstitutedheteromonocyclic(carbomonocyclicsubstituted)heteropolycycle.	50 FR 9504 (9506) (3-8-85)	Do.
P85-605	Generic name: Trisubstituted phenol.	50 FR 9504 (9506) (3-8-85)	Do.
P85-606	Generic name: (3-alkylheteromonocyclic-4-hydroxyphenylsubstituted)(3'-substituted-4'-hydroxy-phenylsubstituted) alkyl.	50 FR 9504 (9506) (3-8-85)	Do.
P85-607	Generic name: 2-alkylheteromonocyclic-4-substitutedphenol.	50 FR 9504 (9506) (3-8-85)	Do.
P85-608	Generic name: Polymer of hydroxy ethyl acrylate, Desmodur W, Jeffamine D230, Teracol 650, and Dianol.	50 FR 9504 (9506) (3-8-85)	May 28, 1985.
P85-609	Generic name: Functionally modified methacrylate polymer.	50 FR 9504 (9506) (3-8-85)	Do.
P85-610	Generic name: Aryl-alkyl dithioether.	50 FR 9504 (9506) (3-8-85)	Do.
P85-611	Generic name: Copper complex of substitute-disazo-naphthalene trisulfonic acid.	50 FR 9504 (9506) (3-8-85)	Do.
P85-612	Generic name: Polymer of substituted aryl olefin.	50 FR 9504 (9506) (3-8-85)	Do.
P85-620	Generic name: Functionally substituted acrylic/methacrylic/styrene polymer.	50 FR 9504 (9506) (3-8-85)	Do.

## III. 130 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)

PMN No.	Identity/generic name	FR citation	Expiration date
P84-780	Generic name: Aliphatic diacrylate.	49 FR 23916 (23919) (6-8-84)	Mar. 24, 1985.
P84-963	6-Nitro-2 (3H)-benzoxazolone.	49 FR 30238 (30240) (7-27-84)	Mar. 13, 1985.
P85-182	Generic name: Alkyl ester.	49 FR 47108 (47111) (11-30-84)	Mar. 24, 1985.
P85-232	Chromate (2-), [2-[1-(3-chlorophenyl)-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-4-yl]azo]-5-sulfo-benzoate(2-)] [2-[4,5-dihydro-5-oxo-1,3-diphenyl-1H-pyrazol-4-yl]azo]benzoate(2-)], sodium hy-drogen (9CI).	49 FR 47921 (47924) (12-7-84)	Mar. 23, 1985.
P85-238	Generic name: Unsaturated polyester.	49 FR 48801 (48802) (12-14-84)	Mar. 2, 1985.
P85-239	Generic name: Substituted phenylazo tetrasubstituted naphthalenesulfonamide.	49 FR 48801 (48802) (12-14-84)	Do.
P85-240	Generic name: Substituted phenylazo disubstituted naphthol.	49 FR 48801 (48802) (12-14-84)	Do.
P85-241	Generic name: Disubstituted benzene-sulfonic acid derivative.	49 FR 48801 (48802) (12-14-84)	Do.
P85-242	Generic name: Tetrasubstituted phenylazo-naphthalene.	49 FR 48801 (48802) (12-14-84)	Do.
P85-243	Generic name: Linear saturated polyester resin containing hydroxyl groups.	49 FR 48801 (48802) (12-14-84)	Do.
P85-244	Generic name: Branched polyester resin containing hydroxyl groups.	49 FR 48801 (48802) (12-14-84)	Do.
P85-245	Generic name: Modified hydrocarbon resin.	49 FR 48801 (48802) (12-14-84)	Mar. 3, 1985.
P85-246	Generic name: Tetra-substituted-biphenol.	49 FR 48801 (48803) (12-14-84)	Mar. 16, 1985.
P85-247	Generic name: Bis-imidazolium dibromide.	49 FR 48801 (48803) (12-14-84)	Mar. 22, 1985.
P85-248	Generic name: Quinone-imine dye.	49 FR 48801 (48803) (12-14-84)	Mar. 3, 1985.
P85-249	Generic name: Isobenzofuranone.	49 FR 48801 (48803) (12-14-84)	Do.
P85-250	Generic name: Polyoxymethylene copolymer.	49 FR 48801 (48803) (12-14-84)	Do.
P85-251	Generic name: Reaction product of polyalkylene oxide polyol, isocyanate and diol.	49 FR 48801 (48803) (12-14-84)	Do.
P85-252	Generic name: Polyurethane polymer.	49 FR 48801 (48803) (12-14-84)	Mar. 4, 1985.
P85-253	Generic name: Polyester resin.	49 FR 48801 (48803) (12-14-84)	Do.
P85-254	Generic name: Amine salt of mono-, di-, and tri-substituted heterocyclic compound.	49 FR 48801 (48803) (12-14-84)	Do.
P85-255	Generic name: Sulfonamide of mono-, di-, tri-, and tetra-substituted heterocyclic compound.	49 FR 48801 (48803) (12-14-84)	Do.
P85-256	Generic name: Alcohol ether sulfate, ammonium salt.	49 FR 48801 (48803) (12-14-84)	Mar. 5, 1985.
P85-257	Generic name: Acrylic copolymer.	49 FR 48801 (48803) (12-14-84)	Do.
P85-258	Generic name: Substituted phenylazo substituted carbopolycycle-carboxylic acid, salt.	49 FR 48801 (48803) (12-14-84)	Do.
P85-259	Generic name: Substituted phenylazo substituted heteropolycycle.	49 FR 48801 (48803) (12-14-84)	Do.
P85-260	Generic name: Substituted phenylazo substituted carbopolycycle.	49 FR 48801 (48803) (12-14-84)	Do.
P85-261	Generic name: Heteropolycycle azo substituted heteromonocycle.	49 FR 48801 (48804) (12-14-84)	Mar. 26, 1985.
P85-262	Generic name: Substituted terpene resin.	49 FR 48895 (48896) (12-24-84)	Mar. 5, 1985.
P85-263	Generic name: Substituted terpene resin.	49 FR 48895 (48896) (12-24-84)	Mar. 6, 1985.
P85-264	Generic name: Substituted terpene resin.	49 FR 48895 (48896) (12-24-84)	Do.
P85-265	Amines, tri (C <sub>12</sub> - to C <sub>18</sub> -alkyl).	49 FR 48895 (48896) (12-24-84)	Do.
P85-266	Acrylamide-methyl chloride quarternary of dimethylaminoethyl acrylate copolymer.	49 FR 48895 (48896) (12-24-84)	Do.
P85-267	Generic name: Unsaturated etherified melamine formaldehyde resin.	49 FR 48895 (48896) (12-24-84)	Mar. 9, 1985.
P85-268	Generic name: Substituted furanone.	49 FR 48895 (48896) (12-24-84)	Do.
P85-269	Generic name: Substituted furanone.	49 FR 48895 (48896) (12-24-84)	Do.
P85-270	Generic name: Substituted furanone.	49 FR 48895 (48896) (12-24-84)	Do.
P85-271	Generic name: Substituted furanone.	49 FR 48895 (48896) (12-24-84)	Do.
P85-272	Generic name: Substituted aliphatic-terminated poly(dimethylsiloxane).	49 FR 48895 (48896) (12-24-84)	Do.
P85-273	Generic name: Polyester urethane acrylate blocked.	49 FR 48895 (48896) (12-24-84)	Do.
P85-274	Generic name: Substituted phenylazo naphthalene sulfonic acid, salt.	49 FR 48895 (48896) (12-24-84)	Do.
P85-275	Generic name: Substituted naphthylazo naphthalene sulfonic acid.	49 FR 48895 (48896) (12-24-84)	Do.
P85-276	Generic name: Substituted phenylazo substituted naphthalene sulfonic acid, salt.	49 FR 48895 (48897) (12-24-84)	Do.
P85-277	Generic name: Substituted phenylazo substituted naphthalene sulfonic acid, salt.	49 FR 48895 (48897) (12-24-84)	Mar. 12, 1985.
P85-278	Generic name: Functionalized polyacrylic acid derivative.	49 FR 48895 (48897) (12-24-84)	Mar. 9, 1985.
P85-279	Generic name: Vinyl modified terpene resin.	49 FR 48895 (48897) (12-24-84)	Do.
P85-280	Generic name: Disubstituted naphthalene sulfonic acid derivative.	49 FR 48895 (48897) (12-24-84)	Do.
P85-281	Generic name: Disubstituted naphthalene sulfonic acid derivative salt.	49 FR 48895 (48897) (12-24-84)	Do.
P85-282	Generic name: Substituted benzoic acid derivative.	49 FR 48895 (48897) (12-24-84)	Do.
P85-283	Generic name: Disubstituted naphthol.	49 FR 48895 (48897) (12-24-84)	Do.
P85-284	Generic name: Substituted phenylazo disubstituted naphthol.	49 FR 48895 (48897) (12-24-84)	Do.
P85-285	Generic name: Polyhydroxy ether phosphate.	49 FR 48895 (48897) (12-24-84)	Do.
P85-286	Generic name: Polyhydroxy ether phosphate.	49 FR 48895 (48897) (12-24-84)	Do.
P85-287	Generic name: Alkali metal dicarboxylate.	49 FR 48895 (48897) (12-24-84)	Do.
P85-288	Generic name: Alkyl oxirane reacted with polyalkylene glycol.	49 FR 48895 (48897) (12-24-84)	Do.
P85-289	2,5,8,10-tetraoxatridec-12-enoic acid, 9-oxo-, 2-propenyl ester, polymer with vinyl acetate.	49 FR 48895 (48897) (12-24-84)	Do.
P85-290	2,5,8,10-tetraoxatridec-12-enoic acid, 9-oxo-, 2-propenyl ester homopolymer.	49 FR 48895 (48897) (12-24-84)	Do.
P85-291	2,5,8,10-tetraoxatridec-12-enoic acid, 9-oxo-, 2-propenyl ester, polymer with methyl 2-methyl-2-propenyl ester polymer with methyl 2-methyl-2-propenoate.	49 FR 48895 (48897) (12-24-84)	Do.
P85-292	Generic name: Organofunctional polysiloxane.	49 FR 48895 (48897) (12-24-84)	Do.
P85-293	Generic name: Chloroetherketone.	49 FR 48895 (48898) (12-24-84)	Do.
P85-294	Generic name: Etherketone.	49 FR 48895 (48898) (12-24-84)	Do.
P85-295	Generic name: Modified acrylic polymer.	49 FR 48895 (48898) (12-24-84)	Do.
P85-296	Generic name: Silicone ester polyacrylate.	49 FR 48895 (48898) (12-24-84)	Do.
P85-297	Generic name: Isophorone diisocyanate adduct of a polyether glycol, an alkanediol, and a substituted alkanol.	49 FR 48895 (48898) (12-24-84)	Do.
P85-298	Generic name: Amino acrylate monomer.	49 FR 48895 (48898) (12-24-84)	Do.



III. 130 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P85-299	Generic name: Polyester resin.	49 FR 49895(49896) (12-24-84)	Do.
P85-300	Generic name: Bis-arylmethylene aminobutene, nickel complex.	49 FR 49895(49896) (12-24-84)	Do.
P85-302	Generic name: Polyol acetal.	49 FR 50444 (12-28-84)	Do.
P85-303	Generic name: Aliphatic polyester urethane.	49 FR 50444 (12-28-84)	Do.
P85-304	Generic name: Alkyl diol, toluene diisocyanate, alkene ester, adipic acid resin.	49 FR 50444 (12-28-84)	Do.
P85-305	Generic name: Substituted silyl epoxide.	49 FR 50444 (12-28-84)	Do.
P85-306	Generic name: Substituted silyl epoxide.	49 FR 50444 (12-28-84)	Do.
P85-307	Generic name: Substituted alkyl silyl.	49 FR 50444 (12-28-84)	Mar. 14, 1985
P85-308	Generic name: Substituted alkyl silyl.	49 FR 50444 (12-28-84)	Do.
P85-309	Generic name: Di-substituted phenol.	49 FR 50444 (12-28-84)	Do.
P85-310	Generic name: Tri-substituted phenol.	49 FR 50444 (12-28-84)	Mar. 17, 1985
P85-311	Generic name: Polyurethane.	49 FR 50444 (12-28-84)	Do.
P85-312	Generic name: Complex polyether-amine.	49 FR 50444 (12-28-84)	Do.
P85-313	Generic name: Substituted alkanol adduct of a long chain diisocyanate.	49 FR 50444 (12-28-84)	Do.
P85-314	Generic name: Fatty acid amide.	49 FR 50444 (12-28-84)	Mar. 28, 1985
P85-315	Generic name: Substituted benzotriazole.	49 FR 50444 (12-28-84)	Mar. 17, 1985
P85-316	Generic name: Aryl alkylaryl aryl nitrile.	49 FR 50444 (12-28-84)	Do.
P85-317	Phosphine oxide, diphenyl(2,4,6-trimethylbenzoyl)-	49 FR 50444 (12-28-84)	Do.
P85-318	1-isopropylthio-beta-D-galactopyranoside.	49 FR 50444 (12-28-84)	Do.
P85-319	Pentacetyl-beta-D-galactopyranoside.	49 FR 50444 (12-28-84)	Do.
P85-320	Generic name: Polyamide.	49 FR 50444 (12-28-84)	Do.
P85-321	Generic name: Substituted phenol/formaldehyde resin.	49 FR 50444 (12-28-84)	Do.
P85-322	2-Propanamine, N-(1-methylethyl)-, lithium salt.	49 FR 50444 (12-28-84)	Mar. 20, 1985
P85-323	Generic name: Bis(substitutedalkyl) disulfide.	49 FR 50444 (12-28-84)	Mar. 17, 1985
P85-324	Generic name: Substituted heteromonocyclic phenol.	49 FR 50444 (12-28-84)	Do.
P85-325	Cobaltate(1)-(N-[18]([5-(aminosulfonyl)-2-hydroxyphenyl]azo)-7-hydroxy-1-naphthalenyl]acetamidato(2-)-13-[4,5-dihydro-4-[(2-hydroxy-5-nitrophenyl]azo)-3-methyl-5-oxo-1H-pyrazol-1-yl]benzene-sulfonamidato(2-)-], sodium (9Cl).	49 FR 50444 (12-28-84)	Mar. 18, 1985
P85-326	Chromate(1)-, [3-[4,5-dihydro-4-[(2-hydroxy-5-nitrophenyl]azo)-3-methyl-5-oxo-1H-pyrazol-1-yl]benzene-sulfonamidato(2-)-13-[4,5-dihydro-4-[(2-hydroxy-1-naphthalenyl]azo)benzenesulfonamidato(2-)-]-hydrogen (9Cl).	49 FR 50444 (12-28-84)	Do.
P85-327	Generic name: Isocyanate terminated polyether prepolymer.	49 FR 50444 (12-28-84)	Do.
P85-328	Generic name: Substituted paracyclophane.	49 FR 50444 (12-28-84)	Do.
P85-329	Generic name: Silylated amino ester.	49 FR 50444 (12-28-84)	Do.
P85-330	Alkyl aryl ethoxycarbonate sulfate, sodium salt.	49 FR 50444 (12-28-84)	Mar. 17, 1985
P85-331	Generic name: Acrylic polymer amine reaction product.	49 FR 50444 (12-28-84)	Mar. 19, 1985
P85-332	Generic name: Acrylic copolymer.	49 FR 50444 (12-28-84)	Do.
P85-333	Generic name: Polyurethane acrylate.	49 FR 50444 (12-28-84)	Do.
P85-334	Generic name: Aromatic dinitro compound.	49 FR 50444 (12-28-84)	Apr. 2, 1985
P85-335	Generic name: Aromatic diamine.	49 FR 50444 (12-28-84)	Mar. 19, 1985
P85-336	Generic name: Polyimide precursor.	49 FR 50444 (12-28-84)	Do.
P85-337	Generic name: Fiber reinforced polyimide.	49 FR 50444 (12-28-84)	Do.
P85-338	Generic name: Cyanoacrylate ester.	50 FR 543 (544) (1-4-85)	Mar. 20, 1985
P85-339	Generic name: Coconut alkyl resin.	50 FR 543 (544) (1-4-85)	Mar. 23, 1985
P85-340	Generic name: Organofunctional polysiloxane.	50 FR 543 (544) (1-4-85)	Do.
P85-341	Generic name: Substituted xanthene.	50 FR 543 (544) (1-4-85)	Mar. 25, 1985
P85-342	Generic name: Polyester resin.	50 FR 543 (544) (1-4-85)	Do.
P85-343	Alpha, alpha, alpha trisubstituted phenyl sulfone.	50 FR 543 (544) (1-4-85)	Apr. 22, 1985
P85-344	Benzoic acid, 2-[3-(1-benzodioxole-5-yl)-2-methyl propylidene]amino, methyl ester.	50 FR 543 (544) (1-4-85)	Mar. 23, 1985
P85-345	Generic name: Phenolic resin.	50 FR 543 (544) (1-4-85)	Mar. 25, 1985
P85-346	Generic name: Alkyd resin.	50 FR 543 (544) (1-4-85)	Do.
P85-347	Generic name: Modified phenolic resin.	50 FR 543 (544) (1-4-85)	Do.
P85-348	Generic name: Alkyd resin.	50 FR 543 (544) (1-4-85)	Do.
P85-349	Generic name: Acrylated alkyd resin.	50 FR 543 (544) (1-4-85)	Do.
P85-350	Generic name: Modified phenolic resin.	50 FR 543 (544) (1-4-85)	Do.
P85-351	2,6-Naphthalene dicarboxylic acid.	50 FR 543 (544) (1-4-85)	Mar. 26, 1985
P85-352	Generic name: MDI adduct with a polyether glycol and a hydroxy methacrylate.	50 FR 543 (544) (1-4-85)	Do.
P85-353	Generic name: Polymer of aliphatic diisocyanate, aliphatic glycols, aliphatic diacid, aromatic anhydride and alkylene oxides.	50 FR 543 (544) (1-4-85)	Do.
P85-354	Generic name: Polymer of aliphatic diisocyanate, aliphatic diacids, aromatic diacid, aliphatic diol, aliphatic epoxides.	50 FR 543 (544) (1-4-85)	Do.
F85-355	Generic name: Polyhalogenated alkyl phenol.	50 FR 1630 (1-11-85)	Mar. 27, 1985
F85-356	Generic name: Alcohol sulfate, lithium salt.	50 FR 1630 (1-11-85)	Do.
F85-357	Polymer of ester diol 204, trimethylol propane, adipic acid, Desmodur-W, isocyanato ethyl methacrylate and butyl methacrylate.	50 FR 1630 (1-11-85)	Do.
F85-358	Polymer of 2, 2 dimethyl-3-hydroxypropyl-1,2 dimethyl-3-hydroxypropionate, methylene bis (4-cyclohexyl isocyanate), polycaprolactone triol, adipic acid, E-caprolactone.	50 FR 1630(1631) (1-11-85)	Do.
F85-359	Generic name: Advancement product of triglycidyl ether of tri(hydroxyphenyl) methane.	50 FR 1630(1631) (1-11-85)	Do.
F85-360	Generic name: Partial metal complex of aminomethylene phosphonic acid.	50 FR 1630(1631) (1-11-85)	Do.
F85-361	Generic name: Polymer of aliphatic diisocyanate, aliphatic diacid, aromatic diacid, aliphatic diol, aliphatic epoxide, urea, and formaldehyde.	50 FR 1630(1631) (1-11-85)	Do.
F85-362	Polymer of mercaptobenzimidazole and ethylene oxide.	50 FR 1630(1631) (1-11-85)	Do.
F85-363	Generic name: Alkyl substituted cyclopentanone acetate.	50 FR 1630(1631) (1-11-85)	Mar. 30, 1985
F85-364	Generic name: Hydrochloride salt of a substituted dialkyl amine.	50 FR 1630(1631) (1-11-85)	Do.
Y85-18	Polymer of acrylamide and maleic anhydride.	50 FR 8390 (3-1-85)	Mar. 11, 1985
Y85-19	Generic name: Polymer polyol.	50 FR 8390 (3-1-85)	Mar. 12, 1985
Y85-20	Generic name: Vinyl modified alkyd resin.	50 FR 8390 (3-1-85)	Do.
Y85-21	Generic name: Alkyd resin.	50 FR 8390 (3-1-85)	Do.
Y85-22	Generic name: Polyester diol.	50 FR 8390 (3-1-85)	Do.
Y85-23	Generic name: Modified styrene copolymer.	50 FR 8390 (3-1-85)	Do.
Y85-24	Generic name: Polyester polyol.	50 FR 9503(9504) (3-8-85)	Mar. 14, 1985
Y85-25	Generic name: Polyester from poly (alkylene etherglycol and methylene bis (isocyanatobenzene).	50 FR 9503(9504) (3-8-85)	Do.
Y85-26	Generic name: Alkyd copolymer.	50 FR 9503(9504) (3-8-85)	Mar. 18, 1985
Y85-27	Generic name: A functional methacrylate polymer.	50 FR 9503(9504) (3-8-85)	Mar. 20, 1985



## IV. 101 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Chemical identification	FR citation	Date of commencement
P81-24	Generic name: Diallylalkylquaternary ammonium compounds	46 FR 16125 (16127) (3-11-81)	Jan. 30, 1985.
P81-473	Generic name: Oxocarbonylalkylbenzene alkanic acid ester	46 FR 48753 (48754) (10-2-81)	Apr. 3, 1984.
P81-474	Generic name: Polyhaloalkylbenzene alkanic acid ester	46 FR 48753 (48754) (10-2-81)	Mar. 14, 1984.
P81-485	Generic name: Polyhaloalkylbenzene	46 FR 48979 (48980) (10-5-81)	Feb. 3, 1984.
P82-72	Generic name: Alkanic acid ester of a halogenated alkyl aryl ether	47 FR 7311 (2-18-82)	Jan. 29, 1985.
P82-232	Generic name: Thiophosphate	47 FR 15407	Apr. 17, 1984.
P82-542	Generic name: Citric acid ester	47 FR 35332 (35333) (8-13-82)	Feb. 25, 1985.
P82-669	Generic name: Unsaturated polyester with halogenated glycol	47 FR 42152 (42153) (9-24-82)	Feb. 26, 1985.
P83-342	3-[5-[4-chloro-6-[3-[2-hydroxy sulfonyloxy] ethyl sulfonyl] anilino]-1,3,5-triazin-2-ylamino]-2-sulfonylphenylazo]-4-hydroxy-5-propionylamino-2,7-naphthalene disulfonic acid tetrasodium salt	48 FR 862 (1-7-83)	Mar. 20, 1985.
P83-345	Generic name: Alkyl thiocyanate	48 FR 862 (1-7-83)	Mar. 26, 1985.
P83-558	Generic name: Modified epoxy resin	48 FR 12590 (12591) (3-25-83)	Jan. 8, 1985.
P83-632	7-[4-chloro-6-[3-[2-hydroxy sulfonyloxy] ethyl sulfonyl] N-ethylanilino]-1,3,5-triazine-2-ylamino-4-hydroxy-3-[4-methoxy-2-sulfonylphenylazo]-2-naphthalene sulfonic acid lithium salt	48 FR 17385 (4-22-83)	Mar. 20, 1985.
P83-731	Generic name: Acrylic resin	48 FR 23903 (23904) (5-27-83)	Feb. 20, 1985.
P83-809	Generic name: Saturated polyester	48 FR 26684 (26685) (6-10-83)	Mar. 1, 1985.
P83-989	Generic name: Substituted carboxylated cocamidazoline	48 FR 35713 (8-5-83)	Jan. 23, 1985.
P83-1033	Generic name: C <sub>6</sub> -4 carboxylic acid	48 FR 37669 (37700) (6-19-83)	Mar. 15, 1985.
P83-1082	Docosyl methacrylate	48 FR 39689 (39691) (9-1-83)	Feb. 19, 1985.
P83-1167	Generic name: Trisubstituted methylsilane hydrochloride	48 FR 41838 (41843) (9-16-83)	Feb. 26, 1985.
P84-261	Generic name: Polyester/alkyd from alkanediols carbomonoacyclic anhydride and mixed acids	48 FR 56846 (56847) (12-3-83)	May 22, 1984.
P84-274	Poly(OXY-1,4-butanediyl)-X-(1-oxo-2-propenyl)-w-[1-OXO-2-propenyl](OXY)	48 FR 56716 (56718) (12-30-83)	Feb. 7, 1985.
P84-284	Generic name: Mercaptoalkyl carboxylic acid ester reaction product with olefin	48 FR 930 (1-6-84)	Dec. 1, 1984.
P84-303	Generic name: Polyurethane polymer	48 FR 930 (932) (1-6-84)	Feb. 20, 1985.
P84-318	[4-(4-methylphenylthio)phenyl]phenylmethanone	49 FR 2526 (1-20-84)	Feb. 26, 1985.
P84-358	Generic name: Polyaromatic urethane poly (unsaturated) ester	49 FR 6091 (2-24-84)	Jan. 22, 1985.
P84-544	Generic name: Polymer of substituted benzenes and tetra-substituted propane	49 FR 14802 (4-13-84)	Feb. 18, 1985.
P84-633	Vinyl chloride; dimethyl ester of maleic acid; diethyl ester of maleic acid	49 FR 19110 (19111) (5-4-84)	Sept. 14, 1984.
P84-871	Generic name: Disubstituted benzotriazole	49 FR 26800 (26802)	Mar. 7, 1985.
P84-887	Generic name: Alkanedioic acid, alkylalkyl sulfonyl, ammonium salt	49 FR 28614 (28615) (7-13-84)	Feb. 6, 1985.
P84-919	Generic name: Urethane-ester polymer	49 FR 29451 (29452) (7-20-84)	Dec. 14, 1984.
P84-945	Generic name: Trisubstituted aminobenzoic acid ester	49 FR 29451 (29453) (8-31-84)	Feb. 9, 1985.
P84-1061	Generic name: Trisubstituted malonamide	49 FR 33721 (8-24-84)	Feb. 8, 1985.
P84-1067	Generic name: Substituted metal complex	49 FR 33721 (33722) (8-24-84)	Feb. 16, 1985.
P84-1102	Generic name: Modified polymer of acrylates and methacrylates	49 FR 35414 (35415) (9-7-84)	Dec. 10, 1984.
P84-1133	Generic name: Hydroxy acrylic resin	49 FR 36151 (36151) (9-14-84)	Mar. 5, 1985.
P84-1134	do	49 FR 36151 (36152) (9-14-84)	Feb. 26, 1985.
P84-1193	Generic name: Functional polyester	49 FR 38356 (38358) (9-28-84)	Jan. 15, 1985.
P84-1149	Generic name: Acrylated polyester	49 FR 38356 (38358) (9-28-84)	Feb. 20, 1985.
P84-1203	Generic name: Substituted amino benzoic acid derivative	49 FR 38356 (38359) (9-28-84)	Mar. 4, 1985.
P84-1211	Generic name: Reaction product of alkyldiamine and excess formaldehyde	49 FR 39379 (39380) (10-5-84)	Mar. 12, 1985.
P84-1212	Generic name: Alkyl diamino polyacetonitrile	49 FR 39379 (39380) (10-5-84)	Mar. 13, 1985.
P84-1213	Generic name: Sodium salt of alkyldiamino polycarboxylic acid	49 FR 39379 (39380) (10-5-84)	Mar. 14, 1985.
P84-1214	Generic name: Acrylic copolymer	49 FR 39379 (39380) (10-5-84)	Mar. 5, 1985.
P84-1215	Generic name: Alkyd copolymer	49 FR 39379 (39380) (10-5-84)	Mar. 12, 1985.
P84-1216	Generic name: Acrylic copolymer	49 FR 39379 (39380) (10-5-84)	Mar. 5, 1985.
P84-1217	Generic name: Alkyd base for an alkyd modified acrylic copolymer	49 FR 39379 (39380) (10-5-84)	Mar. 10, 1985.
P85-5	Generic name: Adipic acid, azelaic acid, and phthalic anhydride with ethylene glycol terminated with 2-ethyl hexanol	49 FR 41100 (41101) (10-19-84)	Mar. 7, 1985.
P85-33	Generic name: Polymonoacyclic urethane	49 FR 43105 (43106) (10-28-84)	Feb. 6, 1985.
P85-61	Generic name: Aromatic polyester	49 FR 44139 (44140) (11-2-84)	Apr. 13, 1985.
P85-68	Generic name: Alkyd resin	49 FR 44139 (44140) (11-2-84)	Mar. 7, 1985.
P85-69	Generic name: Condensation acrylic copolymer	49 FR 44139 (44140) (11-2-84)	Mar. 11, 1985.
P85-70	Generic name: Epoxy modified alkyd resin	49 FR 44139 (44140) (11-2-84)	Mar. 13, 1985.
P85-71	Generic name: Alkyd resin	49 FR 44139 (44141) (11-2-84)	Mar. 20, 1985.
P85-85	Generic name: Sodium salt of sulfated linear C <sub>6-11</sub> alcohol ethoxylate	49 FR 44139 (44142) (11-2-84)	Mar. 1, 1985.
P85-86	Generic name: Modified acrylic polymer	49 FR 44676 (11-8-84)	Feb. 4, 1985.
P85-95	Generic name: Carboxylated acrylic multipolymer	49 FR 44676 (44677) (11-8-84)	Feb. 6, 1985.
P85-111	Generic name: Polymer of disubstituted polysiloxane, substituted phenol and substituted alkanoyl halide	49 FR 45657 (45658) (11-19-84)	Feb. 13, 1985.
P85-117	Generic name: Hydroxy resin	49 FR 45657 (45658) (11-19-84)	Mar. 17, 1985.
P85-119	do	49 FR 45657 (45658) (11-19-84)	Mar. 7, 1985.
P85-120	Generic name: Hydroxy acrylic resin	49 FR 45657 (45658) (11-19-84)	Mar. 9, 1985.
P85-121	Generic name: Acrylic copolymer	49 FR 45657 (45658) (11-19-84)	Feb. 28, 1985.
P85-123	Generic name: Copolymer of vinyl amide and organic acid salt	49 FR 45657 (45658) (11-19-84)	Feb. 25, 1985.
P85-129	Generic name: Styrene, acrylate polymer	49 FR 45657 (45659) (11-19-84)	Mar. 19, 1985.
P85-134	Generic name: Intermolecularly rearranged triglycerides	49 FR 45482 (11-26-84)	Apr. 1, 1985.
P85-158	Generic name: Aromatic diol	49 FR 47106 (47109) (11-30-84)	Apr. 13, 1985.
P85-185	Generic name: Substituted phenyl salt	49 FR 47106 (47111) (11-30-84)	Feb. 28, 1985.
P85-189	Generic name: Alkyl alkoxysiloxane	49 FR 47106 (47111) (11-30-84)	Do.
P85-213	Generic name: Aromatic polyurethane prepolymer containing tertiary amine	49 FR 47921 (47922) (12-7-84)	Feb. 24, 1985.
P85-214	Generic name: Aromatic polyurethane prepolymer containing polyether	49 FR 47921 (47922) (12-7-84)	Do.
P85-215	Generic name: Polyester polyol	49 FR 47921 (47922) (12-7-84)	Mar. 10, 1985.
P85-229	Generic name: Epoxy polyester	49 FR 47921 (47923) (12-7-84)	Mar. 5, 1985.
P85-230	Generic name: Acrylated alkyd resin	49 FR 47921 (47923) (12-7-84)	Do.
P85-231	Generic name: Polyester base	49 FR 47921 (47924) (12-7-84)	Do.
P85-238	Generic name: Unsaturated polyester	49 FR 48802 (12-14-84)	Mar. 22, 1985.
P85-268	Generic name: Substituted furanone	49 FR 48895 (48896) (12-24-84)	Mar. 21, 1985.
P85-269	do	49 FR 48895 (48896) (12-24-84)	Do.
P85-270	do	49 FR 48895 (48896) (12-14-84)	Do.
P85-271	do	49 FR 48895 (48896) (12-14-84)	Do.
P85-274	Generic name: Color index reactive yellow 84	49 FR 48895 (48896) (12-14-84)	Mar. 15, 1985.
P85-288	Generic name: Alkyl oxirane reacted with polyalkylene glycol	49 FR 48895 (48897) (12-14-84)	Mar. 18, 1985.
P85-292	Generic name: Organofunctional polysiloxane	49 FR 48895 (48898) (12-14-84)	Mar. 25, 1985.
P85-299	Generic name: Polyester resin	49 FR 48895 (48898) (12-14-84)	Mar. 13, 1985.
P85-302	Generic name: Polyol acetal	49 FR 50444 (12-14-84)	Mar. 20, 1985.
P85-318	1-isopropylthio-beta-D-galactopyranoside	49 FR 50444 (50445) (12-14-84)	Mar. 26, 1985.
P85-319	Pentaacetyl-beta-D-galactopyranoside	49 FR 50444 (50445) (12-14-84)	Do.
P85-322	2-Propanamine, N-1-methylthyl-, lithium salt	49 FR 50444 (50445) (12-14-84)	Apr. 4, 1985.
P85-327	Generic name: Isocyanate terminated polyether prepolymer	49 FR 50444 (50446) (12-14-84)	Mar. 20, 1985.
P85-339	Generic name: Coconut alkyd resin	50 FR 543 (544) (1-4-85)	Mar. 24, 1985.



## IV. 101 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
P85-340	Generic name: Organofunctional polysiloxane	50 FR 543 (544) (1-4-85)	Mar. 25, 1985
P85-342	Generic name: Polyester resin	50 FR 543 (544) (1-4-85)	Mar. 26, 1985
P85-346	Generic name: Alkyd resin	50 FR 543 (544) (1-4-85)	Do.
P85-347	Generic name: Modified phenolic	50 FR 543 (544) (1-4-85)	Do.
P85-348	Generic name: Alkyd resin	50 FR 543 (544) (1-4-85)	Do.
P85-349	Generic name: Acrylated alkyd resin	50 FR 543 (544) (1-4-85)	Do.
P85-350	Generic name: Modified phenolic resin	50 FR 543 (544) (1-4-85)	Do.
Y85-1	Generic name: Polyoxymethylene copolymer	50 FR 2726 (1-18-85)	Feb. 15, 1985
Y85-4	Generic name: Acrylic copolymer	50 FR 3592 (1-25-85)	Jan. 25, 1985
Y85-8	Generic name: Alkyd resin	50 FR 5790 (2-1-85)	Mar. 5, 1985
Y85-10	do	50 FR 5790 (2-1-85)	Do.
Y85-11	do	50 FR 5790 (2-1-85)	Do.
Y85-12	Generic name: Rosin modified phenolic resin	50 FR 4790 (2-1-85)	Mar. 12, 1985
Y85-26	Rosin modified alkyd polymer	50 FR 10539 (3-15-85)	Mar. 26, 1985

## V. 126 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED

PMN No.	Identity/generic name	FR citation	Expiration date
P83-1	Generic name: Polyhalogenated aromatics alkylated hydrocarbon	47 FR 46371 (10-18-82)	Oct. 22, 1982
P83-333	Generic name: Reaction product of polycyclicsulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali	48 FR 72(73) (1-3-83)	Mar. 13, 1983
P83-4012	Generic name: Naphthalenetrisulfonic acid, chlorotriazinylamino-methoxymethyl phenylazo	48 FR 5304 (2-4-83)	Aug. 16, 1983
P83-418	Generic name: Benzenedisulfonic acid, chlorotriazinylaminodimethylphenylazo-sulfonaphthalene	48 FR 5304(5306) (2-4-83)	Feb. 19, 1985
P83-461	Generic name: Substituted siloxy silane	48 FR 7299(7300) (2-18-83)	July 1, 1983
P83-634	Generic name: Substituted mono azo aromatic	48 FR 17385 (4-22-83)	July 5, 1983
P83-669	Generic name: Chromium complex of substituted phenolazosulfonaphthol with naphtholazosulfonaphthol	48 FR 20490 (5-6-83)	Aug. 5, 1983
P83-677	Generic name: Chromium complex of substituted alkylaminoformimidphenol with sulfonaphtholazosulfonaphthol	48 FR 20490(20491) (5-6-83)	Do.
P83-770	Generic name: Cobalt complex of substituted phenolazosulfonaphthol	48 FR 24967(24968) (6-3-83)	Aug. 15, 1983
P83-771	Generic name: Chromium complex of substituted phenolazosulfonaphthol with sulfonaphtholazosulfonaphthol	48 FR 24967 (24968) (6-3-83)	Do.
P83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30434 (30435) (7-1-83)	Sept. 21, 1983
P83-875	4-(2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N-(2-phenoxyethyl)amino]benzene	48 FR 31460 (31462) (7-8-83)	Do.
P83-876	4-(2-cyano-4-nitrophenylazo)-[N, N-bis(2-propoxyethoxyethyl)amino]-3-chlorobenzene	48 FR 31460(31462) (7-8-83)	Do.
P83-913	Generic name: Copper sulfonaphtholazosulfonaphthol	48 FR 32381 (32383) (7-15-83)	Oct. 1, 1983
P83-1006	Generic name: (Amino)-(hydroxy)-(substituted) naphthalenedisulfonic acid, and (amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, salts with sodium and potassium	48 FR 36647 (36648) (8-12-83)	July 19, 1984
P83-1007	Generic name: (Substituted)-(substituted)-(hydroxy)-naphthalenedisulfonic acid, sodium salts	48 FR 36647 (36648) (8-12-83)	Do.
P83-1012	Generic name: Bis(sulfonaphtholazosulfonaphthol) hydroxyamino-disulfonaphthalene	48 FR 36647 (36648) (8-12-83)	Oct. 24, 1983
P83-1016	Generic name: Substituted-naphthalene tetradisulfonic acid, bis(substituted-hydroxyphenylazo)phenyl derivative	48 FR 36647 (36649) (8-12-83)	Do.
P83-1238	Generic name: Substituted anthraquinone	48 FR 43397 (43400) (9-23-83)	Dec. 9, 1983
P84-15	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48864) (10-21-83)	Feb. 9, 1985
P84-17	do	48 FR 48863 (48864) (10-21-83)	Do.
P84-18	1(1,1 dimethylethoxy)-propan-2-ol	48 FR 48863 (48864) (10-21-83)	Feb. 26, 1985
P84-36	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48866) (10-21-83)	Feb. 9, 1985
P84-50	Generic name: Substituted heterocyclic metal complex	48 FR 50951 (50952) (11-4-83)	Do.
P84-54	Generic name: Substituted-phenylamino monochloro-triazinylamino sulfonaphtholazosulfonaphthalene-disulfonic acid, hexasodium salt	48 FR 50951 (50953) (11-4-83)	July 9, 1984
P84-106	Generic name: Trisubstituted heterocyclic disubstituted monocycle	48 FR 50944 (50945) (11-4-83)	Mar. 5, 1984
P84-121	Generic name: Substituted heterocyclic metal complex	48 FR 50944 (50946) (11-4-83)	Feb. 9, 1985
P84-306	Benzoic acid, 2-((2-((2-methyl-1-oxo-2-propenyl)oxy)ethyl)amino)carbonyloxy-, methyl ester	49 FR 930 (932) (1-6-84)	Mar. 22, 1984
P84-307	2-propenoic acid, 2-methyl-, 2-((hexahydro-2-oxo-1H-azepin-1-yl)carbonyl)amino)ethyl ester	49 FR 930 (932) (1-6-84)	Do.
P84-375	Generic name: Sodium salt of alkyl dithiocarbamates	49 FR 4980 (4981) (2-9-84)	Jan. 10, 1985
P84-376	Generic name: Arylesters of alkyl dithiocarbamates	49 FR 4980 (4981) (2-9-84)	Do.
P84-391	Generic name: Cuprate (5-), [5-hydroxy-2-[[4-[[5-hydroxy-6-[[2-methoxy-5-(substituted)phenyl]azo]-7-sulfo-2-naphthalenyl]amino]-6-[[3-sulfonyl]amino]-1,3,5-triazin-2-yl]amino]-6-[[2-hydroxy-5-sulfonyl]azo]-7-naphthalene-disulfonate(7-)], pentasodium	49 FR 6160(6162) (2-17-84)	Apr. 27, 1984
P84-392	Generic name: Alkoxylated cycloaliphatic diamine	49 FR 11009(11010) (5-23-84)	Do.
P84-485	Generic name: Poly(oxy-1,2-ethanediyl) alpha-acyl-w-alkyl	49 FR 16833(16835) (4-20-84)	June 4, 1984
P84-591	Generic name: Sodium salt of an alkylated, sulfonated aromatic	49 FR 16833(16835) (4-20-84)	August 21, 1984
P84-597	Generic name: Blocked aliphatic polyisocyanate	49 FR 16833(16835) (4-20-84)	July 19, 1984
P84-649	Generic name: Chromate, bis(substituted substituted phenolato)inorganic salts	49 FR 19110(19113) (5-4-84)	July 20, 1984
P84-650	Generic name: Chromate, bis(substituted substituted substituted pyrazolylo), sodium	49 FR 19110(19113) (5-4-84)	Do.
P84-651	Generic name: Chromate, bis(substituted substituted naphthalenolato)sodium	49 FR 19110(19113) (5-4-84)	Do.
P84-664	Generic name: Chromate, (substituted substituted phenolato) (substituted substituted substituted substituted phenolato) sodium	49 FR 20060(20061) (5-11-84)	Do.
P84-665	Generic name: Chromate, bis(substituted substituted substituted phenolato), sodium	49 FR 20060(20061) (5-11-84)	Do.
P84-669	Oleic, linoleic, palmitic acid ester of ethoxylated C <sub>12</sub> C <sub>18</sub> alcohols	49 FR 20060(20061) (5-11-84)	July 18, 1984
P84-673	Generic name: Chromate (substituted naphthalenolato) (substituted substituted naphthalenolato) inorganic salts	49 FR 20060(20061) (5-11-84)	July 20, 1984
P84-698	Generic name: 9,10-Anthracenedione sulfonic acid, sodium salt	49 FR 22128(22129) (5-25-84)	Aug. 10, 1984
P84-703	Oxo-octyl acetate	49 FR 22128(22130) (5-25-84)	Oct. 29, 1984
P84-713	Generic name: Acrylated alkoxylated aliphatic polyol	49 FR 22128(22130) (5-25-84)	Feb. 1, 1985
P84-737	Generic name: Glycol ether	49 FR 22865(22866) (6-1-84)	Mar. 21, 1985
P84-738	do	49 FR 22865(22866) (6-1-84)	Do.
P84-742	Generic name: Cross-linked modified polyvinyl amide	49 FR 22865(22866) (6-1-84)	Aug. 22, 1984
P84-796	Generic name: Polyfunctional aziridine	49 FR 24782 (6-15-84)	Dec. 17, 1984
P84-814	Generic name: Polysubstituted polyol	49 FR 24782(24784) (6-15-84)	Jan. 4, 1985
P84-824	Generic name: Brominated aromatic	49 FR 25676 (6-22-84)	Feb. 7, 1985
P84-856	Generic name: Polyalkylene glycol ether acrylate	49 FR 26800(26801) (6-29-84)	Jan. 3, 1985
P84-881	Generic name: Modified polymer of styrene with alkyl acrylate and alkyl methacrylates	49 FR 26814 (26815) (7-13-84)	Oct. 31, 1984



## V. 126 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
P84-886	Generic name: Triazine derivative	49 FR 28614 (28615) (7-13-84)	Oct. 22, 1984
P84-895	Generic name: Substituted-substituted benzenesulfonic acid coupled with substituted-substituted benzenes and substituted substituted naphthalenedisulfonic acid, sodium salt	49 FR 28614 (28616) (7-13-84)	Nov. 16, 1984
P84-900	1,3,5-Triazine-2,4,6 (1H,3H,5H)-trione, 1,3,5-tris(2,3-dibromopropyl)-	49 FR 28616 (28617) (7-13-84)	Mar. 26, 1985
P84-901	Bis(4-bromobromobiphenyl A)Bis(4-bromobiphenyl)ethylene tetracarboxylate	49 FR 28616 (28617) (7-13-84)	Feb. 7, 1985
P84-902	Hexabromodiphenyl amine	49 FR 28616 (28617) (7-13-84)	Do.
P84-903	N-methylhexabromodiphenyl amine	49 FR 28616 (28617) (7-13-84)	Do.
P84-913	Generic name: N,N'-bis(2-(2-(3-alkyl) thiasoline)vinyl)-1,4-phenylene diamine double salt	49 FR 28616 (28618) (7-13-84)	Nov. 28, 1984
P84-938	Polymer of hydroxy ethyl acrylate and polyisocyanate T 1890/100	49 FR 29451 (29453) (7-20-84)	Jan. 3, 1985
P84-954	Generic name: Substituted aromatic	49 FR 30238 (30239) (7-27-84)	Oct. 10, 1984
P84-989	4-amino-3,6-bis[5-[4-(3-carboxypyridin-2-yl)-6-(4-chloro-3-sulfonatephenyl)-1,3,5-triazin-2-ylamino]-2-sulfonate-phenylazo]-5-hydroxy-2,7-naphthalene-disulfonate-dihydroxide, hexasodium	49 FR 31136 (31137) (8-3-84)	Oct. 16, 1984
P84-1005	Generic name: Alkyl amine derivative	49 FR 32110 (8-10-84)	Oct. 24, 1984
P84-1007	Generic name: 3-alkyl-2-(2-anilino)vinyl thiazolinium salt	49 FR 32110 (8-10-84)	Jan. 7, 1985
P84-1053	Generic name: Ethoxylated vegetable fatty acid	49 FR 33718 (33720) (8-24-84)	Oct. 26, 1984
P84-1062	Methyl vinyl sulfone	49 FR 33718 (33721) (8-24-84)	Mar. 25, 1985
P84-1074	Generic name: Polyurethane polymer	49 FR 34572 (8-31-84)	Mar. 11, 1985
P84-1079	Generic name: Alkylated diphenyl oxide	49 FR 34572 (34573) (8-31-84)	Nov. 26, 1984
P84-1114	Generic name: Sodium salt of sulfonated, alkylated diphenyl oxide	49 FR 35414 (35416) (9-7-84)	Nov. 19, 1984
P84-1128	Generic name: Isoalkyleneoxy alkanol	49 FR 35414 (35417) (9-7-84)	Nov. 26, 1984
P84-1129	Acetic acid, ester with C <sub>8</sub> -C <sub>10</sub> iso alcohols, C <sub>8</sub> -rich	49 FR 35414 (35417) (9-7-84)	Do.
P84-1130	Acetic acid, ester with C <sub>8</sub> -C <sub>10</sub> alcohols, C <sub>8</sub> -rich	49 FR 35414 (35417) (9-7-84)	Do.
P84-1131	Acetic acid, ester with C <sub>8</sub> -C <sub>10</sub> iso alcohols, C <sub>8</sub> -rich	49 FR 35414 (35417) (9-7-84)	Do.
P84-1136	Generic name: Substituted aromatic amide	49 FR 36151 (36152) (9-14-84)	Feb. 4, 1985
P84-1137	Generic name: Cycloaliphatic epoxide	49 FR 36151 (36152) (9-14-84)	Do.
P84-1144	Generic name: Isoalkyleneoxy alkanoate	49 FR 36151 (36152) (9-14-84)	Feb. 11, 1985
P84-1145	Generic name: Alkyltrialkoxysilane	49 FR 36151 (36152) (9-14-84)	Nov. 27, 1984
P84-1182	Generic name: Aminopolysulfide-epichlorohydrin resin	49 FR 38356 (38357) (9-28-84)	Jan. 11, 1985
P84-1183	Generic name: Aminopolysulfide-epichlorohydrin polymer	49 FR 38356 (38357) (9-28-84)	Do.
P84-1188	Generic name: Modified acrylamide polymer	49 FR 38356 (38357) (9-28-84)	Dec. 7, 1984
P84-1204	Generic name: Substituted, sulfonated naphthylazo sodium salt	49 FR 38356 (38359) (9-28-84)	Dec. 17, 1984
P84-1219	Generic name: Substituted pyridine	49 FR 39379 (39380) (10-5-84)	Feb. 5, 1985
P84-1228	Generic name: Polyisobutylene	49 FR 39379 (39381) (10-5-84)	Jan. 8, 1985
P84-1129	do	49 FR 39379 (39381) (10-5-84)	Do.
P85-8	Generic name: Polyether polyester urethane	49 FR 41100 (41101) (10-19-84)	Dec. 17, 1984
P85-16	Generic name: Acrylamide unsaturated quaternary ammonium copolymer	49 FR 41102 (41103) (10-19-84)	Jan. 4, 1985
P85-30	Generic name: Carbopolycyclic sulfonate of substituted phenyl azo substituted heteromonocycle	49 FR 43105 (43106) (10-26-84)	Jan. 9, 1985
P85-31	Generic name: Carbopolycyclic sulfonate of substituted heteropolycycle	49 FR 43105 (43106) (10-26-84)	Do.
P85-38	Generic name: Substituted pyridine	49 FR 43105 (43106) (10-26-84)	Feb. 5, 1985
P85-67	2,2'-di(4,4'-sulfonyl) diphenol	49 FR 44139 (44140) (11-2-84)	Jan. 23, 1985
P85-109	Generic name: Arylthiodiacrylate	49 FR 45657 (11-19-84)	Jan. 22, 1985
P85-141	Generic name: Polyester acrylate	49 FR 46852 (46853) (11-12-84)	Feb. 12, 1985
P85-142	Generic name: Aromatic epoxy ester	49 FR 46852 (46853) (11-26-84)	Do.
P85-152	Generic name: Reacted epoxy resin	49 FR 47108 (47109) (11-30-84)	Feb. 6, 1985
P85-155	Generic name: Halogenated aromatic sulamide	49 FR 47108 (47109) (11-30-84)	Feb. 13, 1985
P85-159	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Feb. 11, 1985
P85-160	do	49 FR 47108 (47109) (11-30-84)	Do.
P85-161	do	49 FR 47108 (47109) (11-30-84)	Do.
P85-162	do	49 FR 47108 (47109) (11-30-84)	Do.
P85-194	Generic name: Acid amide salt	49 FR 47921 (12-7-84)	Feb. 20, 1985
P85-198	Generic name: Alkylated aromatic diamine	49 FR 47921 (47922) (12-7-84)	Mar. 8, 1985
P85-209	Generic name: Sulfur-containing polyalkylene oxide	49 FR 47921 (47922) (12-7-84)	Mar. 5, 1985
P85-216	Generic name: Substituted pyridine	49 FR 47921 (47922) (12-7-84)	Feb. 19, 1985
P85-234	Generic name: Disubstituted sulfide	49 FR 47921 (47924) (12-7-84)	Feb. 26, 1985
P85-236	Generic name: Substituted pyridine	49 FR 48801 (48802) (12-14-84)	Feb. 27, 1985
P85-265	Amines, tri C <sub>10</sub> -C <sub>12</sub> (iso C <sub>10</sub> -C <sub>12</sub> rich)	49 FR 48801 (48802) (12-14-84)	Mar. 5, 1985
P85-296	Generic name: Silicone ester polyacrylate	49 FR 48801 (48802) (12-14-84)	Mar. 12, 1985
P85-298	Generic name: Amino acrylate monomer	49 FR 48801 (48802) (12-14-84)	Do.
P85-301	Generic name: Urethane acrylate	49 FR 50444 (12-28-84)	Mar. 28, 1985
P85-317	Phosphine oxide, diphenyl(2,4,6-trimethyl-benzoyl)-	49 FR 50444 (50445) (12-28-84)	Mar. 14, 1985
P85-325	Cobaltate(1-)[N-[8-[[5-aminosulfonyl-2-hydroxyphenyl]azo]-7-hydroxy-1-naphthalenyl]acetamidate(2-)]-[3-(4,5-dihydro-4-[(2-hydroxy-5-nitrophenyl)azo]-3-methyl-5-oxo-1H-pyrazol-1-yl)benzene-sulfonamidate(2-)], sodium (9C)	49 FR 50444 (50446) (12-28-84)	Mar. 13, 1985
P85-326	Chromate(1-)[3-(4,5-dihydro-4-[(2-hydroxy-5-nitrophenyl)azo]-3-methyl-5-oxo-1H-pyrazol-1-yl)benzene-sulfonamidate(2-)]-[4-hydroxy-3-[(2-hydroxy-1-naphthalenyl)azo]benzenesulfonamidate(2-)]-hydrogen (9C)		Do.
P85-344	Benzoic acid, 2-[3-(1,3-benzodioxole-5-yl)-2-methyl propylidene]amino, methyl ester	50 FR 543(544) (1-4-85)	Mar. 19, 1985
P85-352	Generic name: MDI adduct with a polyether glycol and a hydroxy methacrylate	50 FR 543(544) (1-4-85)	Mar. 29, 1985
P85-360	Generic name: Partial metal complex of aminomethylene phosphonic acid	50 FR 1630(1631) (1-4-85)	Mar. 22, 1985
P85-367	Generic name: Halosilyl substituted cyclic ether	50 FR 1630(1631) (1-11-85)	Mar. 25, 1985
P85-368	do	50 FR 1630(1631) (1-11-85)	Do.
P85-369	do	50 FR 1630(1631) (1-11-85)	Do.
P85-410	Generic name: Amino substituted imidazolidines	50 FR 3592(3593) (1-25-85)	Mar. 5, 1985
P85-411	do	50 FR 3592(3594) (1-25-85)	Do.
P85-412	do	50 FR 3592(3594) (1-25-85)	Do.
P85-459	Generic name: Aromatic tertiary diamine	50 FR 6383(6384) (2-15-85)	Feb. 19, 1985
P85-619	Generic name: Tetra substituted amino-carboxylic acid	50 FR 10536(10537) (3-15-85)	Mar. 22, 1985
P85-670	Tall oil rosin propylene oxide reaction product	50 FR 12623(12624) (3-29-85)	Mar. 25, 1985

[FR Doc. 85-13866 Filed 6-10-85; 8:45 am]

BILLING CODE 5560-50-M

[AD-FRL-2672-1]

**Assessment of Epichlorohydrin as a Potentially Toxic Air Pollutant****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of intent not to regulate and request for comments.**SUMMARY:** This notice announces the results of EPA's assessment of epichlorohydrin as an air pollutant. EPA is announcing for public comment that



present ambient air concentrations of epichlorohydrin do not pose a significant risk to public health and that no regulation directed specifically at epichlorohydrin is necessary at this time under any section of the Clean Air Act to protect public health. This notice has no effect on the regulation of epichlorohydrin as a volatile organic compound in order to attain the national ambient air quality standards (NAAQS) for ozone. In addition, this notice does not preclude any State or local air pollution control agency from specifically regulating emission sources of epichlorohydrin.

**DATE:** Written comments pertaining to this notice must be received on or before July 11, 1985.

**ADDRESSES:** Submit comments (duplicate copies are preferred) to: Central Docket Section (A-130), Environmental Protection Agency, Attn: Docket No. A-84-27, 401 M Street SW, Washington, D.C. Docket A-84-27, which contains information relevant to this proposed decision is located in the Central Docket Section of the U.S. Environmental Protection Agency, West Tower Lobby Gallery I, 401 M Street SW, Washington, D.C. The docket may be inspected between 8:00 a.m. and 4:30 p.m. on weekdays, and a reasonable fee may be charged for copying.

**Availability of Related Information:** The Health Assessment Document (HAD) for epichlorohydrin is available through the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. Information on the availability of the HAD is available from ORD Publications, CERI-FR, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268 (Telephone: 513-684-7562 commercial/684-7562 FTS).

**FOR FURTHER INFORMATION CONTACT:** Robert M. Schell, Pollutant Assessment Branch (MD-12), Strategies and Air Standards Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711 (Telephone: 919-541-5645 commercial/629-5645 FTS).

**SUPPLEMENTARY INFORMATION:** EPA initiated this assessment because of the potential for human exposure to epichlorohydrin as a result of its use in the production of a number of different chemicals and because it has been implicated in the causation of cancer in animals. As a first step in this process, a HAD for epichlorohydrin was drafted summarizing available information on the properties, sources, emissions and effects of epichlorohydrin on humans and the environment. Although the HAD

has not been reviewed by EPA's Science Advisory Board, a group of independent scientists, the availability of the draft document for a 60-day public comment period was announced in the *Federal Register* (48 FR 50159, October 31, 1983).

Epichlorohydrin (CAS No. 106-89-8) is used extensively as a chemical intermediate in the production of a variety of chemical compounds (Shular, 1984). Crude epichlorohydrin is used to produce synthetic glycerin while finished epichlorohydrin is used principally in the production of epoxy resins. Epichlorohydrin is also used to manufacture polyamide epichlorohydrin resins, epichlorohydrin elastomers, surfactants, and other miscellaneous products such as water treatment resins, solvents, flame retardants, and stabilizers. Epichlorohydrin production in 1982 was approximately 170,000 megagrams (Mg or metric tons). Epichlorohydrin is emitted from process vents, storage facilities and fugitive sources (e.g., pumps, valves, and flanges).

Epichlorohydrin has an atmospheric residence time (time required for the initial concentration be reduced to about 37 percent) of 5.8 days. Thus, its accumulation in the atmosphere is not significant and background concentrations of epichlorohydrin are not a concern to public health.

In order to estimate epichlorohydrin exposure, EPA conducted a study of sources and emissions (Shular, 1984). The study examined emissions of 19 plants that produce or use epichlorohydrin, accounting for all production and 90 to 94 percent of domestic consumption. Two plants alone accounted for almost 70 percent of the 1982 emissions. Of these, fugitive releases accounted for 84 percent, storage facilities accounted for 12 percent, and process vents accounted for 4 percent. Secondary sources, such as wastewater streams, are assumed to be insignificant sources of air emissions because epichlorohydrin hydrolyzes readily in aqueous solutions to form water soluble alcohols. Although ambient monitoring tests for epichlorohydrin have been conducted, it has not been measured in air at the limits of detection of the techniques used.

Exposure estimates were developed using EPA's Human Exposure Model (HEM), which estimates human exposure within 50 km of individual sources. The EPA analysis of human exposure to epichlorohydrin near sources is based on the 19 industrial sources mentioned above (Schell, 1984). The analysis indicates that about 30

million people live within 50 km of such facilities.

The HAD suggests that epichlorohydrin is a probable human carcinogen. Using a classification scheme developed by the International Agency for Research on Cancer (IARC) the EPA has classified epichlorohydrin in Group 2B, which indicates that there is sufficient animal but inadequate human evidence for a determination of carcinogenicity. Among those chemicals that the EPA has evaluated for carcinogenic potential, the potency of epichlorohydrin is among the weakest for those carcinogens evaluated (upper limit risk =  $1.2 \times 10^{-9}$  ( $\mu\text{g}/\text{m}^3$ )<sup>-1</sup>).

The HAD also reports that non-fatal intoxication (e.g., respiratory irritation and systemic effects) has been reported in workers occupationally exposed to epichlorohydrin. Although the actual level of exposure associated with the onset of noncarcinogenic effects in humans is unknown, the National Institute of Occupational Safety and Health (NIOSH) has established an exposure ceiling level based on animal bioassay data. This ceiling level, at 5 ppm, is a level not to be exceeded at any time in the workplace established to protect all workers from all noncarcinogenic health effects associated with exposure to epichlorohydrin.

In order to assess the risk of cancer, two upper-limit unit risk estimates for the carcinogenic potency of epichlorohydrin at low levels of air exposures are provided in the HAD (EPA, 1984). The upper limit unit risk is the additional lifetime probability of cancer for an individual continuously exposed to  $1 \mu\text{g}/\text{m}^3$  of epichlorohydrin in air over his or her lifetime (assumed to be 70 years). One of these upper-limit unit risk estimates is based on an animal inhalation bioassay (Laskin et al., 1980), while the other is derived from an epidemiological study showing a non-statistically significant increase in respiratory cancer deaths (Enterline, 1981). (An additional 95 percent upper-limit unit risk developed from an animal study of lifetime exposure to epichlorohydrin in drinking water was not used for an inhalation risk estimate because available information indicates epichlorohydrin is primarily a site specific, route dependent, contact carcinogen (EPA, 1984; Konishi et al., 1980; Kawabata, 1981).) The HAD notes that both unit risk estimates developed from the inhalation studies have more uncertainty than those of most other suspect carcinogens that EPA has assessed. The upper-limit unit risk estimate based upon the animal



inhalation study bore the uncertainty that biologically and statistically significant increases in tumors occurred only in the high exposure group (100 ppm, 30 exposures) in a short-term experiment (Laskin et al., 1980). The lower concentration (30 ppm) lifetime exposure group had only one nasal tumor (out of 100 rats exposed) despite having more than three times the cumulative exposure of the high concentration short-term exposure group. Because of the absence of a statistically significant effect in the epidemiological study and the difficulties associated with translating study results using different routes of exposure, the upper limit unit risk estimate developed from the animal inhalation study was determined to provide the most appropriate value to calculate public health risk estimates from air exposures. The value of this upper limit unit risk estimate is  $1.2 \times 10^{-6} (\mu\text{g}/\text{m}^3)^{-1}$ .

The upper limit unit risk estimate described above and exposure modeling results provide the basis for estimating the number of cancer deaths associated with epichlorohydrin exposure. The maximum individual risk is an estimate of the lifetime cancer risk at the highest modeled annual average concentration to which any individual might be exposed. The aggregate risk estimate is a cumulative estimate of the total cancer cases that would result from all human exposure. Both risk measures assume that people are exposed, on average, for a 70 year lifetime to the modeled annual average concentrations. The aggregate population risk estimate from exposure near all 19 sources is one cancer every 710 years or 0.0014 cancers per year (Schell, 1984). The maximum individual risk from epichlorohydrin exposure is estimated to be  $1.1 \times 10^{-5}$ , which is associated with a lifetime exposure to  $9 \mu\text{g}/\text{m}^3$ .

A preliminary analysis was conducted to examine the potential for short-term concentrations of epichlorohydrin in the ambient air surrounding industrial facilities to exceed the exposure limit established by NIOSH. This rough analysis, which used worst case meteorological conditions in a conservative screening model, indicated that ambient concentrations of 1.4 ppm near epichlorohydrin sources resulting from continuous routine emissions do not exceed the NIOSH exposure limit for noncarcinogenic effects (5 ppm).

Given the relatively low risk of cancer from ambient air exposures and the absence of evidence of other health effects near ambient levels, the Agency has decided that the development of

regulations for epichlorohydrin under the Clean Air Act is not warranted. Because of the limited opportunity for comment on the HAD, the Agency is providing the opportunity to comment on all the information discussed in this notice as well as the conclusions presented. A further notice will be published only if the public comment indicates a need to reconsider these conclusions. Furthermore, the Agency recognizes the uncertainties in the information used in the analysis described above. The Agency will continue to review the health effects of epichlorohydrin and will reevaluate the need to regulate epichlorohydrin if warranted by new information.

Dated: June 3, 1985.

Lee N. Thomas,

Administrator.

[FR Doc. 85-13870 Filed 6-10-85; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL ELECTION COMMISSION

[Notice 1985-6]

### Filing Dates for Texas Special Election

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of filing dates for Texas special election.

**SUMMARY:** Committees required to file reports in connection with the special election to be held on June 29, 1985, must file a 12-day pre-election report by June 17, 1985, and if there is a majority winner, a 30-day post-election report by July 29, 1985. In this case, the semiannual report would be waived. In the event no candidate achieves a majority vote in the special election, the 30-day post-election report would not be required. Instead committees should file a semiannual report by July 31, 1985. In addition, a second election shall be called and the necessary filing dates for reports will be established.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bobby Werfel, Public Information Office, 1325 K Street, NW., Washington, D.C. 20463, Telephone: (202) 523-4058, Toll free: (800) 424-9530.

### Notice of Filing Dates for Special Election, 1st Congressional District, Texas

All principal campaign committees of candidates in the special election and all other political committees not filing monthly, which support candidates in the special election shall file a 12-day pre-election report due on June 17, 1985, with coverage dates from last report

filed through June 9, 1985. Political committees that have not previously filed a financial report should report all financial activity through June 9, 1985. If one candidate receives a majority of votes cast, a 30-day post-election report due on July 29, 1985, with coverage dates from June 10, 1985, through July 19, 1985, must be filed by the above committees.

In the event that no candidate achieves a majority vote in the special election, the 30-day post-election report will not be required. Rather, a semiannual report due on July 31, 1985, will be required. A second special election will be called within 5 days after the official election results are declared and will be held not less than thirty but not more than forty days after the date of proclamation calling the election. If a second special election is necessary, filing dates for the appropriate reports will be established.

Dated: June 6, 1985.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 85-14013 Filed 6-10-85; 8:45 am]

BILLING CODE 6715-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-738-DR]

### Major Disaster and Related Determinations; Ohio

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Ohio (FEMA-738-DR), dated June 3, 1985, and related determinations.

**DATED:** June 3, 1985.

**FOR FURTHER INFORMATION CONTACT:** Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 646-3616.

### Notice

Notice is hereby given that, in a letter of June 3, 1985, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the State of Ohio, resulting from severe storms and tornadoes beginning on May 31, 1985, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93-288. I therefore



declare that such a major disaster exists in the State of Ohio.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide necessary Public Assistance in the affected areas based on known requirements and an acceptable State commitment. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Phil Zaferopulos of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Ohio to have been affected adversely by this declared major disaster:

Ashtabula, Columbiana, and Licking Counties for Individual Assistance only.

Trumbull County for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Joe D. Winkle,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 85-13989 Filed 6-10-85; 8:45 am]

BILLING CODE 6710-02-M

#### [FEMA-737-DR]

#### Notice of Major Disaster and Related Determinations; Pennsylvania

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Pennsylvania (FEMA-737-DR), dated June 3, 1985, and related determinations.

**DATED:** June 3, 1985.

**FOR FURTHER INFORMATION CONTACT:** Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 646-3616.

#### Notice

Notice is hereby given that, in a letter of June 3, 1985 the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania, resulting from severe storms and tornadoes beginning on May 31, 1985, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Commonwealth of Pennsylvania.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the affected areas. You also are authorized to provide necessary Public Assistance in the affected areas, once an acceptable Commonwealth commitment has been provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Pub. L. 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated area.

The time period prescribed for the implementation of Section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, and redelegated to me, I hereby appoint Mr. Robert J. Adamcik of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following Counties of the Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster:

Beaver, Butler, Crawford, Erie, Forest, Lycoming, McKean, Mercer, Northumberland, Venango, Union, and Warren for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Joe D. Winkle,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 85-13988 Filed 6-10-85; 8:45 am]

BILLING CODE 6710-02-M

#### [FEMA-737-DR]

#### Amendment to Notice of a Major-Disaster Declaration; Pennsylvania

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the Commonwealth of Pennsylvania (FEMA-737-DR), dated June 3, 1985, and related determinations.

**DATE:** June 5, 1985.

**FOR FURTHER INFORMATION CONTACT:** Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646-3616.

#### Notice

The notice of a major disaster for the Commonwealth of Pennsylvania, dated June 3, 1985, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 3, 1985:

Clearfield County for Individual Assistance.

Crawford, Erie, Forest, McKean, and Mercer Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Joe D. Winkle,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 85-13987 Filed 6-10-85; 8:45 am]

BILLING CODE 6710-02-M

#### FEDERAL RESERVE SYSTEM

#### BoRC Financial Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of



Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 3, 1985.

**A. Federal Reserve Bank of Atlanta**  
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *BoRC Financial Corporation*, Harriman, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Roane County, Harriman, Tennessee.

**B. Federal Reserve Bank of Chicago**  
(Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Cainer Corporation*, Merrillville, Indiana; to acquire 100 percent of the voting shares or assets of The Commercial Bank, Crown Point, Indiana.

**C. Federal Reserve Bank of St. Louis**  
(Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63168:

1. *Mercantile Bancorporation, Inc.*, St. Louis, Missouri; to acquire 100 percent of the voting shares or assets of Gravois Bank, St. Louis, Missouri, through the merger of Gravois Bancorp., Inc., and Mercantile Acquisition Company, a wholly-owned subsidiary of Applicant.

**D. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Banks of Colorado, Inc.*, Denver, Colorado; to acquire 100 percent of the voting shares or assets of United Bank of Westminster, Westminster, Colorado, a *de novo* bank.

**E. Federal Reserve Bank of Dallas**  
(Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Coble Bankshares, Inc.*, Waco, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First Consolidated Bank-Hewitt, Hewitt, Texas.

2. *Independent Community Financial Corp.*, Dallas, Texas; to acquire 51 percent of the voting shares of Coppell

Financial Corporation, Coppell, Texas, and Coppell Bank, N.A., Coppell, Texas.

Board of Governors of the Federal Reserve System, June 5, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-13985 Filed 6-10-85; 8:45 am]

BILLING CODE 6210-01-M

#### **J.E. Coonley Co. et al.; Applications To Engage de Novo in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 1, 1985.

**A. Federal Reserve Bank of Chicago**  
(Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *J.E. Coonley Company*, Dows, Iowa; to engage *de novo* directly in the activity of providing data processing facilities through a lease relationship, to Sheffield Savings Bank, Sheffield, Iowa. This activity would be conducted in Sheffield, Iowa.

**B. Federal Reserve Bank of St. Louis**  
(Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63168:

1. *Area Bancshares Corporation*, Hopkinsville, Kentucky; to continue to engage through its subsidiary, Datanel, Inc., Hopkinsville, Kentucky, in performing data processing services for banks located in the state of Kentucky. Applicant proposes to expand its geographic scope to include the entire United States.

2. *First Western Bancshares, Inc.*, Boonesville, Arkansas; to engage *de novo* directly in the activity of making real estate appraisals in Arkansas and all contiguous states.

**C. Federal Reserve Bank of Dallas**  
(Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *United Bankers, Inc.*, Waco, Texas; to engage *de novo* through its subsidiary, United Data Services, Inc., Robinson, Texas, in providing to others financially related data processing and data transmission services, facilities, data bases and access to data bases. These activities would be performed in Tyler County, Texas.

**D. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Midland Bank plc.*, London, England, and *Crocker National Corporation*, San Francisco, California; to expand the activities of and the geographic areas served by their subsidiaries, Crocker Financial Corporation, Honolulu, Hawaii and CNC Insurance Agency, Inc., San Francisco, California, to include the sale of unemployment insurance throughout the United States and to continue to act as an agent with respect to the sale of credit life, accident, health insurance directly related to extensions of credit by Applicant or its subsidiaries.

Board of Governors of the Federal Reserve System, June 5, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-13986 Filed 6-10-85; 8:45 am]

BILLING CODE 6210-01-M



# DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Centers for Disease Control

### Project Grants for Preventive Health Services; Sexually Transmitted Diseases Professional Education; Availability of Funds for Fiscal Year 1985; Correction

In FR Doc. 85-10641 beginning on page 18738 in the issue of Thursday, May 2, 1985, make the following corrections:

1. On page 18739, first column, item 1.b., change "360" to read "300."
2. On page 18739, second column, in the paragraph beginning "Approximately \$115,000," change the date to read "September 1, 1985."
3. On page 18740, third column, in the paragraph beginning "The original and one copy," the phrase "one copy" is corrected to read "two copies" and the date "May 31, 1985" is corrected to read "June 21, 1985."
4. On page 18740, third column, under the heading "Deadlines," in item 2, the date "May 31, 1985" is changed to read "June 21, 1985."

Dated: May 31, 1985.

William E. Muldoon,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 85-14025 Filed 6-10-85; 8:45 am]

BILLING CODE 4160-18-M

### Cooperative Agreements; State-Based Diabetes Control Programs; Availability of Funds for Fiscal Year 1985; Correction

In FR Doc. 85-11464 beginning on page 20010 in the issue of Monday, May 13, 1985, make the following corrections on page 20011, second column:

Under the heading "Application Information," the second paragraph is corrected to read: "The original and two copies of the application must be submitted to Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, Georgia 30305, on or before 4:30 p.m. (e.d.t.) on Monday, July 1, 1985."

Under the heading "Deadline," in item 2, the date "June 24, 1985" is corrected to read "July 1, 1985."

Dated: May 31, 1985.

William E. Muldoon,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 85-14024 Filed 6-10-85; 8:45 am]

BILLING CODE 4160-18-M

## Food and Drug Administration

### Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.  
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

*Dallas District Office*, chaired by Donald Heaton, Regional/District Director. The topic to be discussed is Changes in Life Styles.

Date: Monday, June 17, 1985, 3 to 5 p.m.

Address: Mabry Hall, State Education Building, 300 East DeVargas St., Santa Fe, NM 87501.

For further information contact: Hazel Wallace, Consumer Affairs Officer, Food and Drug Administration, 1200 Main Tower Bldg., Dallas, TX 75202, 214-767-5433.

*Newark District Office*, chaired by Matthew H. Lewis, District Director. The topic to be discussed is Phenylpropanolamine (PPA) and Diet Products.

Date: Tuesday, June 18, 1985, 10 a.m. to 12 m.

Address: Bergen County Department of Health Services, 327 Ridgewood Ave., Paramus, NJ 07652.

For further information contact: Joan A. Godal, Consumer Affairs Officer, Food and Drug Administration, 20 Evergreen Place, East Orange, NJ 07018, 201-645-6365.

*Newark District Office*, chaired by Matthew H. Lewis, District Director. The topic to be discussed is Phenylpropanolamine (PPA) and Diet Products.

Date: Thursday, June 20, 1985, 10 a.m. to 12 m.

Address: Hunterdon County Extension Center, 4 Gauntt Pl., Flemington, NJ 08822.

For further information contact: Joan A. Godal, Consumer Affairs Officer, Food and Drug Administration, 20 Evergreen Place, East Orange, NJ 07018, 201-645-6365.

*New York District Office*, chaired by George J. Gerstenberg, District Director. The topics to be discussed are Prescription Drug to Over-the-Counter Drug (Rx-to-OTC) Switch Procedures and Sodium Labeling (an Update).

Date: Thursday, June 20, 1985, 10 a.m. to 12 m.

Address: Suffolk County Legislative Auditorium, Suffolk County Center, Hauppauge, NY 11787.

For further information contact: Herman B. Janiger, Consumer Affairs Officer, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232-1593, 718-965-5043.

*Nashville District Office*, chaired by Hayward E. Mayfield, District Director. The topic to be discussed is Prescription Drug to Over-the-Counter Drug (Rx-to-OTC) Switch Procedures.

Date: Thursday, June 20, 1985, 2 to 4 p.m.

Address: Meharry Medical College, 1005 18th Ave., North, Nashville, TN 37208.

For further information contact: Barbara L. Loyd, Consumer Affairs Officer, Food and Drug Administration, 297 Plus Park Blvd., Nashville, TN 37217, 615-251-5208.

*Minneapolis District Office*, chaired by John Feldman, District Director. The topics to be discussed are Prescription Drug to Over-the-Counter Drug (Rx-to-OTC) Switch Procedures and Updates on Sulfites, Aspartame, and Health Fraud.

Date: Tuesday, June 25, 1985, 9:30 to 11:30 a.m.

Address: The Federal Plaza, Rm. 1100, 310 West Wisconsin Ave., Milwaukee, WI 53203.

For further information contact: Donald W. Aird, Jr., Consumer Affairs Officer, Food and Drug Administration, 240 Hennepin Ave., Minneapolis, MN 55401, 612-349-3906.

*San Francisco District Office*, chaired by Ronald M. Johnson, District Director. The topics to be discussed are Women's Health Issues and Screening Donated Blood for the Virus Suspected of Causing Acquired Immunodeficiency Syndrome (AIDS).

Date: Wednesday, June 26, 1985, 2 to 4 p.m.

Address: 50 United Nations Plaza, Rm. 406, San Francisco, CA 94102.

For further information contact: Lula Holland, Consumer Affairs Officer, Food and Drug Administration, 50 United Nations Plaza, Rm. 532, San Francisco, CA 94102, 415-556-2682.

**SUPPLEMENTARY INFORMATION:** The purpose of these meetings 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: June 8, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 85-14072, Filed 6-10-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 75N-0139]

**Oral Proteolytic Enzymes; Withdrawal of Approval of New Drug Applications; Availability of the Commissioner's Decision**

**AGENCY:** Food and Drug Administration.  
**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that the Commissioner of Food and Drugs has issued his final decision concerning the new drug applications (NDA's) for certain oral proteolytic enzymes. The Commissioner has decided to withdraw these approvals.

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

**ADDRESS:** The Commissioner's decision, including the final order, and all other documents related to the decision may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Rice, Jr., Division of Regulations Policy (HFC-221), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of December 21, 1979 (44 FR 75718), FDA announced a formal evidentiary hearing on its proposal to withdraw approval of NDA's for products containing oral proteolytic enzymes. The NDA's in question are for Orenzyme, Chymoral, Papase, Ananase, Avazyme, Wilzyme, and Chymolase. The drug products are recommended for the control of edema and inflammation associated with surgical procedures, accidental trauma, or infections or allergic manifestations.

The Commissioner has determined that approval of the NDA's for Orenzyme, Chymoral, Papase, Ananase, and Avazyme should be withdrawn because the sponsors have failed to submit substantial evidence that the drug products are effective for their intended uses, as required by section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355). The decision therefore affirms the conclusion reached by the Administrative Law Judge in his initial decision that approval be withdrawn. FDA has already withdrawn approval for

Wilzyme and Chymolase (NDA 12-724) in the Federal Register of June 12, 1981 (46 FR 31075).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053 as amended (21 U.S.C. 355)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), the Commissioner's Order withdraws approval of NDA 11-783 (Orenzyme), NDA 12-178 (Chymoral), NDA 12-293 (Papase), NDA 12-527 (Ananase), and NDA 12-626 (Avazyme), effective July 1, 1985.

Dated: June 5, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 85-14071 Filed 6-7-85; 10:35 am]

BILLING CODE 4160-01-M

**Office of Child Support Enforcement**

**Child Support Enforcement Research and Demonstration Interstate Grants; Availability of Fiscal Year 1985 Funds**

The Director of the Office of Child Support Enforcement (OCSE) gives notice of the availability of Fiscal Year 1985 funds for projects in the area of interstate child support processes. Funding for grants is authorized under Pub. L. 98-378. In accordance with section 455(e)(4) of the Social Security Act as amended by section 8 of Pub. L. 98-378, amounts expended by a State in carrying out a project funded under this grant program will be considered as part of the grantee State's administrative expenditures for purposes of calculating incentive payments.

A notice was previously published on January 30, 1985, announcing the availability of FY 1985 funds for these projects. There will be one funding cycle for the remainder of FY 1985. The closing date for the submission of grant applications will be July 31, 1985. It is anticipated that grant awards will be issued within 60 days of the receipt of grant applications.

**Program Purpose**

Grants funded by OCSE under the Interstate Program are for research and demonstration projects which will add to existing knowledge and promote improvements or new methods and techniques in the area of interstate child support operations.

**Program Goals**

In general, OCSE intends to support the following types of projects through the Interstate Grants Program:

(1) Those which encourages States to develop efficient and effective ways of handling interstate cases.

(2) Those which augment and improve existing State efforts to pursue and respond to interstate efforts. Funds from this program are not available to supplant current State and local funding efforts.

(3) These which develop, test, implement, and demonstrate new or innovative methods of interstate case processing.

(4) Those which show a high promise of ready transferability to other States and of producing verifiable knowledge of demonstration results through definitive evaluation.

**Program Priorities for Research and Demonstration Funding**

Research and demonstration projects will be directed toward broadly stated priorities derived from issues centering around the administration of interstate child support processes. OCSE has identified priorities which reflect the major aims of the program's interstate processes.

Applicants may also submit proposals for projects not specifically identified in this announcement but which are relevant to OCSE interstate goals. Such proposals will compete for funding with those submitted for the priority areas listed below.

**Program Priorities for Interstate Grants**

Applications should contain plans for an up-front performance assessment, problem identification, and planning module as part of the initial project activities. This module will result in a management study that identifies existent problems with interstate cases and how the project will approach solution of these problems. This effort can be the first phase of a multi year project.

Interstate grant applications should emphasize the development of innovative techniques that can eventually be generalized to the entire caseload. As a matter of general policy, OCSE intends to encourage experimentation and demonstration of ways of handling interstate cases in such a manner that they are integrated into the normal handling of a State's IV-D caseload. Examples of interstate program priorities are the following.

1. Development of innovative techniques in processing interstate cases such as:

A. Innovative communication techniques to include teleconferencing, electronic mail and other electronic



means of moving information from one jurisdiction to another;

B. Interstate tracking and monitoring systems; and

C. Staffing patterns for interstate case processing—experimentation with combinations of specialization vs. generalization of the interstate function.

II. Development of innovative techniques for child support collections in interstate cases, especially in the area of application of mandatory procedures such as wage withholding. Also of interest are:

A. Use of credit reporting agencies;

B. Use of property liens;

C. User fees; and

D. Tax refund offsets.

III. Development of automated data processing and interstate systems components such as clearinghouses for the centralization of multi-state data bases and new data bases for interstate use.

**Note.**—OCSE does not contemplate funding for the purchase of ordinary computer hardware, which could be authorized under the 90 percent Federal matching for automated management systems.

IV. Development of innovative paternity establishment techniques in interstate such as methods for lowering the cost or increasing the use of parentage testing laboratories on a regional basis.

V. Other program ideas with an explicit interstate focus will be entertained for funding.

Applications should contain for comprehensive evaluation of the results of the demonstration. OCSE will also entertain plans for dissemination of results of the evaluation and lessons learned from the demonstration.

#### Eligible Applicants

Grants are to be awarded to the State agency responsible for administering the IV-D program. The IV-D agency can enter into cooperative arrangements with other State agencies within the State (e.g., Attorney General, State court system, etc.) but the grant will remain responsible for financial and program management of the grant, for reports, auditing, and other normal grant functions. Applicants can also subcontract with private contractors for performance of work proposed in the grant application.

In addition to applications made by individual State agencies proposing to experiment with their own internal procedures for processing interstate cases, proposals may include demonstrations which involve one or several other State IV-D agencies. These proposals will require that the

applicant State IV-D agency retain responsibility for the proper administration of the grant. Such applications must come from a single lead State that will assume the responsibilities of the grantee for tracking, monitoring, auditing, reporting and other grant administrative functions. These applications should contain explicit information on the activities and responsibilities of each of the participating States and a detailed budget for each State. The application should show evidence of agreement of each of the participating States in the grant activity. Expenses incurred by the grant recipient in administering and evaluating the project activity can be allocated to the budgets of other participating States on some equitable basis, so that the grant recipient State need not assume the total cost of the grant for purposes of calculating incentive payments.

OCSE will also entertain applications that include the study and demonstration of intra state/intercounty case processing, as long as this part of the project is viewed as a test or demonstration phase meant to be transferred to an interstate demonstration or application.

#### Availability of Funds

It is anticipated that up to \$7 million will be available for funding interstate grants in FY 1985. For planning purposes, OCSE anticipates awarding 15–20 grants ranging from \$350,000 to \$465,000 each. The amounts of the grants may vary according to the scope and merit of the individual application and are quoted as projected averages for the first year of the program.

#### Grantee's Share of Projected Cost

Grant recipients receiving assistance to conduct these projects are expected to contribute towards the projected costs. Generally, 5 percent of the total cost of the activity is considered acceptable. No grant will be awarded that covers 100 percent of the project's cost. Cash or in-kind contributions may be used to satisfy this requirement.

#### Waivers

Waivers of certain provisions of part D of title IV of the Social Security Act may be granted for the conduct of these demonstrations. The requests for such waivers must be included in the grant proposal.

#### The Application Process

1. *Availability of application forms.* Application kits containing the prescribed application forms and related documents are available from: Social

Security Administration, Division of Contracts and Grants Management, OMBP, Grants Management Branch, 1-C-1 Dogwood West Building, 1848 Gwynn Oak Avenue, Baltimore, Maryland 21207. Telephone: (301) 594-0284, Lawrence H. Pullen, Chief, Grants Management Branch.

2. *Application submission.* To be considered for a grant award, all applications must be submitted on standard forms provided by the Division of Contracts and Grants Management. The application shall be executed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant.

3. *Application consideration.* Applications are initially screened for relevance to interstate child support concerns. Irrelevant applications are returned to the applicant. Relevant applications are reviewed and evaluated by a review panel of not less than three persons.

4. *Application approval.* Following approval of selected for funding, financial assistance awards will be issued within limits of Federal funds available. The official grant document is the Notice of Grant Award. It provides the amount of funds awarded, the purpose of the award, the budget period for which support is given, the terms and conditions of the award, the total project period for which support is contemplated, and the total grantee financial participation.

5. *Additional information.* For questions concerning project development please contact John K. Maniha, Office of Child Support Enforcement, Room 931A, 6110 Executive Boulevard, Rockville, MD 20852, (301) 443-2980.

#### Criteria for Review and Evaluation of Applications

Applications will be reviewed and evaluated by a review panel against the following criteria:

1. *Project Design and Evaluation Methodology.* Feasibility and coherence of the project design and the quality of its evaluation component. (30 points);

2. *Knowledge.* Knowledge about possible alternative solutions to interstate problems, background presentation material, statement of the problem, and general grasp of the proposed solution. (10 points);

3. *Innovation.* Degree to which the application shows evidence of breaking new ground or presenting new solutions to interstate case problems. (25 points);

4. *Relevance and Applicability.* Relevance of proposal to OCSE's



interstate priorities and goals, the degree to which the proposed solution could be transferred to other States. Does the application make sense and can it be done? (20 points); and

5. *Personnel, Budget, and Facilities.* Availability and competence of specific kinds and numbers of experienced personnel. Is the project cost effective? Are the costs reasonable and adequately described considering the anticipated results? Are the applicant's facilities and resources adequate? (15 points)

#### Closing Dates and Times

For FY 1985 projects, the remaining closing date for submission of applications is July 31, 1985. Applications not received by the deadline date of one cycle of funding will be held for review during the next cycle.

Applications may be mailed or hand delivered to: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants Management Branch, 1-C-1 Dogwood West Building, 1848 Gwynn Oak Avenue, Baltimore, MD 21207.

Hand delivered applications are accepted during normal working hours of 8:30 a.m. to 5:00 p.m., Monday through Friday, on or prior to the established closing dates.

An application will be considered to be received on time if sent on or before the closing date as evidenced by a legible U.S. Postal Service postmark or a legibly dated receipt from a commercial carrier. Private metered postmarks will not be considered acceptable as proof of timely mailing. Applications submitted by any means other than through the U.S. Postal Service or commercial carrier shall be considered as acceptable only if physically received at the above address before close of business on or before the deadline date.

#### Executive Order 12372— Intergovernmental Review of Federal Programs

These grant activities are not covered by the requirements of Executive Order 12372 relating to the Federal policy for consulting with State and local elected officials in proposed Federal financial assistance.

Dated: May 31, 1985.

R. Stephen Ritchie,  
Director, Office of Child Support  
Enforcement.

[FR Doc. 85-14012 Filed 6-10-85; 8:45 am]

BILLING CODE 4190-11-M

#### Social Security Administration

##### Title II Research Grant; Availability of Grant Funds

###### Correction

In FR Doc. 85-12298 beginning on page 21141 in the issue of Wednesday, May 22, 1985, make the following corrections:

1. On page 21141, in the third column, under the heading **Project Purpose**, in the eighth line, "training" should read "training".
2. On page 21142, in the second column, in the third line, "Room 2232" should read "Room 2223".
3. Also on page 21142, in the second column, under the heading **Eligible Applicants**, the first line should read: "Any State or local government, for"; and in the next paragraph, in the second line, "grants funds" should read "grant funds".

BILLING CODE 1505-01-M

##### Availability of Funding for Demonstration Projects Which Test Alternative Approaches to the Provision of Cash Assistance, Medical Assistance, Social Services, and/or Case Management to Refugees

**AGENCY:** Office of Refugee Resettlement (ORR), Social Security Administration, HHS.

**ACTION:** Final notice of availability of funding for projects to implement alternative means of providing cash assistance, medical assistance, social services, and case management to refugees and Cuban and Haitian entrants.<sup>1</sup>

**SUMMARY:** This announcement governs the proposed award of demonstration project grants to eligible grantees. Grants are for the purpose of reducing public assistance dependence among refugees by promoting refugee employment in the earliest time possible and by funding new and innovative approaches for the provision of cash assistance, medical assistance, social services, and/or case management to refugees. The needs of refugees are often transitional and the existing systems are not necessarily the most responsive to the particular needs refugees have and the obstacles they must overcome. Congress has expressed an interest in alternative approaches which may better promote refugee early employment and self-sufficiency than does the current system. Grant funds may be used to demonstrate alternative

approaches to one component of the refugee resettlement system, or to the entire system itself, insofar as those functions are normally funded through the Office of Refugee Resettlement. Project participants must be refugees who have been in the United States less than 36 months. Refugees participating in these demonstration projects will be precluded from receiving assistance under the programs of aid to families with dependent children (AFDC), refugee cash assistance (RCA), Medicaid, and/or refugee medical assistance (RMA), depending upon the scope of the project. However, they may receive cash and/or medical assistance under the terms of the demonstration project. Because of the difficulty refugees have had moving from receipt of cash assistance to employment and self-support, proposed demonstration projects must either serve welfare-dependent refugees and promote their independence or serve newly arriving refugees who otherwise could be expected to become welfare-dependent. Grantees will be required to contract for an outside evaluation of the demonstration projects and an Evaluation Plan must be submitted as part of the application.

**EFFECTIVE DATE:** June 11, 1985.

#### Closing Dates for Preapplications and Applications

Review of proposals will take place during specific review cycles indicated under "Review and Award Procedures." The applicant has the option to select the preferred review cycle. Successful applicants will ordinarily be funded on a descending point score basis at the end of each review cycle, subject to the discretion of the Director, ORR, and to the availability of funds. Future fiscal year funding will be subject to Congressional appropriations. The Director, ORR, requires the submission of a preapplication before the submission of a formal grant application. Only those applicants whose preapplications have been reviewed and have been invited by the Director, ORR, to submit a full application will be eligible for funding. Preapplications can be submitted at any time and will be reviewed by Office of Refugee Resettlement staff in accordance with the schedule established under "Review and Award Procedures." The submission of a preapplication package will: (a) Establish communication between the applicant and ORR; (b) enable early determination of the applicant's eligibility; and (c) establish overall desirability of a given approach to

<sup>1</sup> Hereafter, all references in the notice to "refugees" will also include Cuban and Haitian entrants.



discourage proposals which have little or no chance for Federal funding before applicants incur significant expenditures in preparing an application. Specific guidance on preapplication content is provided in section III, below.

#### Authorization

Demonstration project grants will be funded under section 412(e) of the Immigration and Nationality Act (8 U.S.C. 1522(e)) as amended by Pub. L. 98-473 entitled "Making Continuing Appropriations for the Fiscal Year 1985, and for Other Purposes."

#### Available Funds

The Office of Refugee Resettlement has no additional funds available for demonstration projects funded under this announcement. Therefore, ORR will fund projects at levels no higher than the estimated cost of serving project participants in the absence of the demonstration project. In the case of projects submitted by non-State applicants, funds will be drawn from cash and medical assistance grants and social service allocations which otherwise would have gone to the States to serve project participants. If a State receives targeted assistance funds, it can use those funds for demonstration project purposes provided such funds are used in areas for which they were originally allocated. To the extent that projects propose to serve refugees potentially eligible for assistance under AFDC and/or Medicaid, funds appropriated under part A of title IV of the Social Security Act, or title XIX of such Act, may be used for the purpose of implementing alternative projects. ORR will consider multi-year applications but will only fund approved applications one year at a time. In addition, projects demonstrating cost savings will be given priority consideration. The cost of contracting for an outside evaluation, as required, also must be included and covered in available project funds.

#### Eligible Applicants

The Federal refugee program is essentially a State-administered program. Under the Refugee Act of 1980, States have key responsibilities in planning, administering, and coordinating refugee resettlement activities. States administer the provision of cash and medical assistance and social services to refugees. They also maintain legal responsibility for the care of unaccompanied refugee children in the State. ORR awards grants directly to the States for the provision of services and assistance to refugees.

In order to receive assistance under the refugee program, a State is required by the Refugee Act and by HHS regulations to submit a plan to ORR which describes the nature and scope of the program and gives assurances that the program will be administered in conformity with the Act. As part of the plan, a State must designate a State agency to be responsible for developing and administering the plan and name a refugee coordinator who will ensure the coordination of public and private refugee resettlement resources in the State. Notwithstanding the central role played by States in the refugee program, ORR intends to give full and fair consideration to all eligible applicants. Eligible applicants for the demonstration grants include public and private nonprofit organizations, such as (but not limited to) States, a private voluntary resettlement agency or consortium of agencies, refugee mutual assistance associations, and local government entities. Applicants must demonstrate (1) experience in serving, or the capacity to serve, refugees and (2) a thorough understanding of how the refugee program operates.

Because any demonstration project will have a potential impact on a State's or locality's budgetary needs for cash assistance and/or medical assistance, as well as social services, a non-State applicant is required to coordinate its activities with the State Refugee Coordinator in the development and implementation of such a demonstration project and also, if the refugee program is administered locally by a local public agency (rather than a State agency), to coordinate its activities with the local agency. State applicants must also coordinate their proposed activities with other participants in refugee resettlement such as voluntary agencies, service providers, mutual assistance associations, and local agencies if applicable.

#### Planning Grants

ORR intends to make available up to \$25,000 to an applicant who has successfully passed the preapplication stage. The grant is intended to help fund project planning and development costs which may be incurred between the preapplication approval stage and the formal application submission. Applicants who wish to be considered for a planning grant should include as part of the preapplication submission: (1) A description of the prospective costs estimated to be incurred between the time a preapplication is approved and a final application is submitted (a budget); (2) an assurance that the applicant has no alternative sources of

funding for planning costs; and (3) a justification of both the need for the funds and of the costs' being reasonable. The ORR review panel will recommend whether to approve funds for a planning grant at the time the preapplication is reviewed in ORR based on a satisfactory response to the three elements listed above. The Director, ORR, will make the final decision whether to approve and release funds for this purpose.

#### Discussion of Comments Received

Fourteen comments were received during the public comment period in response to the notice. These are summarized below and are followed in each case by ORR's response.

*Comment:* One commenter recommended that demonstration projects include refugees who have been in the U.S. since 1980.

*Response:* The Wilson-Fish amendment specifically limits participation in demonstration projects to refugees who have been in the U.S. 36 months or less, which coincides with the period of Federal refugee funding for cash and medical assistance.

*Comment:* Several commenters urged ORR to provide additional funds for the costs to applicants of developing demonstration projects.

*Response:* ORR recognizes that substantial time and effort must be committed in planning and developing a thoughtful and effective demonstration project. Therefore, we have added a new section to the notice which makes available planning grants of up to \$25,000 for those applicants who have successfully passed the pre-application stage, have no alternative sources of funding, have justified the need for these funds, and whose costs appear reasonable.

*Comment:* One commenter asked that ORR's procedures for funding multi-year projects be explained.

*Response:* While ORR will consider projects of up to three years duration, funding will be incremental and issued to cover costs for a period of a year or less. If appropriate, serial noncompetitive continuation awards may be issued to allow completion of the project period. Under Department of Health and Human Services standards, continuation funding will be conditioned upon the availability of funds, satisfactory progress by the grantee, and ORR's determination that continued funding is in the best interest of the Government. In the event that ORR is unable to draw conclusions as to the adequacy of grantee performance on the basis of reports submitted, a brief



continuation application may be required."

**Comment:** Two commenters expressed concern that demonstration projects which are national in scope would not be required to meet the coordination requirements applicable to State and local projects.

**Response:** ORR has reconsidered this matter and has agreed to make all national projects subject to the coordination requirements in the States and localities where the projects would be implemented if the project would have a significant impact in the State. The notice has been revised to reflect this change.

**Comment:** One commenter recommended that demonstration projects be limited to no more than one per State.

**Response:** ORR will not permit demonstration projects which would provide similar services to the same participants in the same geographic area. We recognize, however, that in certain instances it may be advisable to consider different kinds of projects operating within the same area.

**Comment:** One commenter suggested that demonstration project sites be limited to States with a specified minimum number of refugees or with a given allocation to ensure that the demonstration project doesn't jeopardize the feasibility of the continued administration of the State program.

**Response:** The notice as drafted is designed to give potential applicants as much flexibility as possible in determining the scope of a project, the number of participants in a project, and the geographic area encompassed by a project. At the same time, applicants will be judged against the rigorous evaluation criteria outlined in the notice. If proposals successfully meet these criteria, we believe it is unlikely that they would jeopardize the administration of the State refugee program.

**Comment:** Several commenters asked for clarification of the provision in the Wilson-Fish amendment which precludes refugees who participate in demonstration projects from receiving AFDC, RCA, Medicaid, or RMA. A few commenters wondered whether refugees would be precluded from accessing these programs only to the extent that they would have sufficient resources in the demonstration projects to make them ineligible for AFDC, RCA, Medicaid, or RMA.

**Response:** The Department interprets the Wilson/Fish amendment to prohibit refugees from accessing AFDC or RCA if an alternative form of maintenance is

established in the demonstration project, provided that the benefit levels set forth in the project are substantially equivalent to the AFDC benefit levels in terms of cash and in-kind contributions. Similarly, in a project which proposes an alternative form of medical assistance, refugee participants would be precluded from accessing RMA or Medicaid provided that the scope of services is comparable to services provided through Medicaid. Even though the Wilson/Fish amendment is a statutory amendment to the Immigration and Nationality Act and not to the Social Security Act, the prohibition on refugees receiving benefits under programs funded through title IV-A and title XIX of the Social Security Act still applies.

**Comment:** One commenter asked whether refugee participation in the projects would be voluntary or mandatory.

**Response:** In the notice, the applicant is given the flexibility to decide how it intends to select refugees for the project and how it plans to define who continues to participate in the project. However, once those decisions are made, participation in the project would be mandatory, not elective. In addition, we reiterate that project participants will be precluded from receiving duplicate assistance through the programs of AFDC, RCA, Medicaid, or RMA if they are participating in a project which establishes an alternative cash and/or medical assistance system. We have revised the "Program Description" section of the notice to reflect this clarification.

**Comment:** Four commenters recommended that the notice require States to approve a demonstration project before it could be funded. One of the four also called upon ORR to enter into demonstration arrangements only with State agencies. Two of the four asked that the notice be revised to require an applicant to describe how the demonstration proposal would affect the State agency's administration of the refugee resettlement program.

**Response:** ORR believes that the legislative intent of the Wilson/Fish amendment would be violated if we restricted applicants to State agencies. We have drafted the demonstration project notice to cast as wide a net as possible in soliciting creative and effective alternatives from interested participants in the refugee resettlement programs. We believe this is not only in keeping with the spirit of the amendment but will serve well those program objectives of reducing welfare use by refugees, increasing self-sufficiency, and fostering coordination.

The notice does set forth coordination requirements. If non-State applicants are to be considered for funding, they must involve State agencies and the States Refugee Coordinator in their planning.

**Comment:** One commenter requested that project applicants be required to consult with and include the comments of the voluntary agencies if the proposed project would have an impact on the initial resettlement activities carried out by those agencies.

**Response:** We believe the notice gives ample opportunity to the voluntary resettlement agencies to become involved in the consultative process by requiring all applicants to coordinate their proposed activities with voluntary resettlement agencies located in the area to be covered under a project. The additional requirement that a State Refugee Coordinator submit comments on a proposal recognizes the unique role played by the coordinator who is statutorily required to coordinate, overall, public and private resources in the refugee program in the State.

**Comment:** One commenter expressed concern that the ability of a State to plan the social services delivery system and to contract for services would be hampered if ORR could decrease a State's social services funds in order to fund demonstration projects during the course of a fiscal year.

**Response:** ORR does not intend to reduce its announced social service allocation to a State in order to fund a demonstration project. In addition, we believe that the coordination requirements with the State set forth in the notice will provide an opportunity for the State to make clear to a potential applicant what contractual arrangements have already been made. The State may also identify where flexibility exists in order to assist the applicant in fashioning a proposal whose content and timing would not conflict with existing State service contracts and which could, in fact, help to promote the effective utilization of services already contracted for and scheduled to be offered.

**Comment:** One commenter asked whether the fair hearings and appeals procedures set forth in a project had to be essentially equivalent to the procedures followed in the AFDC or RCA programs.

**Response:** The Department believes that every participant in a demonstration project must be given an opportunity to appeal a decision made by a project official with which he or she disagrees. As a result, both preapplications and applications will be judged on the extent to which an



applicant has outlined fair hearings and appeals procedures similar to those in effect in the AFDC and RCA programs, if relevant to the scope of the project. Both the preapplication and application evaluation criteria have been strengthened to reflect this view.

Based on internal HHS comments, other changes in the notice have been made which include: (1) Clarifying that an evaluation of the project must be contracted for by the applicant and that ORR must review and approve the evaluation plan; (2) revising the proposal due dates and panel review cycles to allow adequate preparation time for interested potential applicants; (3) making editorial revisions to the E.O. 12372 notification process. Additional minor editorial changes have been made.

## Program Information

### I. Purpose and Scope

The 1985 Continuing Appropriations Resolution, Pub. L. 98-473, amended the Immigration and Nationality Act and thus provided the authority for this notice which invites applications for demonstration projects. The full text of this provision, known as the "Wilson/Fish Amendment," follows:

*Section 119. (a) Section 412(e) of the Immigration and Nationality Act (8 U.S.C. 1522(e)) is amended by adding at the end thereof the following new paragraph:*

*"(7)(A) The Secretary shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers.*

*"(B) Refugees covered under such alternative projects shall be precluded from receiving cash or medical assistance under any other paragraph of this subsection or under title XIX or part A of title IV of the Social Security Act.*

*"(C) The Secretary, in consultation with the United States Coordinator for Refugee Affairs, shall report to Congress not later than October 31, 1985, on the results of these projects and on any recommendations respecting changes in the refugee assistance program under this section to take into account such results.*

*"(D) To the extent that the use of such funds is consistent with the purposes of such provisions, funds appropriated under paragraph (1) or (2) of section 414(a) of this Act, part A of title IV of the Social Security Act, or title XIX of such Act, may be used for the purpose of implementing and evaluating alternative projects under this paragraph."*

(b) The amendment made by subsection (a) shall take effect on October 1, 1984.

The purpose of the announcement is to provide interested and eligible applicants an opportunity to test innovative ways of meeting refugees' basic needs while enhancing their prospects for the earliest possible attainment of self-sufficiency. ORR will be interested both in approaches and outcomes which can be replicated at the national program level and in projects which may be particularly well-suited to the specific needs of a targeted population in a given location.

Demonstration projects may propose alternative approaches to one component of the resettlement system or to the entire system itself. While proposals need not present a comprehensive alternative to the current system, they must meet the statutory intent of the Wilson/Fish amendment, i.e.:

(1) Promoting refugee economic self-sufficiency;

(2) Reducing refugee reliance on public assistance; and

(3) Fostering greater coordination among resettlement agencies and service providers, including refugee mutual assistance associations (MAAs).

Congress, the Department of Health and Human Services, and others involved in the refugee resettlement program have recognized the difficulties associated with frequent and prolonged use of public assistance by refugees. This announcement encourages the development of projects which target welfare-dependent refugee populations by offering new ways to reduce public assistance use and to find jobs for refugees as soon after their arrival as possible. The basic premise of this announcement is that while refugees may be in need of a range of services, provision of these services should not stand in the way of refugees' seeking work as soon as practicable.

### II. Program Description

In developing alternative demonstration projects, potential applicants must be aware of two statutory limitations: (1) The Wilson/Fish Amendment requires that refugees who participate in demonstration projects not have been in the U.S. more than 36 months; and (2) refugee participants are precluded from receiving AFDC, refugee cash assistance (RCA), Medicaid, or refugee medical assistance (RMA), although cash and medical assistance can be provided under the terms of the demonstrations themselves. For example, in a demonstration project which proposes an alternative cash assistance system, refugee participants would not be permitted to receive AFDC or RCA

because they would be receiving substantially equivalent levels of assistance under the terms of the project. Refugee participants in such a project, however, could receive Medicaid or RMA if otherwise eligible. Likewise, if a demonstration project proposes an alternative medical assistance system, refugee participants would not be permitted to receive Medicaid or RMA because they would be receiving comparable medical assistance under the terms of the project. Project participants could receive AFDC or RCA if a cash assistance alternative was not a part of the project and if they would be eligible otherwise for these programs. In addition, the Department of Health and Human Services remains opposed to the provision of medical assistance without regard to need and economic circumstances of the refugee. Applicants who propose alternatives to the current system of medical assistance must therefore relate such assistance to an appropriate needs test.

The projects submitted are expected to reflect a range of variations in the present program in elements such as: Demographic characteristics of refugees served, extent of the geographic area covered in the project, mix of services proposed, length of project period, and types of mechanisms used to provide assistance and services. Close collaboration is expected between the applicant, the voluntary resettlement agencies in the proposed project area under cooperative agreements with the State Department, the State, and, if applicable, the local agency which administers ORR-funded refugee assistance programs. Such cooperation will be necessary to ensure project continuity and coordination of available resources.

Applicants are given the flexibility to decide how they intend to select refugees for the project and how they plan to define continued participation in the project. However, once those decisions are made, refugee participation in the project would be mandatory.

Applicants wishing to carry out a demonstration project in States where the State agency also has indicated an intention to apply for demonstration funds should, to the extent practicable, coordinate with and build upon the State's demonstration proposal. Likewise, applicants offering demonstrations from the same jurisdiction should seek to coordinate such efforts to avoid administrative difficulties which would occur through a



fragmented approach to State or local resettlement.

Diversity among the various projects submitted for consideration is anticipated and encouraged. Projects might include but need not be limited to:

(1) Alternatives to the current systems for providing cash assistance to refugees. For example, ORR will consider projects to provide cash assistance through a non-State-administered mechanism, such as through the private voluntary resettlement agencies. Consideration will also be given to variations in the State-administered system which increase work incentives, such as a project in which a cash assistance system similar to RCA would be provided as the maintenance program of first resort (rather than AFDC). Applicants must use the AFDC payment levels as a guide in determining cash and in-kind benefit levels for project participants. Any deviation from the AFDC policies should be fully justified. In addition, applicants are expected to devise alternative approaches which are equitable and which provide for fair hearings and appeals processes for participating refugees similar to procedures followed in the AFDC or RCA programs.

(2) Alternatives to the current systems for providing medical assistance to refugees. For example, ORR will consider proposals to provide medical care from a health maintenance organization or by purchasing health insurance through a private provider (if a refugee's eligibility for medical assistance continued to be based on financial need). Applicants must show that such an alternative is likely to lead to increased economic self-sufficiency and reduced welfare use. Any deviation from the scope of services provided through Medicaid and RMA should be fully justified.

(3) Comprehensive provision of assistance and services provided to refugees and different administrative alternatives by which they are provided. These projects might operate entirely outside the State-administered structure such as through a privately administered resettlement system or through a local, public resettlement project.

### III. Preapplication Content

In developing proposals for funding under this notice, applicants shall submit an original and two copies of the preapplication. The preapplication should:

#### A. General Program Description

1. Generally describe the problem to be addressed by the demonstration

effort in light of the statutory priorities of reducing welfare dependence; increasing self-sufficiency; and fostering greater coordination among voluntary agencies, service providers, mutual assistance associations, and the relevant State and local agencies. Include documentation of the problem and sources of evidence;

2. Indicate the need for the demonstration project and state the principal and subordinate objectives of the project;

3. Identify in a general way results and benefits to be derived;

4. Outline a plan of action pertaining to the scope and the detail of how the proposed work will be accomplished for each function or activity provided in the budget;

5. Cite factors which might accelerate or decelerate the work and the reason for taking the chosen approach as opposed to others; and

6. Provide, for each function or activity, quantitative quarterly projections of the accomplishments to be achieved, particularly as they relate to job placement, welfare reductions, and cost savings.

#### B. Administration and Management Information

1. Specify who has fiscal and programmatic responsibility along with a short description of the nature of the effort or contribution;

2. Discuss the existing and proposed capacity of participating administrative entities to collect information and data for purposes of reporting on the project, and conducting a summative evaluation of the project; and

3. Explain the monitoring and evaluation methodologies that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item A.3 are being achieved.

#### C. Budget and Fiscal Information

1. Include a preliminary budget by component by Federal fiscal year, for each cycle of funding;

2. Discuss projected cost savings by component with a general description of how these savings have been determined; and

3. Specify that demonstration project funds will not supplant non-ORR funds available to the applicant from other sources.

#### IV. Preapplication Evaluation Criteria

*Completeness and feasibility of the proposed project: (40)*

• Likelihood of project design's effectuating program priorities of

reducing refugee welfare use, promoting early employment, and fostering self-sufficiency;

• Relevance of proposed activities to anticipated project outcomes;

• Description of how refugees will be selected for the project including a definition of what constitutes participation in the project;

• Awareness of current economic circumstances prevailing in the geographic area encompassed by the project, along with an awareness of employment opportunities available to project participants;

• Feasibility of methodologies to implement proposed activities;

• Reasonableness of employment objectives and their impact on refugee self-sufficiency;

• Extent to which applicant has coordinated proposed activities with other participants in refugee resettlement—such as voluntary agencies, service providers, mutual assistance associations, State agencies, and local governments;

• Evidence that applicant has consulted with the State Refugee Coordinator, solicited the State Refugee Coordinator's comments on the proposal, included these comments, if provided, as part of the preapplication submission, and, if the refugee program is administered locally by a local public agency (rather than a State agency), has also carried out the same actions with respect to the local agency (national level projects are subject to this provision if a project would have a significant impact in a State);

• Clarity of staffing patterns described; and

• Where project proposes changes from current cash assistance policies, and where changes are proposed in the Medicaid scope of services, adequate justification presented in keeping with goals of project;

• Adequate general description that the fair hearings and appeals procedures to be followed when a project participant questions a decision made by grantee are comparable to the procedures used in the AFDC and RCA programs (if applicable to scope of project); and

• Adequate evidence that the applicant has a solid background in program management and financial management in similar kinds of activities.

#### Monitoring and Evaluation Plan: (30)

• Adequate procedures and system proposed to collect data on the performance measures;



- Measurability of goals and objectives as stated and identification of performance measures and their relation to goals and objectives—i.e., whether the measures proposed are appropriate and adequate to measure progress against the stated goals and objectives of the project;

- Technical feasibility of the evaluation methodology proposed and its appropriateness to the project; and
- Adequacy of monitoring plan describing how operational components will be supervised and what procedures will be used to assure accountability.

#### *Budget and Fiscal: (30)*

- Administrative functions and costs clearly presented and reasonable;
- Acceptability of estimated program costs and adequacy of rationale for allocating funds to each budget component, including, if applicable, identification of numbers of participants who otherwise would have been eligible for the programs of RCA, AFDC, RMA, and/or Medicaid;

- Adequacy of facility and resources;
- Reasonableness of the budget in relation to the proposed project and the anticipated results, proposed activities, client characteristics, and the projected client outcomes;

- Evidence that benefit levels established are substantially equivalent in terms of cash and in-kind contributions to AFDC benefits levels (if applicable to scope of project);

- Evidence of potential cost savings which would occur as soon as possible as a result of the demonstration.

#### *V. Application Content*

The application should:

##### *A. General Program Description*

1. Specifically describe the problem to be addressed by the demonstration effort, in light of the statutory intent of reducing welfare dependence; increasing self-sufficiency; and fostering greater coordination of resources among voluntary agencies, service providers, mutual assistance associations, and the relevant State and local agencies. Include documentation of the problem and sources of evidence;

2. Indicate the need for the demonstration project and state the principal and subordinate objectives of the project;

3. Identify results and benefits to be derived;

4. Provide a detailed plan of action pertaining to the scope and the detail of how the proposed work will be accomplished for each function or activity provided in the budget;

5. Cite factors which might accelerate or decelerate the work and the reason for taking the chosen approach as opposed to others; and

6. Provide, for each function or activity, quantitative monthly or quarterly projections of the accomplishments to be achieved, particularly as they relate to job placement, welfare reductions, and cost savings.

##### *B. Administration and Management*

1. Provide a detailed management plan indicating who has fiscal and programmatic responsibility. Identify the organizational structure and include a staffing pattern and key position descriptions;

2. Discuss the capacity of participating entities to collect information and data for purposes of reporting, monitoring, and evaluation. Provide the monitoring plan and plans for procurement of an outside evaluation of the project—specifically the procedures and systems for collection of information, budget for the evaluation of the project, and plans for manipulating data—i.e., what will be analyzed and how, what are the performance measures, how will progress be measured, and what questions will be addressed and how;

3. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item A.3 are being achieved; and

4. Provide a chart of project milestones.

##### *C. Budget*

1. Submit a detailed budget by component by Federal fiscal year, for each cycle of funding, with narrative explanation to include: Total dollar amount by component, Percent of total amount by component; and per capita costs;

2. Discuss projected cost savings by component with detailed description of how these savings have been determined; and

3. Provide assurance that demonstration project funds will not supplant non-ORR funds available to the applicant from other sources.

#### *VI. Application Evaluation Criteria*

*Completeness and feasibility of the proposed project: (40)*

- Likelihood of project design's effectuating program priorities of reducing refugee welfare use, promoting early employment and self-sufficiency, and fostering improved coordination among the resettlement agencies and service providers.

- Relevance of proposed activities to anticipated project outcomes;

- Description of how refugees will be selected for the project including a definition of what constitutes participation in the project;

- Awareness of current economic circumstances prevailing in the geographic area encompassed by the project, along with an awareness of employment opportunities available to project participants;

- Feasibility of methodologies to implement proposed activities;

- Reasonableness of employment objectives and their impact on refugee self-sufficiency;

- Extent to which applicant has coordinated proposed activities with other participants in refugee resettlement—such as voluntary agencies, service providers, mutual assistance associations, State agencies, and local governments.

- Evidence that applicant has consulted with the State Refugee Coordinator, has solicited the State Refugee Coordinator's comments on the proposal, has included these comments, if provided, as part of the application submission, has sought to coordinate activities with the State in the development and implementation of the project, and, if the refugee program is administered locally by a local public agency (rather than a State agency), has also carried out the same actions with respect to the local agency (national level projects are subject to this provision if a project would have a significant impact in a State);

- Clarity of staffing patterns described;

- Adequate rationale for establishing priorities for specific activities proposed, for the refugees proposed to be served, for the geographic area encompassed, for the length of project proposed;

- Where project proposes changes from current cash assistance policies, and where changes are proposed in the Medicaid scope of services, adequate justification presented in keeping with goals of project;

- Adequate specific description that the fair hearings and appeals procedures to be followed when a project participant questions a decision made by grantee are comparable to the procedures used in the AFDC or RCA programs (if applicable to scope of project); and

- Adequate evidence that the applicant has a solid background in program management and financial management in similar kinds of activities.



**Monitoring and Evaluation Plan: (30)**

- Adequate procedures and system proposed to collect data on the performance measures;
- Measurability of goals and objectives as stated and identification of performance measures and their relation to goals and objectives—i.e., whether the measures proposed are appropriate and adequate to measure progress against the stated goals and objectives of the project;
- Technical feasibility of the evaluation methodology proposed and its appropriateness to the project;
- Adequacy of monitoring plan describing how operational components will be supervised and what procedures will be used to assure accountability; and
- Adequacy of evaluation plan.

**Budget and Fiscal: (30)**

- Administrative functions and costs clearly presented and reasonable;
- Acceptability of estimated program costs and adequacy of rationale for allocating funds to each budget component, including, if applicable, identification of numbers of participants who otherwise would have been eligible for the programs of RCA, AFDC, RMA, and/or Medicaid;
- Adequacy of facility and resources;
- Reasonableness of the budget in relation to the proposed project and the anticipated results, proposed activities, client characteristics, and the projected client outcomes;
- Evidence that benefit levels established are substantially equivalent in terms of cash and in-kind contributions to AFDC benefit levels (if applicable to scope of project); and
- Evidence of potential cost savings which would occur as soon as possible as a result of the demonstration.

**SUPPLEMENTARY INFORMATION:****Review and Award Procedures**

Preapplications will be reviewed and point-score rated by a review panel of experts according to the above criteria, and in accordance with the HHS Grants Administration Manual. A decision as to whether a preapplication will be recommended for further consideration will be made by the Director, ORR. Only those applicants whose preapplications have been reviewed and who have been invited by the Director, ORR, to submit a full application will be eligible for funding.

Applications will be evaluated on a competitive basis by a review panel of experts according to the above criteria, and in accordance with the HHS Grants Administration Manual. Applications

are expected to be much more specific in nature than preapplications. Final funding decisions will be made by the Director, ORR. Not more than nine proposals will be funded during a fiscal year. A schedule of proposed panel review cycles and the corresponding proposal due dates (for preapplications and applications) follows:

**Proposal Due Dates and Panel Review Cycles**

Preapplications received by July 15, 1985 will be reviewed no later than August 2, 1985

Preapplications/Applications received by October 1, 1985 will be reviewed no later than October 22, 1985

Preapplications/Applications received by January 2, 1986 will be reviewed no later than January 22, 1986

Preapplications/Applications received by April 1, 1986 will be reviewed no later than April 22, 1986

Preapplications/Applications received by July 1, 1986 will be reviewed no later than July 22, 1986

The Office of Refugee Resettlement reserves the right to cancel or reschedule panel review dates in cases where the number of applications received would not, in the judgment of the Director, warrant the expenditure of public monies. In such instances, all eligible applicants will be notified in writing of the schedule adjustment at least ten calendar days before the scheduled review date. Review cycles after FY 1986 will be announced at a later time by the Director, ORR.

**Records and Reports**

Preapplications and applications for grants to be awarded under this notice are to be submitted on Standard Form 424 which has current OMB approval (0348-0006).

Financial reporting is to be provided on Standard Form 269. Activity items will be identified on a sample of Standard Form 269 accompany grant awards.

Grantees will be required to report financial status and program progress quarterly, and separately from ORR's regular Refugee Resettlement Program or other discretionary grants. Both financial status reports (SF 269s) and program progress reports shall be due 30 days after the first calendar day of each Federal quarter following the effective date of the grant award, except for the final financial and program reports which shall be due 90 days after the expiration or termination of grant support.

A grantee must provide for the maintenance of such operational records

as are necessary for Federal monitoring of the grantee's project.

The content of the program progress reports shall conform to the guidelines which will be issued by ORR under separate cover. In general, however, the progress reports shall include, to the extent appropriate to the particular grant, a brief presentation of the following for each program, function, or activity involved:

(1) A comparison of actual accomplishments to the goals established for the period. Where the output of the project can be readily expressed in numbers, a computation of the costs per unit of output may be required if that information will be useful.

(2) The reason for slippage if established goals were not met.

(3) Other pertinent information including, when appropriate, analysis and explanation of unexpectedly high overall or unit costs.

Grantees shall adhere to the standards in this section when prescribing program progress reporting requirements of subgrantees.

These reporting requirements directly follow Departmental grants administration regulations at 45 CFR Part 74.

Should projects propose to serve refugees who otherwise would have been eligible for the programs of aid to families with dependent children (AFDC) and Medicaid, additional reporting forms will be required by the Office of Family Assistance and the Health Care Financing Administration. These reports will be identified at the time the grant is awarded.

**Executive Order 12372, Notification Process**

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Applicants should contact the designated Single Point of Contact (SPOC) in their State as early as possible to alert the SPOC of the prospective preapplication and/or application and receive specific instructions regarding the State's review process. Applicants should submit the material required by the State to the SPOC.

State SPOC comments on preapplications will be considered by ORR, but the "accommodate or explain" rule of E.O. 12372 will apply only to State SPOC process recommendations



on applicants, not preapplications. State process recommendations will be due by the 60th day after the proposal due date for the application. SPOC comments and recommendations should be submitted to the same address used for preapplications and applications: U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, Grants Management Office, Room 1229 Switzer Building, 330 C Street, SW., Washington, D.C. 20201. A list of State SPOCs is included at the end of this announcement.

#### Application Request

Preapplication and application forms (Standard Form 424 "Federal Assistance") are available on request from the Office of Refugee Resettlement, Grants Management Office, SSA, Room 1229 Switzer Building, HHS, 330 C Street, SW., Washington, D.C. 20201. Betsy Andress, (202) 245-1715. To be considered complete, a preapplication or application package must consist of a signed original and two copies, one of which should be addressed to the appropriate Regional Director, ORR. All preapplication or application packages must be received by the U.S. Department of Health and Human Services, SSA, Grants Management Office, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street, SW., Washington, D.C. 20201.

#### Application Delivered by Mail

Even though this is a standing announcement, five cut-off and corresponding panel review dates are proposed. In order to meet these respective deadlines, the procedures below must be followed.

A formal grant application sent by mail must be addressed as indicated immediately above.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A legibly dated receipt from a commercial carrier.

If an application is sent through 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 dated by the U.S. Postal Service. Applicants should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, the applicant should check with its local post office.

Applicants are encouraged to use registered or at least first class mail. Applications must be postmarked in 1985 no later than 11:59 pm July 15 to be reviewed no later than August 2; 11:59 pm October 1 to be reviewed no later than October 22; and in 1986 no later than 11:59 pm January 2 to be reviewed no later than January 22; 11:59 pm April 1 to be reviewed no later than April 22; and 11:59 pm July 1 to be reviewed no later than July 22.

#### Applications Delivered by Hand

A preapplication or an application that is hand-delivered should be taken to the U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, Grants Management Office, Room 1229 Switzer Building, 330 C Street, SW., Washington, D.C. 20201.

The Grant Management Office will accept a hand-delivered preapplication or application between 8:30 am and 5:00 pm Eastern Time daily, except Saturdays, Sundays, and Federal holidays.

Preapplications or applications delivered by hand must be received in 1985 by 5:00 pm July 15 to be reviewed no later than August 2; by 5:00 pm October 1, to be reviewed no later than October 22; and in 1986 by 5:00 pm January 2 to be reviewed by no later than January 22; by 5:00 pm April 1 to be reviewed no later than April 22; and by 5:00 pm July 1 to be reviewed no later than July 22.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Jack Anderson, Regional Director, Office of Refugee Resettlement, Room 2403, J.F.K. Federal Building, Government Center, Boston, MA 02203, 617-223-6180

Mr. Bill Neary, Regional Director, Office of Refugee Resettlement, 3535 Market Street, Room 11150, P.O. Box 13716, Philadelphia, PA 19101, 215-596-0210

Ms. Suanne Brooks, Regional Director, Office of Refugee Resettlement, 101 Marietta Tower, Suite 2112, Atlanta, GA 30323, 404-221-2250

Mr. Derek Schoen, Regional Director, Office of Refugee Resettlement, 300 S. Wacker Drive, 35th Floor, Chicago, IL 60606, 312-353-5182

Mr. Manuel Rodriguez Fleitas, Director, Florida Office, Office of Refugee Resettlement, P.O. Box 140188, Coral Gables, FL 33134, 305-643-2667

Office of Refugee Resettlement, Division of Financial Management and Administration, 330 C Street, SW., Room 129, Switzer Building, Washington, DC 20201, Attention: Sara Stone, 202-245-1832

Mr. James Turman, Regional Director, Office of Refugee Resettlement, 1200

Main Tower Bldg., Room 700A, Dallas, TX 75202, 214-767-4301

Mr. Larry L. Laverentz, Assistant Regional Director, Office of Refugee Resettlement, 601 East 12th Street, Room 436, Kansas City, MO 64108, 816-758-7081

Mr. Edwin LaPedis, Regional Director, Office of Refugee Resettlement, 19th & Stout Streets, Room 1185, Federal Building, Denver, CO 80294, 303-844-5387

Ms. Sharon Fujii, Regional Director, Office of Refugee Resettlement, 50 United Nations Plaza, Mail Stop 352, San Francisco, CA 94102, 415-556-8582

Mr. John Crossman, Regional Director, Office of Refugee Resettlement, 2901 Third Avenue Mail Stop 212, Seattle, WA 98101, 206-442-8049

#### Applicable Regulations

The following HHS regulations apply to grants under this Notice:

##### a. Title 42 of the Code of Federal Regulations:

Part 441, Subparts E & F, Services: Requirements and Limits Applicable to Specific Services—Abortions and Sterilization.

##### b. Title 45 of the Code of Federal Regulations:

Part 16, Procedures of the Departmental Grant Appeals Board;

Part 46, Protection of Human Subjects;

Part 74, Administration of Grants;

Part 75, Informal Grant Appeal Procedures;

Part 76, Debarment and Suspension from Eligibility for Financial Assistance;

Part 80, Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964;

Part 81, Practice and Procedure for Hearings Under Part 80 of this Title;

Part 84, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance;

Part 91, Nondiscrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance;

Part 400, Refugee Resettlement Program;

Part 401, Cuban/Haitian Entrant Program (except that 401.2(b)(2) does not apply). (No Catalog of Federal Domestic Assistance number has been assigned.)

Dated: June 4, 1985.

Phillip N. Hawkes,  
Director, Office of Refugee Resettlement.

#### State Single Point of Contact List

##### Alabama

Mrs. Donna J. Snowden, SPOC,  
Alabama State Clearinghouse,  
Alabama Department of Economic



and Community Affairs, 3465 Norman Bridge Road, Post Office Box 2939, Montgomery, Alabama 36105-0939

#### Arizona

Office of Economic Planning and Development, State of Arizona

Note.—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

Jo Stephens, Director, Local Government Assistance, Attn: Arizona State Clearinghouse, 1700 West Washington, Rm. 205, Phoenix, Arizona 85007, Tel. (602) 255-5004

#### Arkansas

State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Tel. (501) 371-2311

#### California

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 445-0282

#### Colorado

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Rm. 520, Denver, Colorado 80203, Tel. (303) 866-2156

#### Connecticut

Gary E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106-4459

Note.—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106-4459, Tel. (203) 566-4298

#### Delaware

Executive Department, Thomas Collins Building, Dover, Delaware 19903, Attn: Francine Booth, Tel. (302) 736-4204

#### Florida

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301, Tel. (904) 488-8114

#### Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta, Georgia 30334, Tel. (404) 656-3855

#### Hawaii

Kent M. Keith, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804; for information contact: Hawaii State Clearinghouse, Tel. (808) 548-3085

#### Illinois

Tom Berkshire, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782-8639

#### Indiana

Ms. Susan J. Kennell, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232-5604

#### Iowa

Office for Planning and Programming, Capital Annex, 523 East 12th Street, Des Moines, Iowa 50319, Tel. (515) 281-3864

#### Kansas

Judy Krueger, Office of the Secretary, Kansas Department of Human Resources, 401 Topeka Avenue, Topeka, Kansas 66603, Tel. (913) 296-5075

#### Kentucky

Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Tel. (502) 564-2382

#### Louisiana

Michael J. Jefferson, Dept. of Urban and Community Affairs, Office of State Clearinghouse, P.O. Box 44455, Capitol Station, Baton Rouge, Louisiana 70804, Tel. (504) 925-3722

#### Maine

State Planning Office, Attn: Intergovernmental Review Process, State House Station #38, Augusta, Maine 04333, Tel. (207) 289-3154

#### Maryland

Guy W. Hager, Director, Maryland State Clearinghouse for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, Tel. (301) 383-7875

#### Massachusetts

Executive Office of Communities and Development, 100 Cambridge Street, Rm. 1401, Boston, Massachusetts 02202, Tel. (617) 727-7078

#### Michigan

John H. Reurink, Director, Management Services Bureau, Department of Commerce, P.O. Box 30004, Lansing, Michigan 48909, Tel. (517) 373-0933

#### Minnesota

Thomas N. Harren, Minnesota State Planning Agency, Capitol Square Building—Room 101, 550 Cedar Street, St. Paul, Minnesota 55101, Tel. (612) 296-3698

#### Mississippi

Office of the Federal State Programs, Department of Planning and Policy, 2000 Walter Sillers Bldg., 500 High Street, Jackson, Mississippi 39202; for information contact: Mr. Marlan Baucum, Department of Planning and Policy, Tel. (601) 359-3150

#### Missouri

Missouri Federal Assistance Clearinghouse, Office of Administration, Division of Budget and Planning, Room 129 Capitol Building, Jefferson City, Missouri 65102, Tel. (314) 751-4834 or 751-2345

#### Montana

Agnes Zipperian, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, Tel. (406) 444-5522

#### Nebraska

Policy Research Office, P.O. Box 94601, Room 1321, State Capitol, Lincoln, Nebraska 68509, Tel. (402) 471-2414

#### Nevada

Ms. Linda A. Ryan, Director, Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 885-4420

Note.—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

John Walker, Clearinghouse Coordinator, Tel. (702) 885-4420

#### New Hampshire

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271-2155

#### New Jersey

Mr. Barry Skokowski, Director, Division of Local Government Services,



Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625-0803, Tel. (609) 292-6613

**Note.**—Correspondence and questions concerning the State's E.O. process should be directed to:

Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625-0803, Tel. (609) 292-9025

#### New Mexico

Peter C. Pence, Director, Management and Contracts Review Division, Department of Finance and Administration, State of New Mexico, 515 Don Gaspar, Santa Fe, New Mexico 87503, Tel. (505) 827-3885

#### New York<sup>1</sup>

Director of the Budget, New York State

**Note.**—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474-1605

#### North Carolina

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733-4131

#### North Dakota

Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor—State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224-2094

#### Ohio

State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215; for information contact: Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466-0699

#### Oklahoma

Office of Federal Assistance Management, 4545 North Lincoln Blvd., Oklahoma City, Oklahoma 73105, Tel. (405) 528-8200

#### Oregon

Intergovernmental Relations Division, State Clearinghouse, Executive Building, 155 Cottage Street, NE., Salem, Oregon 97310, Tel. (503) 373-1998

#### Pennsylvania

Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108, Attn: Barbara J. Gontz, Project Coordinator, Tel. (717) 783-3700

#### Rhode Island

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277-2656

#### South Carolina

Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Tel. (803) 758-2417

#### South Dakota

Jeff Stroup, Commissioner of the Bureau of Intergovernmental Relations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773-3661

#### Tennessee

Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741-1676

#### Texas

Bob McPherson, State Planning Director, Office of the Governor, Austin, Texas 78711, Tel. (512) 475-6156

#### Utah

Michael B. Zuhl, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533-5245

#### Vermont

State Planning Office, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828-3326

#### Virginia

Robert H. Kirby, Intergovernmental Review Officer, Department of Planning and Budget, Post Office Box 1422, Richmond, Virginia 23211, Tel. (804) 786-1921

#### Washington

Ken Black, Washington Department of Community Development, Ninth and Columbia Building, Olympia, Washington 98504, Tel. (206) 753-2200

#### West Virginia

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Economic and Community Development, Building #6, Room 553, Charleston, West Virginia 25305, Tel. (304) 348-4010

#### Wisconsin

Secretary Doris J. Hanson, Wisconsin Department of Administration, 101 South Webster Street—GEF 2, Madison, Wisconsin 53702, Tel. (608) 266-1212

**Note.**—Correspondence and questions concerning the State's E.O. 12372 process should be directed to:

Thomas Krauskopf, Federal-State Relations Coordinator, Wisconsin Department of Administration, P.O. Box 7864, Madison, WI 53707, Tel. (608) 266-8349

#### Wyoming

Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777-7574

#### Virgin Islands

Federal Programs Office, Office of the Governor, The Virgin Islands of the United States, Charlotte Amalie, St. Thomas 00801, Tel. (809) 774-0001

#### District of Columbia

Pauline Schneider, Director, Office of Intergovernmental Relations, Room 416, District Building, Washington, D.C. 20004, Tel. (202) 727-6265

#### Puerto Rico

Ms. Patria G. Custodio, Chairman, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940-9985, Tel. (809) 727-4444

#### Northern Mariana Islands

Planning and Budget Office, Office of the Governor, Saipan, CM 96950  
[FR Doc. 85-14001 Filed 6-10-85; 8:45 am]  
BILLING CODE 4190-11-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### Wyoming; Filing of Plats of Survey

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Filing of Plats of Survey.

**SUMMARY:** The plats of survey of the following described lands were officially filed in the Wyoming State Office, Bureau of Land Management, Cheyenne, Wyoming, effective 10:00 A.M., May 30, 1985.

#### Sixth Principle Meridian

T. 43 N., R. 69 W.

The plat representing the dependent resurvey of the east and north

<sup>1</sup> New York State Clearinghouse advised ORR in a letter dated March 14, 1985, that it has elected to waive intergovernmental review of funding applications under this notice.



boundaries and the subdivisional lines, T. 43 N., R. 69 W., Sixth Principal Meridian, Wyoming, Group No. 415, was accepted May 24, 1985.

T. 44 N., R. 69 W.

The plat representing the dependent resurvey of the Eleventh Standard Parallel North, through R. 69 W., the east boundary and the subdivisional lines, T. 44 N., R. 69 W., Sixth Principal Meridian, Wyoming, Group No. 415, was accepted May 24, 1985.

T. 53 N., R. 69 W.

The plat representing the dependent resurvey of the Thirteenth Standard Parallel North, through R. 69 W., the Eighth Auxiliary Meridian West, through T. 53 N., between Rs. 68 and 69 W., the west and north boundaries and the subdivisional lines, T. 53 N., R. 69 W., Sixth Principal Meridian, Wyoming, Group No. 449, was accepted May 24, 1985.

T. 52 N., R. 72 W.

The plat representing the corrective dependent resurvey of a portion of the subdivisional lines, T. 52 N., R. 72 W., Sixth Principal Meridian, Wyoming, Group No. 460, was accepted May 24, 1985.

T. 52 N., R. 73 W.

The plat representing the corrective dependent resurvey of the section line between sections 25 and 36, T. 52 N., R. 73 W., Sixth Principal Meridian, Wyoming, Group No. 460, was accepted May 24, 1985.

T. 44 N., R. 94 W.

The plat representing the corrective dependent resurvey of a portion of the subdivisional lines, a portion of the meander lines on the right bank of the Bighorn River, and the subdivision of section 5, T. 44 N., R. 94 W., Sixth Principal Meridian, Wyoming, Group No. 435, was accepted May 24, 1985.

T. 45 N., R. 94 W.

The plat representing the dependent resurvey of a portions of the Eleventh Standard Parallel North, through R. 94 W., west boundary and subdivisional lines, and a portion of the adjusted meanders in certain sections, and the subdivision of certain sections, T. 45 N., R. 94 W., Sixth Principal Meridian, Wyoming, Group No. 435, was accepted May 24, 1985.

These surveys were executed to meet certain administrative needs of this bureau.

**ADDRESS:** All inquiries concerning these lands should be sent to the Wyoming State Office, Bureau of Land Management, P.O. Box 1828, 2515

Warren Avenue, Cheyenne, Wyoming 82003.

Dated: June 4, 1985

Richard L. Oakes

Chief Cadestrol Surveyor for Wyoming.

[FR Doc. 85-13988 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-22-M

#### **Availability of Planning Criteria; Red Mountain Planning Unit Management Framework Plan Amendment, CA**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Availability.

**SUMMARY:** Pursuant to 43 CFR 1610.4-2 notice is hereby given that draft planning criteria for the amendment to the Red Mountain Management Framework Plan are available for review and comment.

**DATE:** Comments on the draft planning criteria will be accepted for 30 days after publication of this notice in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** John T. Lloyd, Resource Area Manager, 1125 18th Street, P.O. Box II, Arcata, California 95521, Telephone (707)822-7648.

**SUPPLEMENTARY INFORMATION:** This amendment is being prepared primarily to make land use allocations for recently acquired lands in northern Mendocino County, and to address implications of the Wild and Scenic River designations on public lands along the Eel River.

Dated: June 3, 1985.

Van W. Manning,

District Manager.

[FR Doc. 85-14021 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-84-M

#### **Fish and Wildlife Service**

##### **Endangered Species; Receipt of Application for Permit; Thomas C. Emmel**

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-695444

Applicant: Dr. Thomas C. Emmel, University of Florida, Gainesville, FL.

The applicant requests a permit to remove ten eggs of the Schaus Swallowtail Butterfly (*Papilio aristodemus ponceanus*) from the wild Key Biscayne National Park, FL, for laboratory propagation and release of progeny back to the wild in 1986.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director of the above address. Please refer to the appropriate PRT number when submitting comments.

Date: June 4, 1985.

Larry LaRoche,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 85-13705 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-55-M

#### **Minerals Management Service**

##### **Outer Continental Shelf; Development Operations Coordination Document; Exxon Co. U.S.A.**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Exxon Company, U.S.A. has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 4712A and 4713, Blocks 452 (portion) and 453, respectively, Brazos Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from offshore bases located at Flour Bluff and Aransas Pass, Texas.

**DATE:** The subject DOCD was deemed submitted on June 3, 1985.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

**FOR FURTHER INFORMATION CONTACT:** Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the



public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: June 3, 1985.

John L. Rankin,

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-14022 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-MR-M

#### Outer Continental Shelf Advisory Board, Gulf of Mexico Regional Technical Working Group; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463. A meeting of the Outer Continental Shelf Advisory Board's Gulf of Mexico Regional Technical Working Group will be held on July 24-25, 1985, in Metairie, Louisiana. The agenda of the meeting is as follows:

July 24

8:30 a.m.-4:30 p.m.: Gulf of Mexico Ternary Studies Meeting

July 25

8:30 a.m.-4:30 p.m.: Regional Technical Working Group Business Meeting  
 A. Current Regional Activities  
 B. Regional Sales Update  
 C. Industry Perspective on Artificial Reefs Program  
 D. 5-Year Outer Continental Shelf Leasing Program  
 E. Louisiana Coastal Protection and Enhancement Project  
 F. Regional Projects Status

The meeting will be held in Room 437 of the Gulf of Mexico OCS Regional Office, 3301 North Causeway Boulevard, Metairie, Louisiana. All sessions are open to the public, and interested persons may make oral or written presentations at the Business Meeting upon request. Such requests should be made not later than July 19, 1985, to Mr. Sydney H. Verinder, Gulf of Mexico OCS Region, Minerals Management Service, P.O. Box 7944, Metairie, Louisiana 70010, or telephone (504) 838-0627.

A taped cassette transcript and summary minutes of the Business Meeting will be available for public inspection in the Office of the Regional

Director at the above address not later than 60 days after the meeting.

Dated: June 4, 1985.

John L. Rankin,

*Regional Director, Gulf of Mexico OCS Region, Minerals Management Service.*

[FR Doc. 85-14023 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-MR-M

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., USA

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the Receipt of a Proposed Development Operations Coordination Document.

**SUMMARY:** This Notice announces that Exxon Company, U.S.A., Unit Operator of the South Timbalier Block 54 Field Federal Unit Agreement No. 14-08-0001-3444, submitted on May 29, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the South Timbalier Block 54 Field Federal unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 3, 1985.

John L. Rankin,

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 85-14026 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-12-M

#### National Park Service

##### National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 1, 1985. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 26, 1985.

Carol D. Shull,

*Chief of Registration, National Register.*

#### FLORIDA

##### Palm Beach County

Boca Raton, *Administration Buildings*, Dixie Hwy. & Camino Real

#### INDIANA

##### Vanderburgh County

Evansville, *Bayard Park Historic District*, Roughly bounded by Gum, Kentucky, Blackford and Garvin Sts.

#### IOWA

##### Allamakee County

Waukon, *Hoger, Otto J., House*, 402 Allamakee St.

##### Buchanan County

Aurora vicinity, *Richardson-Jakway House*, R.R. #1

##### Iowa County

North English vicinity, *Turner, Fred G., House*, IA 149

##### Jackson County

Springbrook, *Kegler-Gonner Store and Post Office*, 100 East Main

##### Jones County

Monticello, *Odd Fellows Hall*, 203 W. First St.

##### Linn County

Cedar Rapids, *St. Paul Methodist Episcopal Church*, 1340 Third Avenue, Southeast Mt. Vernon, *West, Wesley, House*, Palisades Rd.

##### Monroe County

Albia, *Elbert-Bates House*, 106 Second Ave. West

##### Polk County

Des Moines, *Des Moines Saddlery Company Building*, 307-311 Court Ave.

##### Story County

Ames, *Agricultural Hall*, Iowa State University



**Woodbury County**

Sioux City, *Warrior Hotel*, 6th and Nebraska Sts.

**KANSAS****Butler County**

Douglass vicinity, *Muddy Creek Bridge* (Masonry Arch Bridges of Kansas TR), Off US 77

Douglass vicinity, *Polecat Creek Bridge* (Masonry Arch Bridges of Kansas TR), 5 miles West and 2 miles South of Douglass

**Chase County**

Cottonwood Falls, *Cottonwood River Bridge* (Masonry Arch Bridges of Kansas TR), KS 177, North edge of Cottonwood Falls

**Cowley County**

Dexter vicinity, *Esch's Spar Bridge* (Masonry Arch Bridges of Kansas TR), 3 miles South and 3 miles West of Dexter  
Rock, *Bucher Bridge* (Masonry Arch Bridges of Kansas TR), Off US 77

**Crawford County**

Girard vicinity, *Hudgeon Bridge* (Masonry Arch Bridges of Kansas TR), 10 miles South and 3.2 miles West of Girard

**Franklin County**

Princeton vicinity, *Middle Creek Tributary Bridge* (Masonry Arch Bridges of Kansas TR), 5.8 miles West of Princeton  
Wellsville vicinity, *Walnut Creek Bridge* (Masonry Arch Bridges of Kansas TR), Off KS 33 one mile South of Wellsville

**Greenwood County**

Madison vicinity, *Verdigris River Bridge* (Masonry Arch Bridges of Kansas TR), 5 miles North of Madison

Piedmont vicinity, *North Branch Otter Creek Bridge* (Masonry Arch Bridges of Kansas TR), 1 mile West and 5 miles North of Piedmont

**Hodgeman County**

Jetmore vicinity, *Hackberry Creek Bridge* (Masonry Arch Bridges of Kansas TR), 13 miles West and 11 miles North of Jetmore

**Kiowa County**

Belvidere vicinity, *Belvidere Medicine River Bridge* (Masonry Arch Bridges of Kansas TR), .25 miles North of Belvidere

**Labette County**

Mound Valley vicinity, *Pumpkin Creek Tributary Bridge* (Masonry Arch Bridges of Kansas TR), Off KS 22 two miles West of Mound Valley

Parsons vicinity, *Labette Creek Tributary Bridge* (Masonry Arch Bridges of Kansas TR), Off US 160 2.3 miles West of Parsons

Parson vicinity, *Parsons Filled Arch Bridge* (Masonry Arch Bridges of Kansas TR), Off US 160 1 mile East and 1.2 miles south of Parsons

**Lincoln County**

Lincoln vicinity, *Spring Creek Tributary Bridge* (Masonry Arch Bridges of Kansas TR), 8 miles South and five miles West of Lincoln

Vesper vicinity, *Bullfoot Creek Bridge* (Masonry Arch Bridges of Kansas TR), 4 miles South and .9 miles East of Vesper

**Linn County**

Goodrich vicinity, *Landers Creek Bridge* (Masonry Arch Bridges of Kansas TR), South edge of Goodrich

**Lyon County**

Americus vicinity, *Harris Bridge* (Masonry Arch Bridges of Kansas TR), 3 miles North and 4 miles West of Americus

**Miami County**

Louisburg vicinity, *Jake's Branch of Middle Creek Bridge* (Masonry Arch Bridges of Kansas TR), Off US 89

**Montgomery County**

Independence, *Pennsylvania Avenue Rock Creek Bridge* (Masonry Arch Bridges of Kansas TR), Pennsylvania Ave. over Rock Creek

**Morton County**

Richfield vicinity, *Morton County Bear Creek WPA Bridge* (Masonry Arch Bridges of Kansas TR), 6.3 miles West and 4 miles North of Richfield

**Neosho County**

Erie, State Street Bridge (Masonry Arch Bridges of Kansas TR), State St. over Neosho River Tributary St. Paul vicinity, *Cut-Off Bridge* (Masonry Arch Bridges of Kansas TR), 6.3 miles South and 1.7 miles East of St. Paul

St. Paul vicinity, *Maxwell's Slough Bridge* (Masonry Arch Bridges of Kansas TR), Off KS 57.5 miles West and 1 mile South of St. Paul

**Ness County**

Bazine vicinity, *Pawnee River Tributary Bridge* (Masonry Arch Bridges of Kansas TR), 8 miles South of Bazine

**Pawnee County**

Rozel vicinity, *Township Line Bridge* (Masonry Arch Bridges of Kansas TR), Off US 158 3 miles West of Rozel

**Pottawatomie County**

Onaga vicinity, *Vermillion Creek Tributary Stone Arch Bridge* (Masonry Arch Bridges of Kansas TR), 5 miles South and 1 mile East of Onaga

**Rush County**

Nekoma vicinity, *Old Maids Fork Bridge* (Masonry Arch Bridges of Kansas TR), .5 mile North and 2.5 miles West of Nekoma  
Otis vicinity, *Rush County Line Bridge* (Masonry Arch Bridges of Kansas TR), 11 miles North of Otis

**Shawnee County**

Auburn vicinity, *McCauley Bridge* (Masonry Arch Bridges of Kansas TR), .5 mile South of Auburn

**Wilson County**

Coyville vicinity, *Brush Creek Bridge* (Masonry Arch Bridges of Kansas TR), .5 miles South of Coyville off KS 105

**NEW MEXICO****Dona Ana County**

Dona Ana, *Our Lady of Purification Catholic Church*, Camino Real and 2nd St.

**NORTH CAROLINA****Cumberland County**

Hope Mills, *Hope Mills Historic District*, Roughly bounded by Seaboard Coastline RR tracks, Lakeview Rd., Little Creek and Cross St.

**PENNSYLVANIA****Berks County**

Reading vicinity, *Bishop, John, House*, Perkiomen Ave.

**Philadelphia County**

Philadelphia, *Northern National Bank*, 2300 Germantown Ave.

**UTAH****Salt Lake County**

Salt Lake City, *Congregation Mantejiore* (Jewish Synagogue TR), 355S. 300 East  
Salt Lake City, *Congregation Sharey Tzedek Synagogue* (Jewish Synagogue TR), 833 S. 200 East

**Sanpete County**

Manti, *Manti City Hall*, 191 N. Main

**Utah County**

Pleasant Grove, *Pleasant Grove Town Hall*, 107 S. 100 East  
Springville, *Reynolds, John T. and Henry T., Jr., House*, 101 E. 200 South

**Wasatch County**

Heber City, *Blackley, George, House*, 421 East 200 North

**Weber County**

Ogden, *Congregation B'rith Sholem Synagogue* (Jewish Synagogue TR), 2750 Grant

**VIRGINIA****Roanoke County**

Salem, *Williams-Brown House-Store* (Proposed Move), 523 East Main St.

**WEST VIRGINIA****Berkeley County**

Baker Heights vicinity, *Kearfott-Bone House*, SR 36/1  
Bunker Hill vicinity, *Morgan-Gold House*, SR 26

Gerrardstown vicinity, *Wilson, Mary Park, House*, SR 51/2.

Gerrardstown, *Hays-Gerrard House*, Congress St.

Hedgesville vicinity, *Hughes-Cunningham House*, Harlan Springs Rd.

Inwood vicinity, *Brown, Thomas, House*, CR 30

Martinsburg vicinity, *Seibert, Henry J., II, House*, Off W.VA 45

Shanghai vicinity, *DeHaven Joseph T., Log Cabin*, SR 7/14

Smoketown vicinity, *Rush-Miller House*, Off W.VA 45



**Grant County**

Petersburg, *Hermitage Motor Inn (South Branch MRA)*, Virginia Ave.

**Hampshire County**

Romney vicinity, *Kuykendall Polygonal Barn (Round and Polygonal Barns of West Virginia TR)*, River Rd.

**Hardy County**

Moorefield vicinity, *Meadows, The (South Branch MRA)*, US 220

Moorefield vicinity, *Oakland Hall (South Branch MRA)*, US 220

Moorefield vicinity, *Westfall Place (South Branch MRA)*, US 220

Moorefield vicinity, *Wilson-Kuykendall Farm (South Branch MRA)*, US 220

Moorefield, *Inskeep, P. W., House (South Branch MRA)*, W.VA 55

Moorefield, *Moorefield Historic District (South Branch Valley MRA)*, Portions of Main, Elm, Washington & Winchester Sts.

Old Fields vicinity, *Buena Vista Farms (South Branch MRA)*, US 220

Petersburg vicinity, *Hickory Hill (South Branch MRA)*, US 220

**Jackson County**

Silverton vicinity, *Rankin Octagonal Barn (Round and Polygonal Barns of West Virginia TR)*, CR 3

**Jefferson County**

Harpers Ferry, *Lee-Longworth House*, 1141 Washington St.

**Lewis County**

Camden vicinity, *St. Bernard Church and Cemetery*, Cty. Rds. 20/8 & 17/2

**Marion County**

Mannington vicinity, *Hamilton Round Barn (Round and Polygonal Barns of West Virginia TR)*, CR 11

**Mason County**

Point Pleasant, *Point Pleasant Historic District*, Main St. between 1st & 11th and Viand St. between 8th & 10th

**Monongalia County**

Morgantown, *Brown Building*, 295 High St.

Morgantown, *Monongalia County Courthouse*, 243 High St.

Morgantown, *Seneca Glass Company Building*, 709 Beechurst Ave.

**Monroe County**

Union, *Echols, Brigadier General John, House*, Elmwood & 2nd St. N.

**Pendleton County**

Brandywine vicinity, *Old Propst Church (South Branch MRA)*, CR 21/9

Franklin vicinity, *McCoy Mill (South Branch MRA)*, Johnstown Rd.

Franklin, *Franklin Historic District (South Branch Valley MRA)*, Roughly Main and High Sts.

Sugar Grove, *Bowers House (South Branch MRA)*, Brandywine-Sugar Grove Rd.

Upper Tract, *Cunningham-Hevener House (South Branch MRA)*, US 220

Upper Tract, *Pendleton County Poor Farm (South Branch MRA)*, US 220

**Preston County**

Masontown vicinity, *Ralphsnyder Decagonal Barn (Round and Polygonal Barns of West Virginia TR)*, CR 52/2

**Randolph County**

Elkins vicinity, *Elkins Round Barn (Round and Polygonal Barns of West Virginia TR)*, US 219

**WISCONSIN****Dane County**

Madison, *Agricultural Engineering Building*, 460 Henry Mall, University of Wisconsin Campus

[FR Doc. 85-14053 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-70-M

**Availability of Plan of Operations and Environmental Analysis for Continuing Operation of a Natural Gas Pipeline; Texas Eastern Transmission Corp., Padre Island National Seashore, TX**

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Texas Eastern Transmission Corporation a Plan of Operations for the purpose of continuing operation of a natural gas pipeline within Padre Island National Seashore, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Texas 78418. Copies of the document are available from Padre Island National Seashore and will be sent, upon request, to individuals or groups at a charge of \$7.30 per copy. The document is 73 pages in length.

Donald Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 85-14055 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-70-M

**Bureau of Reclamation**

**Proposed Draft Contract Available With the Central Utah Water Conservancy District; Proposed Draft Supplemental Repayment Contract Available, Bonneville Unit, Central Utah Project, Utah.**

In accordance with procedures established by the Department of the Interior concerning public participation in water service and repayment contract negotiations, the Bureau of Reclamation announces the availability of a draft supplemental repayment contract with

the Central Utah Water Conservancy District (CUWCD), Orem, Utah, to cover the increased costs of municipal and industrial (M&I) water to be developed by the Bonneville Unit of the Central Utah Project. Construction on the Bonneville Unit was initiated in fiscal year 1966. The contract is written pursuant to Reclamation Laws and authorized under the Act of Congress approved April 11, 1956 (70 Stat. 105).

The Bonneville Unit will provide 94,100 acre-feet of M&I water; 70,000 acre-feet for use in Salt Lake County, 20,000 acre-feet in northern Utah County, 3,600 acre-feet in southern Utah and Juab Counties, and 500 acre-feet in Duchesne County. The CUWCD entered into a repayment contract on December 28, 1965, amended April 15, 1966, with the United States to repay the costs associated with the Bonneville Unit. That contract provides for a repayment of about \$140,000,000 of costs associated with M&I water development.

Total estimated costs have increased due to inflation and other factors since the execution of that contract. Presently, a difference of about \$335,000,000 exists between estimated M&I construction costs repayable by the CUWCD and the repayment coverage in the 1965 contract.

The supplemental contract will provide for the repayment of the additional costs which will be incurred to deliver the full amount of M&I water. The new contract provisions will apply only to those costs to be repaid under the supplemental contract. The existing contract will remain in effect for repayment of the costs associated with the project irrigation water supplies and remaining M&I water costs.

The terms and conditions of the proposed contract were approved as to form by the CUWCD on May 9, 1985, but have not yet been approved by the Secretary of the Interior, which will be necessary before the contract is executed.

The public is invited to submit written comments on the form of the proposed contract not later than June 24, 1985. The Commissioner of Reclamation will review comments submitted. Based on the number, source, and nature of the comments, he will decide whether to hold a public hearing.

Requests for copies of the proposed contract and comments on the contract should be addressed to: Regional Director, Bureau of Reclamation, Attention: 440, P.O. Box 11568, Salt Lake City, Utah 84147.



Dated: June 6, 1985.

Robert A. Olson,

Acting Commissioner of Reclamation.

[FR Doc. 85-14070 Filed 6-10-85; 8:45 am]

BILLING CODE 4310-09-M

## INTERSTATE COMMERCE COMMISSION

[Docket Nos. AB-6 (Sub-256X), and AB-236 (Sub-2S)]

### Rail Carriers; Burlington Northern Railroad Co.; Abandonment Camas Prairie Railroad Co.; Discontinuance of Service Exemption; Idaho County, ID

The Burlington Northern Railroad Company (BN) and Camas Prairie Railroad Company (CP) have filed a notice of exemption under 49 CFR Part 1152, Subpart F—*Exempt Abandonments and Discontinuance of Service and Trackage Rights*. CP will discontinue service over, and BN will abandon, its 1.9 mile line of railroad between milepost 61.0 near Kooskia and milepost 62.9 near Stites, in Idaho County, ID.

Applicants have certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or a U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective July 11, 1985, (unless stayed pending reconsideration). Petitions to stay must be filed by June 21, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by July 1, 1985, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Peter M. Lee, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: June 5, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-14005 Filed 6-10-85; 8:45 am]

BILLING CODE 7035-01-M

### Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Ray Houser (202) 275-6723. Comments regarding this information collection should be addressed to Ray House, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395-7340.

Type of Clearance—Revision

Bureau/Office—Office of Proceedings

Title of Form—Application for

Certificates of Registration for certain

Motor Carriers of Property under

Section 10530 of the IC Act.

OMB Form No.—3120-0124

Agency Form No.—OP-2

Frequency—Annual

Respondents—Foreign motor carriers of Property

No. of Respondents—5,000

Total Burden Hrs.—5,000

James H. Bayne,

Secretary.

[FR Doc. 85-13983 Filed 6-10-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-249X]

### Rail Carriers; the Mobile and Gulf Railroad Co.; Abandonment and Discontinuance of Operations Exemption in Tuscaloosa County, AL

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a line of railroad between milepost 21 north of the Brown Wood Preserving Company Yard near Brownsville and milepost 32 near Buhl, in Tuscaloosa County, AL.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that no overhead traffic moves over the line, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective July 24, 1985 (unless stayed pending reconsideration). Petitions to stay must be filed by July 4, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by July 15, 1985 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Frederick G. Heath, P.O. Box 14234, 5200 Crittenden Drive, Louisville, KY 40214.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: June 5, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-13984 Filed 6-10-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-131 (Sub-1)]

### Yakima Valley Transportation Co.—Abandonment—in Yakima County, WA; Notice of Findings

The Commission has issued a certificate authorizing Yakima Valley Transportation Company to abandon its 19.92-mile rail line between Wide Hollow (milepost 0.00) and Wiley City (milepost 4.72); between Eastman (milepost 0.00) and Orchard (milepost 1.04); between Yakima (milepost 0.00) and Selah (milepost 4.46); and between Yakima (milepost 0.00) and Henrybro



(milepost 9.7), in Yakima County, WA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.

James H. Bayne,

Secretary.

[FR Doc. 85-14002 Filed 6-10-85; 8:45 am]

BILLING CODE 7035-01-M

#### Commission Reorganization Proposal; Hearing

Time and Date: 9:00 a.m., Tuesday, June 18, 1985.

Place: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Ave., NW., Washington, D.C. 20423.

Status: Open Special Conference.

Matter to be discussed: Commission Reorganization Proposal.

Contact person for more information: Robert R. Dahlgren, Office of Public Affairs, Telephone: (202) 275-7252.

James H. Bayne,

Secretary.

[FR Doc. 85-14039 Filed 6-10-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-52 Sub-37]<sup>1</sup>

#### Rail Carriers; the Atchison, Topeka and Santa Fe Railway Co.—Abandonment—in Douglas and Franklin Counties, KS; Findings

The Commission has found that the public convenience and necessity

require or permit The Atchison, Topeka and Santa Fe Railway Company to abandon its 11.09-mile line of railroad between Baldwin (milepost 14.95) and Ottawa (milepost 26.04) in Douglas and Franklin Counties, KS. A certificate will be issued authorizing abandonment within 15 days after publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA."

Information and procedures regarding financial assistance for continued rail service are set forth at 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 85-14003 Filed 6-10-85; 8:45 am]

BILLING CODE 7035-01-M

#### DEPARTMENT OF LABOR

##### Employment and Training Administration

##### Trade Adjustment Assistance for Workers; General Administration Letter No. 10-85

Public Law 98-369—the Deficit Reduction Act of 1984—amended the Trade Act of 1974 to enable workers to receive up to 26 additional weeks of trade readjustment allowance (TRA) by beginning the additional 26-week period with the first week the worker is in training, if such training was applied for in a timely manner and is approved after the last week of basic TRA entitlement, and to increase the maximum amount payable for job search allowance and maximum lump sum amount payable for relocation allowances from \$600 to \$800. The amendments became effective July 18, 1984. The Department of Labor has issued operating instructions to all State employment security agencies for implementing the amendments in Pub. L. 98-369. The instructions are contained in General Administration Letter No. 10-85, which is published below:

Dated: June 5, 1985.

Frank C. Casillas,

Assistant Secretary of Labor.

Dated: May 23, 1985.

Directive: General Administration Letter No. 10-85

To: All State Employment Security Agencies

From: Barbara Ann Farmer, Acting Administrator, Office of Regional Management

Subject: Role of State Employment Security Agencies in Implementing Amendments to The Trade Act of 1974 in the Deficit Reduction Act of 1984

1. *Purpose.* To advise SESA officials to implement amendments to the Trade Act in sections 2671 and 2672 of the Deficit Reduction Act of 1984 (Pub. L. 98-369) according to the following operating instructions.

2. *Reference.* Trade Act of 1974 (Pub. L. 93-618), Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), Deficit Reduction Act of 1984 (Pub. L. 98-369).

3. *Background.* The Trade Act of 1974, as amended, provides adjustment assistance in the form of reemployment services, training, job search and relocation allowances and trade readjustment allowance (TRA) cash benefits to workers whose unemployment is linked to increased imports of foreign made products.

Sections 2671 and 2672 of the District Reduction Act, enacted on July 18, 1984, amended the Trade Act (1) to enable workers to receive up to 26 additional weeks of TRA by beginning the additional 26-week period with the first week the worker is in training, if such training was applied for in a timely manner and is approved after the last week of basic TRA entitlement, and (2) to increase the maximum amount payable for job search allowances and maximum lump sum amount payable for relocation allowances from \$600 to \$800.

4. *Effective Date.* These amendments to Chapter 2—Adjustment Assistance for Workers, of Title II of the Trade Act of 1974 became effective July 18, 1984.

5. *Basic Provisions of the New Amendments.*

(a) *Duration of TRA.* Section 233 (a)(3) of the Trade Act of 1974, is revised to permit workers to receive up to 26 additional weeks of TRA payments in the 26-week period that begins with the first week or such training, if the training is approved after the last week of entitlement to basic TRA otherwise payable to the individual.

To be eligible under this provision an individual must make a bona fide application for such training within 210 days after the certification under which the individual is covered or, if later, within 210 days after the date of the individual's first total or partial separation.

To be eligible to receive additional weeks to TRA beginning the first week of such training a worker must have filed a bona fide application for training and additional weeks of TRA on or after December 18, 1983, and had the application approved on or after July 18, 1984.

(b) *Job Search Allowance.* The total job search allowances paid to an individual under a certification may not exceed \$800

<sup>1</sup> This notice was inadvertently published at 50 FR 21515 May 24, 1985, in advance of the service of the Commission's decision. The allotted 10 day period should be calculated instead from this current publication.



(previously \$600) providing the individual filed a timely application for job search allowance that is approved on or after July 18, 1984. The total allowances approvable before that date may not exceed \$600.

(c) *Relocation Allowance.* The lump sum payment for relocation, equal to 3 times the individual's average weekly wage, may not exceed \$800 (previously \$600) providing the worker filed timely for relocation allowance that is approved on or after July 18, 1984.

8. *Action Required.* SESAs should implement the amendments to the Trade Act in sections 2671 and 2672 of the Deficit Reduction Act of 1984, immediately by taking the following actions:

(a) Inform appropriate SESA staff of these changes to the Trade Act.

(b) Notify all TAA eligible workers who might be affected by the changes of the provisions of the new legislation and the potential impact on their TRA benefits while in training and on job search and relocation allowances payable.

(c) Issue appropriate releases to the news media.

(d) Make necessary adjustments in benefits payable.

7. *Regulations.* Supplemental proposed rule to 20 CFR Part 635, implementing the Deficit Reduction Act amendments to the Trade Act, was published in the *Federal Register* on April 15, 1985 (FR Vol. 50, No. 72, page 14720). A copy of the proposed rule is attached.

Regulations published in the *Federal Register* as a final rule will take precedent over this GAO.

8. *Inquiries.* Inquiries should be directed to appropriate regional offices.

9. *Attachment.* Copy of supplemental proposed rule described in 7 above.

Note.—Attachment not reprinted with this notice.

[FR Doc. 85-14050 Filed 6-10-85; 8:45 am]

BILLING CODE 4510-30-M

#### Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period May 27, 1985-May 31, 1985.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-15,773; *Allied Corp., Bendix Chassis & Brake Component Division, South Bend Plant, South Bend, IN*

In the following case the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-15,787; *Wallace International Silversmith, Inc., Meriden, CT*

Wallace International Silversmith, Inc., Meriden, CT was a distribution center and was not engaged in the production of a article. The subject firm is not affiliated with any corporate facilities which have workers who are currently under a certification for trade adjustment assistance.

#### Affirmative Determinations

TA-W-15,792; *Chambersburg Manufacturing, Chambersburg, PA*

A certification was issued covering all workers of the firm separated on or after August 1, 1984 and before April 1, 1985.

TA-W-15,826; *Double-Z Knitwear Corp., Ridgewood, NY*

A certification was issued covering all workers of the firm separated on or after March 12, 1984.

TA-W-15,783; *Tommies, Inc., Staunton, VA*

A certification was issued covering all workers of the firm separated on or after February 4, 1984.

TA-W-15,774; *Airco Carbon, St Marys, PA*

A certification was issued covering all workers of the firm separated on or after June 1, 1984.

TA-W-15,621; *Riegel Textile Corp., Ware Shoals, SC*

A certification was issued covering all workers of the firm separated on or after November 26, 1983.

TA-W-15,733; *Montgomery Manufacturing Co., Montgomery, PA*

A certification was issued covering all workers of the firm separated on or after January 17, 1984 and before February 14, 1985.

TA-W-15,734; *E. F. Manufacturing Co., Montgomery, PA*

A certification was issued covering all workers of the firm separated on or after January 17, 1984 and before February 14, 1985.

TA-W-15,785; *Riegel Textile Corp., Johnston, SC*

A certification was issued covering all workers of the Whitmire, SC plant of Riegel Textile Corp. and all workers engaged in employment related to the production of institutional products (table cloths, napkins and bath towels) at the Johnston, SC plant of Riegel Textile Corp., who were separated on or after February 25, 1984.

TA-W-15,786; *Riegel Textile Corp., Whitmire, SC*

A certification was issued covering all workers of the Whitmire, SC plant of Riegel Textile Corp. and all workers engaged in employment related to the production of institutional products (table cloths, napkins and bath towels) at the Johnston, SC plant of Riegel Textile Corp., who were separated on or after February 25, 1984.

I hereby certify that the aforementioned determinations were issued during the period May 27, 1985-May 31, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. during normal business hours or will be mailed to persons who write to the above address.

Dated June 4, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-13680 Filed 6-10-85; 8:45 am]

BILLING CODE 4510-30-M

#### Mine Safety and Health Administration

[Docket No. M-85-52-C]

#### Kaiser Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Kaiser Coal Corporation, 102 South Tejon, Suite 800, Colorado Springs, Colorado 80903 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Upper York Canyon Mine (I.D. No. 29-00224) located in Colfax County, New Mexico. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that entries used as intake



and return air courses be separated from belt haulage entries.

2. Petitioner uses a longwall mining system. Petitioner states that the standard requires the use of a 3-entry longwall panel development system which would result in a diminution of safety because use of the 3-entry system will introduce significantly greater roof exposure, increased roof falls, excessive chain pillar loading and rib roll hazards.

3. As an alternate method, petitioner proposes to use a 2-entry longwall panel development system, with the belt entry doubling as an air return. This 2-entry development will ensure better strata control and safer mining conditions than multiple-entry systems because it results in lower stresses in pillars and areas adjacent to the entries.

4. In support of the proposed alternate method, petitioner proposes to install a remote monitoring system for carbon monoxide and methane at certain locations in the belt entry with specified conditions as outlined in the petition.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

#### Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 11, 1985. Copies of the petition are available for inspection at that address.

Dated: June 5, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 85-14052 Filed 6-10-85; 8:45 am]

BILLING CODE 4510-43-M

#### Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 85-105; Exemption Application No. D-5544 et al.]

#### Grant of Individual Exemptions; Simpson Manufacturing Co., Inc., et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the

Internal Revenue Code of 1954 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Simpson Manufacturing Co., Inc. Profit Sharing Plan (the Plan), Located in San Leandro, California

[Prohibited Transaction Exemption 85-105; Exemption Application No. D-5544]

#### Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the leasing of real property located

at 1450-1532 Doolittle Drive, San Leandro, California, by the Plan to Simpson Strong-Tie Company, Inc. and Simpson Structures, Inc., under the terms described in the notice of proposed exemption, provided such terms are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party; and (2) the continuation beyond June 30, 1984, of a loan to the Plan by Bank of America, N.T. & S.A., provided the terms of the loan are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 17, 1985 at 50 FR 15242.

Effective Dates: This exemption is effective from December 4, 1984 through December 31, 1987 as to the lease, and effective July 1, 1984 as to the loan.

For Further Information Contact: Mr. Gary Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Paint America Company Employees' Profit Sharing Plan (the Plan) Located in Dayton, Ohio

[Prohibited Transaction Exemption 85-105; Exemption Application No. D-5548]

#### Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply, effective January 1, 1975, to the lease of an improved parcel of real property (the Property) entered into on October 1, 1974, by the Plan to Paint America Company, the sponsor of the Plan, provided that the terms and conditions of the lease were not less favorable to the Plan than those terms available in a transaction with an unrelated party. The lease was entered into before the effective date of the Act but after July 1, 1974, the date specified in the transitional rules under sections 414 and 2003 of the Act.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 9, 1985 at 50 FR 14045.

Effective Date: This exemption is effective January 1, 1975 through June 25, 1982, the date of the sale of the Property by the Plan.



For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**Raleigh Medical Group, P.A. Profit Sharing Plan (the Plan) Located in Raleigh, North Carolina**

[Prohibited Transaction Exemption 85-107; Exemption Application No. D-5935]

**Exemption**

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (A) of the Code, shall not apply to the sale by the Plan of a parcel of unimproved real property (the Property) to BEDB Realty Associates, a partnership which is a party in interest with respect to the Plan, provided that the price received is no less than the fair market value of the Property on the date of such sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 17, 1985 at 50 FR 15249.

For Further Information Contact: Mr. Ronald Willett of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

**Dow Chemical Company Voluntary Group Accident Plan (the Plan) Located in Midland, Michigan**

[Prohibited Transaction Exemption 85-108; Exemption Application No. D-6057]

**Exemption**

The restrictions of section 406(a) and (b) of the Act shall not apply effective October 1, 1984, to the reinsurance of risks and the receipt of premiums therefrom by Dorinco Reinsurance Company (Dorinco) from the insurance contracts sold by American Home Assurance Company to provide benefits to employees of Dorinco and the Dow Chemical Company under the Plan, provided the conditions set forth in the notice of proposed exemption are satisfied.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 17, 1985 at 50 FR 15250.

**Effective Date:** This exemption is effective October 1, 1984.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

**General Information**

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408 (a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1) (B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC., this 6th day of June, 1985.

**Elliot I. Daniel,**

*Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.*

[FR Doc. 85-14037 Filed 6-10-85; 8:45 am]

BILLING CODE 4510-29-M

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**Humanities Panel; Meeting**

**AGENCY:** National Endowment for the Humanities, NFAH.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is

hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

Date: July 1-2, 1985.

Time: 9:00 a.m. to 5:00 p.m.

Room: 430

Program: This meeting will review Challenge Grants applications from Public Libraries, for projects beginning after December 1, 1985.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 788-0322.

**Stephen J. McCleary,**  
*Advisory Committee Management Officer.*

[FR Doc. 85-14004 Filed 6-10-85; 8:45 am]

BILLING CODE 7538-01-M

**NATIONAL SCIENCE FOUNDATION**

**Advisory Committee for Polar Programs; Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Polar Programs.

Date and time: June 26, 1985, 8:30 a.m.-8:00 p.m.; June 27, 1985, 8:30 a.m.-5:00 p.m.; June 28, 1985, 8:30 a.m.-12 noon.



Place: National Science Foundation, 1800 G Street, NW, Room 543, Washington, D.C.

Type of meeting: Closed—June 26, 10:30 a.m.–8:00 p.m.; June 27, 8:30 a.m.–11:30 a.m.; Open—June 28, 1985, 8:30 a.m.–10:30 a.m.; June 27, 12:30 p.m.–5:00 p.m.; June 28, 8:30 a.m.–12 noon.

Contact person: Dr. Peter E. Wilkiss, Division Director, Division of Polar Programs, Room 620, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357-7766.

Purpose of committee: Serves to provide expert advice to the U.S. Antarctic Program and the Arctic Program, including advice on polar operations support, budgetary planning, polar coordination and information and science programs.

#### Agenda:

##### June 26

- 8:30 a.m.–10:30 a.m. NSF and DPP Affairs.
- 10:30 a.m.–8:00 p.m. Review of Polar Biological Sciences Program.

##### June 27

- 8:30 a.m.–11:30 a.m. Review of Polar Biological Sciences Program.
- 12:45 p.m.–1:15 p.m. Progress Report on the Arctic Research and Policy Act.
- 1:15 p.m.–2:15 p.m. Preview of Arctic Summer Projects and the Next Antarctic Field Season.
- 2:15 p.m.–3:00 p.m. Report on the Upcoming Major Review of the U.S. Antarctic Program.
- 3:15 p.m.–5:00 p.m. Discussion of DPP Questions to Division Advisory Committee.

##### June 28

- 8:30 a.m.–10:30 a.m. Future directions for polar research and the roles of DPP and the Advisory Committee.
- 10:45 a.m.–12:00 noon Other Business.

Reason for closing: The meeting will deal with a review of grants and declinations in which the Committee will review materials containing the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This meeting will also include a review of peer review documentation pertaining to applicants. Any non-exempt materials that may be discussed at this meeting (proposals that have been awarded) will be inextricably intertwined with the discussion of exempt materials and no further separation is practical. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), the Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10 (d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

Summary minutes: May be obtained from Contact Person.

Dated: June 6, 1985.

M. Rebecca Winkler,  
Committee Management Officer.

[FR Doc. 85-14018 Filed 6-10-85; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-341]

### Detroit Edison Co. (Enrico Fermi Unit 2); Receipt of Request for Action Under 10 CFR 2.206

Notice is hereby given that by letter received April 17, 1985, Stanley Nietubicz requested that the Nuclear Regulatory Commission institute legal action to rectify the alleged lack of viable evacuation routes under flood conditions for certain areas near the Enrico Fermi Unit 2 facility. The letter is being handled as a request for action pursuant to 10 CFR 2.206 and, accordingly, appropriate action will be taken on the petition within a reasonable time.

Copies of the petition are available for public inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the local public document room at the Monroe County Library, Reference Department, 3700 South Custer Road, Monroe, Michigan 41861.

Dated at Bethesda, Maryland, this 5th day of June, 1985.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement

[FR Doc. 85-14033 Filed 6-10-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413 and 50-414]

### Duke Power Co. (Catawba Nuclear Station, Units 1 and 2); Issuance of Director's Decision Under 10 CFR 2.206 (DD-85-9)

Notice is hereby given that the Director, Office of Inspection and Enforcement, has granted in part and denied in part a petition under 10 CFR 2.206 filed by Robert Guild on behalf of the Palmetto Alliance and a request by the Government Accountability Project (GAP) for imposition of civil penalties. In its petition, the Palmetto Alliance asked the Director, Office of Inspection and Enforcement, to suspend or revoke the construction permits for Duke Power Company's Catawba Nuclear Station and to take other appropriate action on the basis of violations of Appendix B to 10 CFR Part 50 and instances of harassment and intimidation of quality control inspectors. GAP requested imposition of \$250,000 in civil penalties on the basis of the harassment and intimidation incidents.

The staff has determined that a violation of 10 CFR 50.7 occurred and

that a \$64,000 civil penalty should be proposed. However, the Palmetto Alliance request to suspend or revoke the construction permits for the Duke Power Company's Catawba Nuclear Station and GAP's request for larger civil penalties have been denied. The reasons for this decision are fully described in the "Director's Decision Under 10 CFR 2.206" issued on this date, which is available for public inspection in the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room for the Catawba Nuclear Station at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730.

Dated at Bethesda, Maryland, this 4th of June 1985.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

[FR Doc. 85-14032 Filed 6-10-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-482]

### Kansas Gas and Electric Co. et al.; Wolf Creek Generating Station, Unit No. 1; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission or NRC), has issued Facility Operating License No. NPF-42 to Kansas Gas & Electric Company, Kansas City Power & Light Company and Kansas Electric Power Cooperative, Inc. (the licensees) which authorizes operation of the Wolf Creek Generating Station, Unit No. 1 at reactor core power levels not in excess of 3,411 megawatts thermal in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan.

The issuance of this license was approved by the Nuclear Regulatory Commission at a meeting on June 3, 1985, and it superseded the License for Fuel Loading and Low Power Testing, License No. NPF-32, issued on March 11, 1985.

License No. NPF-42 incorporates changes to the technical specifications that were made subsequent to the issuance of NPF-32 and supersedes NPF-32.

Wolf Creek Generating Station, Unit No. 1 is a pressurized water reactor located approximately 28 miles east-southeast of Emporia, in Coffey County, Kansas. The application was submitted and accepted for review under the



Commission's standardization policy statement of March 5, 1973. Kansas Gas & Electric Company was one of five utilities who joined together under the acronym SNUPPS (Standardized Nuclear Unit Power Plant System) to submit applications for Construction Permits for a standard plant design for review under the Commission's standardization policy, using the duplicate plant option described in Appendix N to the Commission's regulations in Part 50 of Title 10 of the Code of Federal Regulations (10 CFR Part 50), "Licensing of Production and Utilization Facilities." This option allows for a simultaneous review of the safety-related parameters of a limited number of duplicate plants which are to be constructed within a limited time span at a multiplicity of sites. The license is effective as of the date of issuance.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the Federal Register on December 8, 1980 (45 FR 83360).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. NPF-42, with Technical Specifications (NUREG-1136) and the Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards, dated May 11, 1982; (3) the Commission's Safety Evaluation Report, dated April 1982 (NUREG-0881), and Supplements 1 through 6; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Environmental Report and supplements thereto; and (6) the Final Environmental Statement, dated June 1982.

These items are available for inspection at the Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C. 20555, and at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801; and at the Washburn University School of Law Library, Topeka, Kansas.

A copy of Facility Operating License NPF-42 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and Supplements 1 through 6 (NUREG-0881) and the Final Environmental Statement (NUREG-0878) may be ordered by calling (202) 275-2060 or (202) 275-2171 or by writing to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, D.C. 20013-7082. All orders should clearly identify the NRC publication number and the requester's GPO deposit account, VISA or Mastercard number and expiration date. Anyone wishing to inquire about a subscription account or subscribe to a periodic NRC publication may do so by calling GPO at (202) 783-3238. The NRC will continue to participate in the National Technical Information Service Program and individuals or organizations may continue to purchase NRC documents at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 4th day of June, 1985.

For the Nuclear Regulatory Commission,  
B. J. Youngblood,  
Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 85-14034 Filed 6-10-85; 8:45 am]  
BILLING CODE 7590-01-M

#### [Docket No. 50-275]

#### **Pacific Gas and Electric Co. Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-80 issued to the Pacific Gas and Electric Company, the licensee, for the operation of the Diablo Canyon Nuclear Power Plant, Unit 1 located in San Luis Obispo, California.

In accordance with the licensee's application dated May 14, 1985, which encompasses requests dated January 30, 1985, April 12, 1985, and April 24, 1985, the proposed change would revise the Diablo Canyon Unit 1 Technical Specifications to incorporate new and additional Radiological Effluent Technical Specifications (RETS) to meet the intent of the NRC Staff position

presented in NUREG-0472, "Standard Radiological Effluent Technical Specifications for Pressurized Water Reactors," and to upgrade provisions to implement the requirements of 10 CFR Part 50, Appendix I.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the proposed changes do not involve significant hazards considerations. In this regard, the Commission has provided guidance concerning the application of standards for determining whether or not a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments considered not likely to involve significant hazards considerations. Example (ii) relates to changes that constitute additional restrictions or control not presently included in the Technical Specifications; for example, a more stringent surveillance requirement. The proposed changes are similar to this example. On this basis, it is proposed that these changes do not involve significant hazards considerations. The following is a description of the proposed changes and how each is similar to one of the examples of 48 FR 14870.

When Diablo Canyon, Unit 1 was licensed it conformed with the guidance provided relative to Appendix I to 10 CFR 50. Subsequent refinement of that guidance required that Diablo Canyon, Unit 2 Technical Specifications be consistent with present day guidance. In order that the Technical Specifications for both Units be consistent in this area, PG&E requested that the Unit 1 RETS be upgraded to those previously approved for Unit 2. The proposed change would update the Technical Specifications by defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose,



and treatment of liquid, gaseous, and solid waste; total dose; and a radiological environmental monitoring that consists of a monitoring program, a land use census, and an interlaboratory comparison program. The proposed changes also include the bases that support the operation and surveillance requirements. Changes in administrative controls, specifically with the process control program and the offsite dose calculation procedure, are also proposed.

The changes are consistent with the revision to Appendix I to 10 CFR Part 50, requiring licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonable achievable. In complying with this requirement it became necessary to add the new restrictions and controls to the Technical Specifications as described above. This proposed change is similar to example (ii) of 45 FR 14870 in that the proposed change provides additional restrictions and controls not presently included in the Technical Specifications. On this basis, the NRC proposes to determine that the change does not involve a significant hazards consideration since the changes incorporate addition of restrictions and controls that are not currently included in the Technical Specifications to meet the Commission-mandated "as low as is reasonably achievable" effluent release objectives.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

By July 11, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's Rule of Practice for Domestic Licensing Proceedings in 10 CFR Part 2. If a request for a hearing

or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceedings; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those admitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The

final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards determination, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to G. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to Philip A. Crane, Esq., Richard F. Locke, Esq., Pacific Gas & Electric Company, P.O. Box 7442, San Francisco, California 94120 and to Bruce Norton, Esq., Norton, Burke, Berry and



French, P.O. Box 10679, Phoenix, Arizona 85064.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. The determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the applications for amendment dated January 30, April 12 and 24, and May 14, 1985 which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Bethesda, Maryland, this 5th day of June, 1985.

For the Nuclear Regulatory Commission,  
George W. Knighton,  
Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 85-14036 Filed 6-10-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-602]

### The University of Texas; Issuance of Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Construction Permit No. CPRR-123 to The University of Texas (the applicant) located in Austin, Texas. The permit authorizes the applicant to construct a TRIGA research reactor at its Balcones Research Center in Austin, Texas. If an operating license is granted by the Commission upon completion of construction, the facility is intended to be operated at power levels not in excess of 1.1 megawatt thermal and will be used for educational training and research purposes. The construction permit is effective as of its date of issuance. The earliest date for completion of the construction of the facility is June 30, 1987 and the latest date for completion of this activity is December 31, 1988.

Notice of proposed issuance of the permit was published in the Federal

Register on March 29, 1985 at (50 FR 12669). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permit. The application, as supplemented for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

A copy of (1) the application, dated November 9, 1984, as supplemented, filed by The University of Texas, (2) Construction Permit No. CPRR-123, (3) the Commission's concurrently issued Safety Evaluation Report, and (4) the Finding of No Significant Environmental Impact which was published in the Federal Register on May 30, 1985 at 50 FR 23088, and associated Environmental Assessment, dated May 13, 1985, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. A copy of the Safety Evaluation Report (NUREG-1135) may be purchased by writing the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, D.C. 20013-7982 or by calling (202) 275-2060 or (202) 275-2171.

The construction permit is effective as of its date of issuance.

Dated at Bethesda, Maryland, this 4th day of June 1985.

For the Nuclear Regulatory Commission,  
Hugh L. Thompson, Jr.,  
Director, Division of Licensing.

[FR Doc. 85-14035, Filed 6-10-85; 8:45 am]

BILLING CODE 7590-01-M

### POSTAL SERVICE

#### Notice of Intent To Prepare a Draft Environmental Impact Statement and Project Scoping Hearing

Notice is hereby given that the United States Postal Service (USPS) intends to prepare a Draft Environmental Impact Statement (DEIS) Documenting the assessment of effects related to development of a new General Mail Facility (GMF) to supplement or replace certain existing mail processing facilities in Manhattan. Also evaluated will be: A "No-Action" alternative in which the James A. Farley Station at 8th Avenue and 31st/33rd Streets will be retained for mail processing; and a "Rehabilitation" alternative involving

renovation of the Farley Station and its retention for mail processing.

In conjunction with this intention to prepare a DEIS, the USPS will hold a project scoping public hearing on June 26, 1985 at 7:00 p.m. at the Church of the Holy Apostles, 360 West 28th Street, in Manhattan. The purpose of this hearing is to obtain public comments leading to the preparation of the aforementioned DEIS for the new GMF and alternatives.

For further information about the proposed action and the environmental document, call or write to: Blair L. Wildermuth, P.E., Regional Director, Real Estate and Buildings Department, Northeast Region—U.S. Postal Service, 1633 Broadway—20th Floor, New York, New York 10098, (212) 974-8522.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 85-13995 Filed 6-10-85; 8:45 am]

BILLING CODE 7710-12-M

### SMALL BUSINESS ADMINISTRATION

[Application No. 02/02-0487]

#### Atlantic Capital Corp.; Notice of Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to Section 107.102 of the SBA Regulations governing small business investment companies [13 CFR 107.102 (1985)] under the name of Atlantic Capital Corporation (the Applicant), 40 Wall Street, New York, New York 10005 for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and sole stockholder of the Applicant are as follows:

#### Name, Address, Title and Relationship

Barthold von Ribbentrop, 133 East 64th Street, New York, NY 10022; Chairman of the Board and Director  
Harold Paumgarten, 298 Hicks Street, Brooklyn, NY 11201; President and Director  
Owen W. Jaeger, 179 Howard Avenue, Rockville Center, NY 11570; Vice President, Secretary, Treasurer and Director  
Deutsche Bank Capital Corp. (DBCC), 40 Wall Street, New York, NY 10005; 100% Stockholder



DBCC, a New York Corporation, is a wholly-owned subsidiary of Deutsche Bank AG, a bank in the Federal Republic of Germany.

The Applicant will begin operations with a capitalization of \$4,975,000.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this notice, submit to SBA in writing relevant comments on the proposed licensing of this company. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in the New York City area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 4, 1985.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 85-13977 Filed 6-10-85; 8:45 am]

BILLING CODE 8025-01-M

### Region III Advisory Council; Public Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Washington, D.C., will hold a public meeting at 2:00 p.m., on Thursday, June 27, 1985, at the SBA Washington District Office, 1111 18th Street, N.W., Room 404, Washington, D.C. to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Janice E. Wolfe, District Director, U.S. Small Business Administration, 1111 Eighteenth Street, N.W., Washington, D.C. 20417, (202) 643-1805.

Jean M. Nowak,

Director, Office of Advisory Councils.

June 5, 1985.

[FR Doc. 85-13978 Filed 6-10-85; 8:45 am]

BILLING CODE 8025-01-M

### DEPARTMENT OF STATE

[CM-8/859]

#### Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Subcommittee on Food, Hunger, and Agriculture in Developing Countries of the Advisory Committee on International Investment, Technology, and Development on June 25, 1985 from 1:30 pm to 4:30 pm. The meeting will be held in Room 1408 of the Department of State, 2201 "C" Street, N.W., Washington, D.C., 20520.

The purpose of the meeting will be: (1) Report of the Coordinating Group on development of a work plan; presentation of a proposed framework for recommendations; and discussion. (2) Presentation of the results of a survey of subcommittee membership concerning their overseas investment experience (obstacles, incentives, the role of U.S. embassies).

Members of the public wishing to attend must contact the Office of Investment Affairs (202) 632-2728 in order to arrange admittance to the State Department. Please use the "C" street entrance.

The Chairperson of the Subcommittee will, as time permits entertain oral comments from members of the public at the meeting.

Dated: May 28, 1985.

Walter B. Lockwood, Jr.,

Deputy Director, Office of Investment Affairs.

[FR Doc. 85-14019 Filed 6-10-85; 8:45 am]

BILLING CODE 4710-07-M

### DEPARTMENT OF TRANSPORTATION

#### Federal Highway Administration

#### Environmental Impact Statement: Allegany County, MD; Notice of Intent; U.S. Route 48

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplemental environmental impact statement is being prepared for the proposed National Freeway section (approximately 19 miles) between Wolfe Mill and M.V. Smith Roads in Allegany County, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Terry, Jr., Field Operations Engineer, Federal Highway Administration, The Rotunda, Suite 220,

711 W. 40th St., Baltimore, Maryland 21211, telephone 301/962-4010, and/or Mr. Louis Ege, Acting Chief, Bureau of Project Planning, Maryland State Highway Administration, 707 North Calvert St., Room 310, Baltimore, Maryland 21202, telephone 301/659-1130.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation, with the Maryland State Highway Administration, is preparing a supplemental environmental impact statement to develop an acceptable alternate to complete the final 19 mile gap of the 111 mile long National Freeway extending from Morgantown, West Virginia to Hancock, Maryland.

Two alternates, Modified AGEA and Tie Line, are under consideration.

The modified AGEA alignment generally follows existing U.S. Route 40 from Wolfe Mill to M.V. Smith Road. The Tie Line Alternate generally follows the AGBF2 alignment from Wolfe Mill to Town Creek. AGBF2, presented in the Draft EIS, was an alignment on new location south of existing U.S. Route 40. On reaching Town Creek, the Tie Line Alternate turns north through Town Creek Valley and connects with Modified AGEA on Polish Mountain, following Modified AGEA to M.V. Smith Road.

Two public meetings and several scoping meetings have recently been held. A public hearings will also be held after circulation of the Draft EIS. A public notice will give the time and place of the public hearing, and individual notices will be sent to those agencies, groups and individuals on the mailing list. The Supplemental Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposal are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties.

(Catalog of Federal Domestic Assistance Program Number 20.025, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.)

Issued on: June 4, 1985.

Emil Elinsky,

Division Administrator, Baltimore, Maryland.

[FR Doc. 85-14020 Filed 6-10-85; 8:45 am]

BILLING CODE 4910-22-M



**Research and Special Programs Administration**

[Docket No. NPDA-2]

**City of New York; Application for Non-Preemption Determination**

**AGENCY:** Research and Special Programs Administration, Materials Transportation Bureau, DOT.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the procedural requirement set forth at 49 CFR 107.219(d), the Materials Transportation Bureau (MTB) hereby serves notice of the fact that it has received all substantive information it considers necessary to process New York City's application for a non-preemption determination (docket no. NPDA-2). As set forth at 49 CFR 107.223, if the MTB fails to take action on docket no. NPDA-2 within ninety (90) days of publication of this Notice, New York City may treat its application as having been denied in all respects and may appeal therefrom as provided in § 107.225.

**FOR FURTHER INFORMATION CONTACT:** Elaine Economides, Office of Chief Counsel, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590 (Tel: 202/755-4972).

Signed in Washington, DC on June 6, 1985.  
**Alan I. Roberts,**  
*Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.*  
 [FR Doc. 85-14058 Filed 6-10-85; 8:45 am]  
**BILLING CODE 4910-60-M**

**Hazardous Materials; Applications for Exemptions**

**AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, DOT

**ACTION:** List of applicants for exemptions.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemption from the Department of Transportation's Hazardous Materials Regulations (49

CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

**DATES:** Comment period closes July 12, 1985.

Address comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

**FOR FURTHER INFORMATION CONTACT:** Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

**NEW EXEMPTIONS**

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9436-N	Union Carbide Corp., Danbury, CT	49 CFR 173.315(a)(1)	To manufacture, mark, sell and ship non-DOT specification 11,000 gallon capacity portable tanks for shipment of refrigerated liquid helium (cryogenic liquid). (Modes 1, 3.)
9439-N	Unitek Environmental Services, Inc., Honolulu, HI	49 CFR 173.1015(a)	To authorize shipment of lithium batteries for disposal to be transported by cargo vessel. (Mode 3.)
9440-N	Hoover Universal, Inc., Beatrice, NE	49 CFR Part 173, Subpart D, F	To manufacture, mark and sell non-DOT specification 350 gallon capacity polyethylene portable tanks within a protection steel frame, for shipment of various flammable and corrosive liquids. (Modes 1, 2, 3.)
9441-N	Amtrol, Inc., West Warwick, RI	49 CFR 173.306(g)(1)	To authorize shipment of compressed air and nitrogen, nonflammable gases in water pump system tanks having a diameter of 26 inches. (Modes 1, 2, 3.)
9443-N	Hercules Inc., Wilmington, DE	49 CFR 173.92(b)	To authorize shipment of class B rocket motors with igniters installed. (Modes 1, 3, 4.)
9444-N	Champion Chemicals, Inc., Houston, TX	49 CFR 173.28(m)(1)	To authorize reuse of DOT Specification 17C, 17E and 17H steel drums, for shipment of certain flammable liquids, without subjecting drums to cleaning and rinsing before refilling. (Mode 1.)
9445-N	Petroleum Construction Inc., Santa Paula, CA	49 CFR 173.119(a)(17), 173.245(a)(30), (31), 178.340-7, 178.342-5, 178.343-5, 178.344-5.	To manufacture, mark and sell non-DOT specification cargo tanks similar to DOT Specification MCC-307/312 except for circumferential reinforcement and bottom outlet valve variations for shipment of various flammable or corrosive waste liquids or semi-solids. (Mode 1.)
9446-N	Matson Navigation Co., San Francisco, CA	49 CFR 176.305(c)(5)	To authorize stowage of flammable liquids with flash points below 73 degrees Fahrenheit to be transported in holds or compartments that are fitted with a gooseneck type of vent head. (Mode 3.)
9448-N	W.R. Grace & Co., Baltimore, MD	49 CFR 178.98	To authorize shipment of a flammable solid, n.o.s. in metal drums comparable to DOT Specification 68 except they are equipped with a venting device. (Mode 1.)
9449-N	Union Carbide Corp., Danbury, CT	49 CFR 173.346	To ship a carbamate liquid pesticide, classed as poison B, in non-DOT specification stainless steel portable tanks complying with DOT Specification 51 except for ASME Code marking; safety relief valve setting alterations and post weld heat treatment relief. (Modes 1, 3.)
9449-N	Union Carbide Agricultural Products Co., Inc., Danbury, CT	49 CFR 173.346	To ship a carbamate liquid pesticide, classed as poison B, in non-DOT specification stainless steel portable tanks complying with DOT Specification 51 except for ASME Code marking; safety relief valve setting alterations and post weld heat treatment relief. (Modes 1, 3.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on June 4, 1985.  
**J.R. Grothe,**  
*Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.*  
 [FR Doc. 85-14057 Filed 6-10-85; 8:45 am]  
**BILLING CODE 4910-60-M**

**Hazardous Materials; Applications for Renewal or Modification of Exemptions of Applications To Become a Party to an Exemption**

**AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, DOT.



**FOR FURTHER INFORMATION CONTACT:**  
Copies of the applications are available  
for inspection in the Dockets Branch,  
Room 8428, Nassif Building, 400 7th  
Street, SW., Washington, DC

Application No.	Applicant	Renewal of exemption	Application No.	Applicant	Renewal of exemption
3630-X	Allied Chemical, Morristown, NJ	3630	8330-X	MarkAir, Inc., Anchorage, AK	8330
4459-X	Allied Healthcare Products, Inc., Saint Louis, MO	4459	<p><sup>1</sup> To authorize cargo aircraft as an additional mode of transportation.</p> <p><sup>2</sup> To authorize stowage of certain flammable liquids in lockers aboard passenger vessel.</p> <p><sup>3</sup> To authorize cargo vessel as additional mode of transportation and to open exemption to use of additional valves on cylinders which are suitable for fluorine/nitrogen service.</p> <p><sup>4</sup> To renew and to authorize ammonium perchlorate (solid), classed as an oxidizer as additional commodity.</p> <p><sup>5</sup> To renew and to authorize silicon tetrachloride, corrosive material, as an additional commodity.</p> <p><sup>6</sup> To increase weight of bulk bags containing calcium cyanide from 2,865 pounds to 4,400 pounds.</p>		
4719-X	Allied Corp., Morristown, NJ	4719	Application No.	Applicant	Renewal of exemption
4932-X	Federal Laboratories, Inc., Saltzburg, PA	4932			
5923-X	Union Carbide Corp., Danbury, CT	5923	2582-P	Stauffer Chemical Co., Westport, CT	2582
5945-X	Carcoo Corp., Countryside, IL	5945	4453-P	Kesco, Inc., Kittanning, PA	4453
6122-X	Pennwalt Corp., Buffalo, NY	6122	5600-P	Stauffer Chemical Co., Westport, CT	5600
6232-X	McDonnell Douglas Corp., Saint Louis, MO	6232	6267-P	Chem-Tab Chemical Corp., Carson, CA	6267
7023-X	Texas Instruments, Inc., Dallas, TX	7023	6874-P	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	6874
7071-X	Clayton Chemical, Los Angeles, CA	7071	6922-P	General Electric Co., Waterford, NY	6922
7227-X	Richmond Lox Equipment Co., Livermore, CA <sup>1</sup>	7227	7052-P	Exploration Logging Inc., Sacramento, CA	7052
7605-X	General Dynamics, Fort Worth, TX	7605	7052-P	Flopetrol Johnston, a Division of Schlumberger, Houston, TX	7052
7607-X	The Forboro Co., South Norwalk, CT	7607	7909-P	Bulldog Jordan Co., Ogdenburg, NY	7909
7716-X	Kinopak, Inc., Lewisville, TX	7716	8308-P	Customized Transportation, Inc., Jacksonville, FL	8308
7835-X	MIG Industries, Valley Forge, PA	7835	8344-P	Hodgdon Powder Co., Shawnee Mission, KS	8344
7835-X	Air Products and Chemicals, Inc., Allentown, PA	7835	8378-P	Sigma Chemical Co., Saint Louis, Mo	8378
7926-X	Alaska Marine Highway System, State of Alaska, Juneau, AK <sup>2</sup>	7926	8445-P	Waste Conversion, Inc., Hatfield, PA	8445
7954-X	Air Products and Chemicals, Inc., Allentown, PA <sup>3</sup>	7954	8445-P	IT Corp., Wilmington, CA	8445
8168-X	Container Corporation of America, Wilmington, DE <sup>4</sup>	8168	8582-P	The Milwaukee Road, Inc., Chicago, IL	8582
8213-X	Trailmaster Tanks, Inc., Fort Worth, TX	8213	8689-P	Flopetrol Johnston, a Division of Schlumberger, Houston, TX	8689
8249-X	LPS Industries Inc., Formerly Lawrence Packaging, Newark, NJ	8249	9061-P	Leimard Joseph Co., & Salesport Manufacturing Co., Denver, CO	9061
8255-X	Applied Environments Corp., Woodland Hills, CA	8255	9130-P	Chem-Tab Chemical Corp., Carson, CA	9130
8256-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	8256	<p>This notice of receipt of applications for renewal of exemption and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.A.C. 1808; 49 CFR 1.53(e)).</p> <p>Issued in Washington, DC, on June 4, 1985.</p>		
8547-X	Nafco, Inc., Chicago, IL	8547	<p><b>J.R. Grothe,</b> Chief, Exemptions Branch, Office of Hazardous Materials Regulations, Materials Transportation Bureau.</p>		
8609-X	Nafco, Inc., Chicago, IL	8609			
8614-X	Arrow Airways, Inc., Minneapolis, MN	8614	[FR. Doc. 85-14056 Filed 6-10-85; 8:45 am]		
8645-X	Austin Powder Co., Cleveland, OH	8645			
8645-X	Wampum Hardware Co., West Galilee, PA	8645			
8673-X	MarkAir, Inc., Anchorage, AK	8673			
8678-X	Eurosteiner, S.A., Paris, France	8678			
8692-X	Dow Chemical Co., Midland, MI	8692			
8710-X	Noury Chemical Corp., Chicago, IL	8710			
8718-X	GTE Products Corp., Waltham, MA	8718			
8757-X	Y-Z Industries, Inc., Snyder, TX	8757			
8813-X	Nebraska Solvents Co., Grand Island, NE	8813			
8888-X	Goex, Inc., Cleburne, TX	8888			
9053-X	Delaware Valley Industrial Gases, Inc., Waterford Works, NJ	9052			
9059-X	Boeing Aerospace Co., Seattle, WA	9059			
9061-X	The S.S.I. Group Ltd., Fairdale, KY	9061			
9064-X	J.T. Baker Chemical Co., Phillipsburg, NJ	9064			
9064-X	Amalgamet Canada—Division of Prametco Inc., Toronto, Ontario, Canada	9064			
9064-X	Coming Glass Works, Coming, NY <sup>5</sup>	9064			
9064-X	Preussag AG Metall, Goslar, West Germany	9064			
9064-X	KBI Division of Cabot Corp., Revere, PA	9064			
9079-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE	9079			
9088-X	Ethyl Corp., Baton Rouge, LA	9088			
9154-X	Bennett Industries, Peolone, IL	9154			
9194-X	Cynamide Canada, Inc., East Willowdale, Canada <sup>6</sup>	9194			

BILLING CODE 4910-60-M



# Sunshine Act Meetings

Federal Register

Vol. 50, No. 112

Tuesday, June 11, 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).

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### 1

#### FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: June 7, 1985, 50 FR 24085.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:00 a.m., June 12, 1985.  
CHANGE IN THE MEETING: Addition of the following item to the closed session:

4. Administrative Matters Requiring Commission Authorization.

Bruce A. Dombrowski,  
*Acting Secretary.*

[FR Doc. 85-14095 Filed 6-7-85; 11:57 am]

BILLING CODE 4730-01-M

### 2

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

June 6, 1985

TIME AND DATE: 10:00 a.m., Wednesday, June 12, 1985.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Part open, part Closed (Pursuant to 5 U.S.C. § 552b(c)(10)).

MATTERS TO BE CONSIDERED: In addition to the previously announced item the Commission will consider in closed session the following:

2. Secretary of Labor, MSHA on behalf of Robert A. Ribel v. Eastern Associated Coal Corp., Docket No. WEVA 84-33-D. (Issues include whether the administrative law judge properly concluded that the operator discharged the miner in violation of the Mine Act and whether the judge properly denied attorney fees to the miner's privately retained counsel.)

This item was previously scheduled for June 6, 1985. It was determined by a unanimous vote of Commissioners that this item be added and that no earlier announcement of the addition was possible. 5 U.S.C. § 552b(e)(1).

#### CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen (202) 653-5632.

Jean H. Ellen,

*Agenda Clerk.*

[FR Doc. 85-14154 Filed 6-7-85; 3:58 pm]

BILLING CODE 4735-01-M

### 3

#### LEGAL SERVICES CORPORATION

Operations and Regulations Committee Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published June 7, 1985, 50 FR 24085.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:00 a.m., Thursday, June 27, 1985.

CHANGE IN TIME OF MEETING: The Meeting of the Operations and Regulations Committee of the Legal Services Corporation scheduled for 9:00 a.m. on June 27, 1985 will be held 1:30 p.m. on June 27, 1985.

EXPLANATION OF CHANGE: The time of the meeting for the Operations and Regulations Committee was noted in error.

The corrected meeting notice follows:

TIME AND DATE: Meeting will commence at 1:30 p.m., Thursday, June 27, 1985 and continue until all official business is completed.

PLACE: The Westin Hotel, Renaissance Center, Kent Room, Detroit, Michigan 48243.

STATUS OF MEETING: Open.

#### MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Minutes  
—May 23, 1985
3. Private Attorney Involvement—45 CFR 1614  
—Report from the Office of Field Services  
—Report from the Audit Division  
—Report from the Office of the General Counsel  
—Outside witnesses  
—Public comment
4. Recommendations to full Board on 45 CFR 1614 (Private Attorney Involvement)
5. Other Regulations Adopted after April 27, 1984.

#### CONTACT PERSON FOR MORE

INFORMATION: Tom Bovard, Office of General Counsel, (202) 272-4010.

Date issued: June 7, 1985.

Dennis Daugherty,

*Acting Secretary*

[FR Doc. 85-14121 Filed 6-7-85; 3:06 pm]

BILLING CODE 4820-35-M

### 4

#### MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 10:00 a.m., Wednesday, June 19, 1985.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, D.C. 20419

STATUS: Closed.

#### MATTERS TO BE CONSIDERED:

1. *Salonga v. Department of the Army*, MSPB Docket No. SF04328310010.
2. *Pangarova v. Department of the Army*, MSPB Docket No. AT04328410292.
3. *Jones v. Department of the Army*, MSPB Docket No. AT04328410245.
4. *White v. Department of the Army*, MSPB Docket No. BN04328310224.
5. *Brown v. Department of the Army*, MSPB Docket No. PH04328310568.
6. *Shorter v. Department of the Air Force*, MSPB Docket No. AT04328310036.

#### CONTACT PERSON FOR ADDITIONAL

INFORMATION: Robert E. Taylor, Clerk of the Board, (202) 653-7200.

Dated: June 7, 1985.

Robert E. Taylor,

*Clerk of the Board.*

[FR Doc. 85-14106 Filed 6-7-85; 2:03 pm]

BILLING CODE 7400-01-M

### 5

#### NUCLEAR REGULATORY COMMISSION

DATE: Weeks of June 10, 17, 24, and July 1, 1985.

PLACE: Commissioners, Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

#### MATTERS TO BE CONSIDERED:

##### Week of June 10

Monday, June 10

10:00 a.m.

Briefing by Representatives of INPO Accrediting Board (Public Meeting)

2:00 p.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Tuesday, June 11

1:30 p.m.

Discussion of Adjudicatory Matter (Closed—Ex. 10)



2:30 p.m.

Discussion/Possible Vote on Full Power Operating License for Limerick (Public Meeting)

4:00 p.m.

Discussion/Possible Vote on Review of ALAB-800 and Related Matters (Shoreham) (Closed—Ex. 10, portion will be open)

*Wednesday, June 12*

10:00 a.m.

Continuation of 5/16 Briefing on Mid-Year Budget and Program Review (Public Meeting)

*Thursday, June 13*

10:00 a.m.

Affirmation/Discussion and Vote (Public Meeting)  
 a. Severe Accident Policy Statement (tentative)  
 b. Revised Disposition of Hearing Requests Re Edlow International Nuclear Materials Licenses  
 c. Final Amendments to 10 CFR Part O, "Conduct of Employees" (tentative)  
 d. Delegation of FOIA Appeal Functions to the Secretary of the Commission (tentative)

**Week of June 17—Tentative***Wednesday, June 19*

10:00 a.m.

Briefing by Executive Branch (Closed—Ex. 1)

2:00 p.m.

Staff Briefing on Final Rule on HCU Regulations for Domestic Non-Power Reactors (Public Meeting)

*Thursday, June 20*

11:00 a.m.

Periodic Meeting with Advisory Panel for Decontamination of TMI-2 (Public Meeting)

2:00 p.m.

Affirmation Meeting (Public Meeting) (if needed)

2:30 p.m.

Discussion of Commission Position on Price-Anderson (Public Meeting)

*Friday, June 21*

10:00 a.m.

Continuation of 5/15 Briefing on Proposed Revision of Part 20 (Public Meeting)

**Week of June 24—Tentative***Wednesday, June 26*

2:00 p.m.

Discussion/Possible Vote on Final Rule on Backfitting (Public Meeting)

*Thursday, June 27*

11:30 a.m.

Affirmation Meeting (Public Meeting) (if needed)

**Week of July 1—Tentative***Tuesday, July 2*

10:00 a.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

2:00 p.m.

Discussion of Pending Investigations (Closed—Ex. 5 & 7)

*Wednesday, July 3*

2:00 p.m.

Briefing on Safety Goal Evaluation Plan (Public Meeting)

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

**ADDITIONAL INFORMATION:** Discussion of Pending Investigations (Closed—Ex. 5 and 7) was held on June 3.

**TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING):** (202) 634-1498.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Julia Corrado (202) 634-1410.

Andrew L. Bates,

Office of the Secretary.

June 8, 1985.

[FR Doc. 85-14153 Filed 6-7-85; 8:45 am]

BILLING CODE 7590-01-M



# Reader Aids

Federal Register

Vol. 50, No. 112

Tuesday, June 11, 1985

## INFORMATION AND ASSISTANCE

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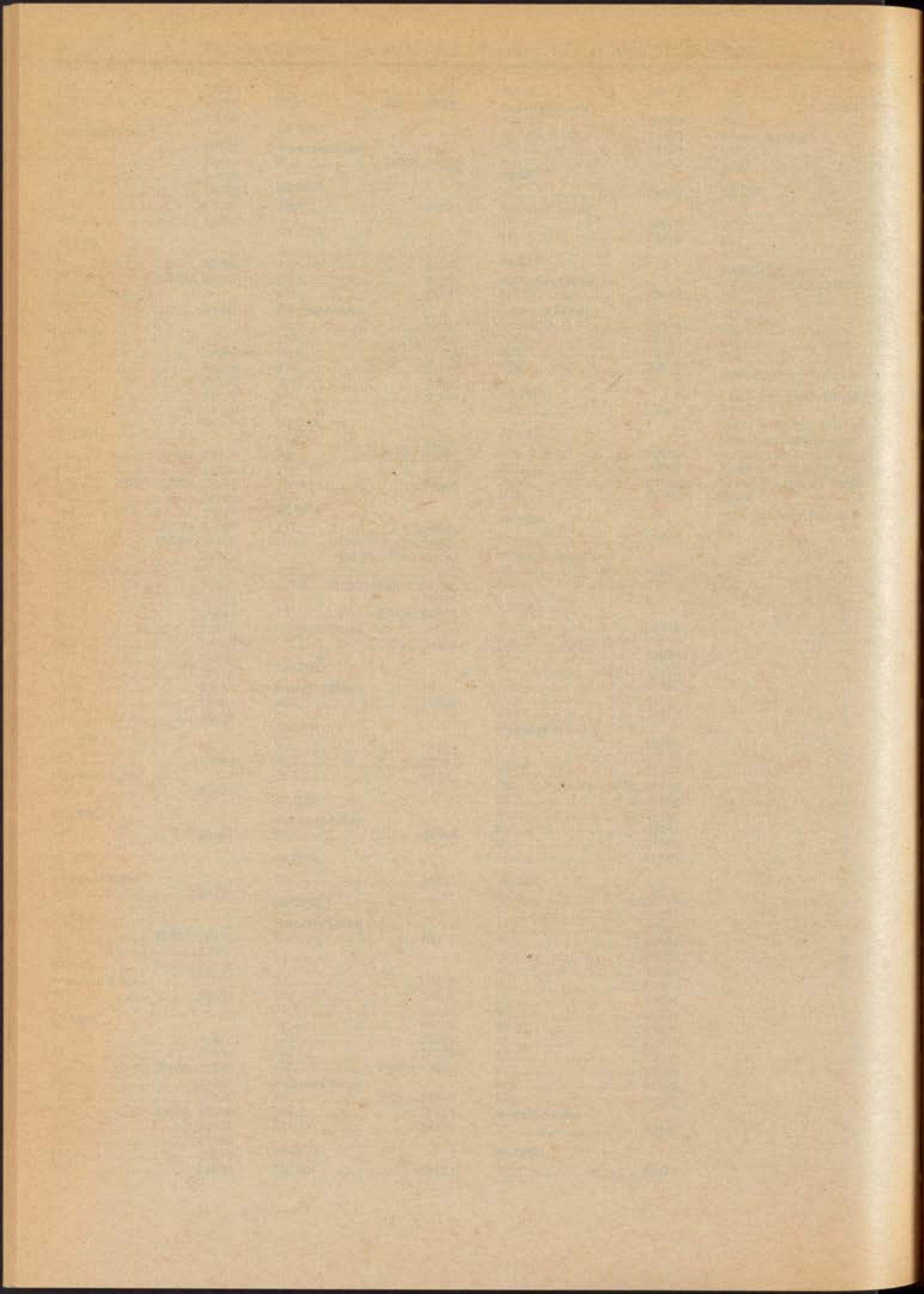
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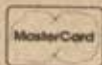
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Enclosed is \$ \_\_\_\_\_ ☐ check,  
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