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Wednesday
June 12, 1985

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

Selected Subjects

CONTINUED INSIDE

Selected Subjects

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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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Separate Parts in This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 50, No. 113
Wednesday, June 12, 1985

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1040

Milk in the Southern Michigan Marketing Area; Order Terminating Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of certain rules.

SUMMARY: This action terminates the 12-month base-excess plan for paying producers for their milk under the Southern Michigan Federal milk order. The base-excess plan was designed to encourage dairy farmers to maintain stable production levels throughout the year. The termination was requested by three dairy farmer cooperative associations whose collective membership accounts for about 85 percent of the producers who supply milk to the market. The cooperatives contend that the plan is incompatible with efforts toward a balanced supply and demand, and that it no longer accomplishes its intended purpose under current marketing conditions. As under the present suspension of the plan, the minimum federal order price to producers each month will be a single uniform price rather than base and excess prices.

EFFECTIVE DATE: June 12, 1985.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Termination: Issued April 26, 1985; published May 2, 1985 (50 FR 18677).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on dairy farmers and will not affect milk handlers.

This order of termination is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southern Michigan marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on May 2, 1985 (50 FR 18677) concerning a proposed termination of certain provisions of the order. Interested persons were afforded an opportunity to file written data, views, and arguments thereon by May 17, 1985. A proponent cooperative submitted a recommendation to change the provisions as proposed along with additional information in support of the proposed termination.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In § 1040.32, paragraph (a).
2. In § 1040.32(b), the words "paragraph (a) of this section and".
3. In § 1040.61, paragraphs (c), (d), and (e).
4. In § 1040.62(b), the words ", the adjusted uniform price, the price for base milk, and the price for excess milk".
5. In §§ 1040.71(a)(1)(ii) and 1040.73(c), the words "for base milk".
6. In § 1040.74, the words "the base price and excess price or".
7. In § 1040.75(a)(1), the words "base milk and", and the words "or adjusted uniform price".
8. Sections 1040.90 through 1040.95.

Statement of Consideration

This action removes the 12-month base-excess plan provisions from the Southern Michigan order. These provisions were suspended for the base-forming and base-paying periods of 1984–86, with the former scheduled to be reinstated on August 1, 1985. Under these provisions, producers are paid a higher price for the base milk that they market and a lower price for all milk marketed in excess of their base production level. Producers establish their bases during the months of August through December, and then are paid accordingly the following February through January. The plan was designed to encourage dairy farmers to maintain stable production levels throughout the year.

Termination of the base-excess plan on or before August 1, 1985, was requested by Independent Co-operative Milk Producers Association, Inc. (ICMPA), Michigan Milk Producers Association (MMPA), and National Farmers Organization (NFO); three cooperative associations whose combined membership accounts for about 85 percent of the producers who supply the Southern Michigan milk market. Interested parties were invited to comment on the proposed termination of the base-excess plan. The sole comment received, submitted by one of the proponent cooperatives (NFO), in addition to support of the proposal, recommended that the list of the provisions to be terminated be modified so that the remaining paragraphs would not include references to the deleted ones. This recommendation is adopted.

The base-excess plan has no direct effect on handler costs for milk; it is a method of dividing returns among producers in a way that encourages a leveling of seasonal production. Since any action concerning the base-excess plan is strictly a producer issue, it is appropriate to take action in accordance with the wishes of the majority of producers. As stated, approximately 85 percent of the producers favor the termination of the base-excess plan; therefore, on this basis alone, the base-excess plan should be terminated.

However, this action is also warranted because the base-excess plan no longer accomplishes its intended purpose under current marketing conditions in that the difference between the base price and excess price is no longer an adequate incentive to gain the desired leveling effect on milk production. Whereas the differential in 1968 was $1.20, which was 23 percent of the uniform price, the differential in 1984 was $0.78, only 5.9 percent of the uniform price. That amount is too low relative to producer pay-prices to

effectively encourage level milk production.

Also, the action is necessary because the base-excess plan tends to encourage overproduction through the base-building incentive. Each year the potential exists for producers to build larger fall bases because they are paid a higher price for base milk throughout a 12-month period. A plan that tends to encourage an increase in the production of milk during the base-building months when supply is more than adequate to meet the fluid milk needs in the market should not be continued.

It is hereby found and determined that thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) Termination of the provisions is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that the program would no longer achieve its intended purpose;

(b) Termination of the provisions does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given to interested parties and they were afforded an opportunity to file written data, views, or arguments concerning this action. A vast majority of the producers supplying this market now favor termination of the payment plan which has been inoperative for some time.

Therefore, good cause exists for terminating the aforesaid provisions of the Southern Michigan order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

PART 1040—[AMENDED]

The authority citation for 7 CFR part 1040 continues to read as follows:

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

It is therefore ordered, that the aforesaid provisions of the Southern Michigan order are hereby removed as follows:

§ 1040.32 [Amended]

1. In § 1040.32, paragraph (a).

2. In § 1040.32(b), the words "paragraph (a) of this section and".

§ 1040.61 [Amended]

3. In § 1040.61, paragraphs (c), (d), and (e).

§ 1040.62 [Amended]

4. In § 1040.62(b), the words ", the adjusted uniform price, the price for base milk, and the price for excess milk".

§§ 1040.71 and 1040.73 [Amended]

5. In §§ 1040.71(a)(1)(ii) and 1040.73(c), the words "for base milk".

§ 1040.74 [Amended]

6. In § 1040.74, the words "the base price and excess price or".

§ 1040.75 [Amended]

7. In § 1040.75(a)(1), the words "base milk and", and the words "or adjusted uniform price".

§§ 1040.90—1040.95 [Removed]

8. Sections 1040.90 through 1040.95.

Effective Date: June 12, 1985.

Signed at Washington, D.C. on June 6, 1985.

Karen K. Darling,

Deputy Assistant Secretary, Marketing & Inspection Services.

[FR Doc. 85–14087 Filed 6–11–85; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

7 CFR Part 3015

Department of Agriculture Programs and Activities Covered Under Executive Order 12372

AGENCY: Department of Agriculture, USDA.

ACTION: Rule-related notice.

SUMMARY: The purpose of this Notice is to inform State and local governments and other interested persons of programs and activities included within the scope of Executive Order 12372, "Intergovernmental Review of Federal Programs." A full understanding of the requirements of the Order may be gained by referring to the final rules published in 7 CFR Part 3015, Subpart V, at 48 FR 29100, published June 24, 1983.

EFFECTIVE DATE: June 12, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Lyn Zimmerman, Supervisory Program Analyst, Office of Finance and Management, USDA, Room 2117–B, Auditors Building, 201 14th Street, SW., Washington, D.C. 20250, telephone (202 382–1553).

SUPPLEMENTARY INFORMATION: It has been determined that the program listed below has a direct effect on State and local governments and therefore included within the scope of Executive Order 12372.

10.164 Wholesale Market Development

States interested in adding this program to their list of programs to be reviewed under Executive Order 12372 should have their Single Point of Contact notify the Office of Finance and Management, Financial Management Division, USDA, Room 118–W, 14th and Independence Avenue, SW., Administration Building, Washington, D.C. 20250, Attention: Ms. Lyn Zimmerman.

Dated: June 6, 1985.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 85–14086 Filed 6–11–85; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 85–044]

Swine, Pork, and Pork Products Imported From Great Britain

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the regulations concerning the importation into the United States of swine, pork, and pork products by adding Great Britain (England, Scotland, Wales, and the Isle of Man) to the list of countries declared to be free of swine vesicular disease (SVD) and to the list of countries free of SVD which are subject to special restrictions on the importation of their pork and pork products into the United States. These amendments are necessary to reflect that SVD has been eradicated from Great Britain and to protect against the introduction into the United States of certain diseases. The overall effect of the amendments is to relieve certain restrictions on the importation into the United States of swine, pork, and pork products from Great Britain.

EFFECTIVE DATE: June 12, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Samuel S. Richeson, Import-Export Animals and Products Staff, VS, APHIS, USDA, Room 843, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 94 (the regulations) regulate the importation into the United States of specified animals and animal products in order to

prevent the introduction into the United States of various diseases, including swine vesicular disease (SVD). SVD is an acute, highly infectious viral disease of swine. It is characterized by vesicular lesions and subsequently by erosions of the epithelium of the mouth, nares, snout, and feet.

Section 94.12(a) of the regulations provides that SVD is considered to exist in all countries of the world, except those countries listed in § 94.12(a).

Section 94.13 of the regulations imposes restrictions on the importation into the United States of pork and pork products from countries listed in that section which are declared to be free of SVD in § 94.12(a); and which either supplement their national pork supply by the importation of fresh, chilled, or frozen pork from countries where SVD or other vesicular diseases, such as foot-and-mouth disease, are considered to exist; or which have a common border with such countries; or which have certain trade practices that are less restrictive than are acceptable to the United States.

A document was published in the **Federal Register** on February 22, 1985 (50 FR 7328–7330), which amended the regulations in 9 CFR Part 94 by adding Great Britain (England, Scotland, Wales, and the Isle of Man) to the list of countries in § 94.12(a) considered to be free of SVD. Also, because Great Britain supplements its national pork supply by the importation of fresh, chilled, or frozen pork from countries where a vesicular disease is considered to exist, the document of February 22, 1985, added Great Britain to the list of countries in § 94.13.

The interim rule became effective on the date it was signed, February 19, 1985. Comments were solicited for 60 days following publication. No comments were received. The factual situation which was set forth in the interim rule still provides a basis for the amendments.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in accordance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this rule will not have a significant annual effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local governmental agencies, or geographic regions; and will have no significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

It is anticipated that the amount of swine, pork, or pork products imported into the United States from Great Britain as a result of this rule will be less than one percent of the amount of these items imported into the United States annually. Further, the importation of any of these items from Great Britain is not the primary business activity of any business in the United States.

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

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products, Swine vesicular disease.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PHOHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, the interim rule amending 9 CFR Part 94 published in the **Federal Register** at 50 FR 7328–7330 on February 22, 1985, is adopted as a final rule.

Authority: 19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C. this 7th day of June, 1985.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 85–14203 Filed 6–11–85; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220 and 221

[Docket No. R-0543]

Regulations G, T, and U; Securities Credit Transactions; Discussion of Comments on Final Rule

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Discussion of comments on final rule.

SUMMARY: Four parties responded to the Board's invitation to comment on a final rule (adopted without the customary notice and public participation period since the rule amendment was a relaxation of a restriction). The comments were all favorable and no modification of the Board's final rule is required.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Douglas Blass, Attorney, Division of Banking Supervision and Regulation, (202) 452–2781; Joy W. O'Connell, TDD, (202) 452–3244.

SUPPLEMENTARY INFORMATION: On March 13, 1985, the Board adopted an amendment to the margin regulations which became effective on April 19, 1985 (50 FR 10933, March 19, 1985). Because the amendment relieved a restriction, the requirements of the Administrative Procedure Act with respect to notice and public participation were not followed. The rule pertained to an amendment to the margin regulations which excluded face-amount certificates from the definition of margin security and permitted broker-dealers to sell them without violating the arranging prohibition of Regulation T. The public was invited to comment and modifications would have been made had the comments reflected this necessity. No modification is required based upon an analysis of the four comments received.

By order of the Board of Governors of the Federal Reserve System, June 6, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85–14081 Filed 6–11–85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 84-NM-116-AD; Amdt. 39-5082]

Airworthiness Directives: British Aerospace (BAe) Argosy, AW-650 Series 100 and 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires inspection, replacement, and modification, as necessary, of certain components on British Aerospace, Aircraft Group, Argosy airplanes, to detect and prevent cracks in the tail boom structure. This action is necessary because cracks have been reported in

this area which could lead to loss of tail boom structure.

DATES: Effective July 22, 1985.

ADDRESSES: The service bulletin specified in this AD may be obtained from British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041. This information may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Nick Wantiez, Standardization Branch, ANM-113; telephone (206) 431-2909. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of a number of inspections, replacements, and modifications contained in British Aerospace Service Bulletin 55-41, which has been made mandatory for the Argosy Model AW-650 Series 100 and Series 200 airplanes, operated under registry of the United Kingdom, to correct reported cracking of the tail boom skin doubler plates. Failure to repair cracks could lead to loss of tail boom structure.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires the action mentioned above was published in the **Federal Register** on January 15, 1985 (50 FR 5626). The comment period closed March 18, 1985, and interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received.

It is estimated that 2 airplanes of U.S. registry will be affected by this AD. It will take approximately 1½ hours per airplane to accomplish the required inspections. Necessary modification parts will be locally manufactured and will require approximately 30 manhours to install. The average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD is estimated to be $2,520.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Argosy Model AW-650 Series 100 and Series 200 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 40 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.89; and 49 CFR 1.47.

2. By adding the following new airworthiness directive:

British Aerospace Argosy: Applies to Argosy Model AW-650 Series 100 and 200 aircraft Serial Numbers 6651, 6652, 6653, 6656, 6660, 6801, 6802, 6803 and 6805, certificated in all categories. To prevent possible loss of the vertical fin, accomplish the following:

A. Within 350 flying hours after the effective date of this AD, visually inspect the tail boom frame skin doubler plates, items 5, 6, 7, and 8 on drawing BBH 2702 for cracks in accordance with British Aerospace Service Bulletin 55/41 dated May 1984.

B. If no cracks are found, repeat the inspection at intervals not to exceed 700 flying hours.

C. If any cracks are found, incorporate repair scheme BBH 2733 within the next 700 flying hours. Incorporation of BBH 2733 eliminates the requirement for the repetitive inspections required by paragraph A., above.

D. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate ariplanes to a base for the accomplishment of inspections and modifications required by this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041. These documents also may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective July 22, 1985.

Issued in Seattle, Washington, on June 5, 1985.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85-14090 Filed 6-11-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Colorado-1); Appendix to Order No. 124]

High-Cost Gas Produced From Tight Formations; Colorado; Correction

Issued March 30, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Correction to final rule.

SUMMARY: This document corrects the appendix to Order No. 124, a Final Rule designating portions of the Wattenberg J Sand Formation as tight formations. The appendix appeared in the **Federal Register** on April 4, 1984 (49 FR 13337) and contained an incomplete description of the area excluded from designation as a tight formation in Docket No. RM79-76 (Colorado-1).

FOR FURTHER INFORMATION CONTACT: Frederick W. Peters, (202) 357-8511 or Victor Zabel, (202) 357-8616.

DATES: This notice was issued June 7, 1985

SUPPLEMENTARY INFORMATION: The following correction should be made in FR Doc 84-8882 appearing on page 13338:

On page 13338, the description of the area of Weld County, Colorado, excluded from designation as a tight formation, in "Township 2 North, Range 67 West, 6th P.M." should read as follows:

Sections 1-5, 7, 9, 11, 12, 14-16, 18-20, 22-28, 30, 31 and 33-36: All
Sections 6, 8, 13, 17, and 21: N½
Section 8: S½
Section 32: E½
Sections 10 and 29: W½.

Kenneth F. Plumb,

Secretary.

[FR Doc. 14202 Filed 6-11-85; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-227 (Colorado-1 Amendment III) Order No. 425]

High-Cost Gas Produced From Tight Formations; Colorado

Issued: June 7, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: Under section 107(c)(5) of the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission designates certain types of natural gas as high-cost gas. High-cost gas is produced under conditions which present extraordinary risks or costs and once designated may receive an incentive price. Under section 107(c)(5), the Commission issued a rule designating natural gas produced from tight formations as high-cost gas. Jurisdictional agencies may submit recommendations of areas for designation as tight formations. Here the FERC rejects the recommendation of the State of Colorado Oil and Gas Conservation Commission that portions of the J Sand Formation located in Weld County, Colorado originally excluded by the Commission in Order No. 124, be included in the designated tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective July 8, 1985.

FOR FURTHER INFORMATION CONTACT: Fredrick W. Peters, (202) 357-9115, or Victor Zabel, (202) 357-8616.

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

On February 24, 1984, the Federal Energy Regulatory Commission (Commission) received a recommendation pursuant to § 271.703(d) of the Commission's regulations [1] from the State of Colorado Oil and Gas Conservation Commission (Colorado) that twelve 320-acre drilling units in the J Sand Formation [2] underlying the Wattenberg Field in Weld County, Colorado, be designated as a tight formation. The drilling units were previously excluded from tight formation designation under § 271.703(c)(2)(i)(D), by Order No. 124, RM79-76 (Colorado-1), issued January 23, 1981.[3] By Order No. 357, Docket No. RM79-76-219 (Colorado-1 Amendment II), issued February 6, 1984, Order No. 124 was amended to include one of the units of the subject recommendation in the area approved as a tight formation.[4] Since this unit currently is in a designated tight formation area, its review in the subject recommendation is moot.

The recommendation to include the previously excluded units in the J Sand Formation tight formation description was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation (Director), issued March 22, 1984.[5]

Background

Under § 271.703(c)(2) of the Commission's regulations, the Commission may approve a recommendation by a jurisdictional agency that a natural gas formation be designated a tight formation if certain geological criteria are met.[6] Even when the geological criteria are satisfied, the jurisdictional agency may not include in its recommendation a formation, or any *portion* of a formation, which was authorized to be developed by infill drilling prior to the date of the recommendation if it is determined that the formation or portion subject to infill drilling can be developed absent the incentive price.[7]

By Order No. 124, RM79-76 (Colorado-1), issued January 23, 1981, the Commission designated portions of the J Sand Formation as a tight formation. Order No. 124, as amended by Order No. 357, excluded the eleven drilling units at issue here from the tight formation designation under § 271.703(c)(2)(i)(D). Order No. 124 further provided that "the exclusion [of the drilling units] does not preclude future consideration of these areas as tight formations, if information and economic data become available which show that all or part of the excluded area would not be developed absent the incentive price under section 107(c)(5)."

By Order No. 137-A, RM79-76 (Colorado-3), issued June 17, 1981,[8] the Commission described the type of economic data jurisdictional agencies must provide to qualify previously excluded portions of tight formation subject to infill drilling. To demonstrate that the excluded area presents extraordinary risks or costs which prohibit further development at existing prices, data should address factors such as the actual impact that the incentive price would have on encouraging production from the excluded area and why currently available prices are not adequate to provide economic incentives to produce [from the area].[9]

To obtain such data, Colorado convened a hearing on September 19, 1983.[10]

Discussion

Review of Colorado's submission reveals the absence of economic data which show that the excluded area presents extraordinary risks or costs which prohibit further development at existing prices.

The units were excluded from the original J Sand Formation tight formation designation for two reasons: (1) The units were authorized to be developed by infill drilling prior to the date of the recommendation for tight formation status, and (2) there were no economic data to support the need for an incentive price. Indeed, infill drilling orders suggest that development has begun. Other evidence to explain why an incentive price is nontheless necessary may be offered, even at a later date, but must demonstrate extraordinary costs and risks which prohibit further development at existing prices.

If the proposed drilling of additional wells on ten of the eleven units at issue took place, the wells would qualify under NGPA section 103 and produce from a depth greater than 5,000 feet. Drilling on the eleventh unit has already begun. The Haley-Gumeson No. 2 well [11] was spudded on December 15, 1981, and has a section 103 determination. This well would qualify for the section 107

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[1] 18 CFR 271.703(d) (1983).

[2] The specified area underlies about 3,840 acres. The average depth to the top of the J Sand Formation is approximately 8,000 feet.

[3] 46 FR 9921 (January 30, 1981). A description of the eleven excluded portions appears in the Appendix to Order No. 124, 49 FR 13337 (April 4, 1984). Colorado, and the applicant requesting the tight formation designation, recognize that the drilling unit described as the "Dier unit," Township 2 North, Range 67 West, Section 8, S½ was not excluded in Order No. 124, but should have been if the infill drilling criteria had been properly applied. The Dier unit will be treated for purposes of this order as if it was excluded by Order No. 124.

[4] 49 FR 4938 (February 9, 1984). The "Johnson-Niven unit," Township 2 North, Range 68 West, Section 13, W½.

[5] 49 FR 13378 (April 4, 1984). No comments were received, no party requested a public hearing, and no hearing was held.

[6] Section 271.703(c)(2)(i)(A)-(c) (1984).

[7] Section 271.703(c)(2)(i)(D) (1984). "Infill drilling" is defined as "any drilling in a substantially developed formation (or a portion thereof) subject to requirements . . . respecting well spacing or proration units which were amended by the jurisdictional agency after the formation * * * was substantially developed and which were adopted for the purpose of more effective and efficient drainage of the reservoirs in such formations" § 271.703(b)(6) (1984).

[8] 46 FR 32235 (June 22, 1981).

[9] Order No. 137-A, 15 FERC ¶ 61,277 at 61,626.

[10] Colorado Cause No. NG-3-4.

[11] Located in Township 2 North, Range 67 West, Section 32, E ½.

price, retroactively, if designated as a tight formation.[12]

Staff analysis of cost and production data submitted by Colorado reveals that at the section 103 price, the project would yield a rate of return in excess of 19.9 percent before income taxes. Further, under section 121 of the Natural Gas Policy Act of 1978,[13] and Order Nos. 408, 406-A, and 406-B, the Haley-Gumeson No. 2 well gas was deregulated on January 1, 1985. Gas produced from the other units similarly would become deregulated upon receiving a section 103 determination. Therefore, the price at which all of the subject gas is sold should be established by the market regardless of the disposition of this application for tight formation status.

The Commission Orders:

Based on the discussion herein, the Commission rejects the recommendation of the State of Colorado Oil and Gas Conservation Commission that portions of the J Sand Formation, underlying Weld County, Colorado, be included in the description of the tight formation designation as set out in Commission Order No. 124.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14201 Filed 6-11-85; 8:45 am]

BILLING CODE 6717-01-M

[12] The underlying contract provides for payment of $4.00 per MMbtu upon classification as a tight formation.

[13] 15 U.S.C. 3301-3432. (1983); and Order No. 408, Docket No. RM84-14, 29 FERC ¶ 61,202 (1984), Order No. 406-A, 29 FERC ¶ 61,335 (1984), Order No. 406-B, 30 FERC ¶ 61,152 (1985).

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 85-87]

Customs Regulations Amendment Adding Ireland and Sweden to List of Countries Whose Pleasure Vessels Are Entitled To Be Issued U.S. Cruising Licenses

Correction

In FR Doc. 85-11849 beginning on page 20900 in the issue of Tuesday, May 21, 1985, make the following correction: On page 20901, in the second column, in the **Authority** citation, the second entry for "Section 4.7" should read "Section 4.7a".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 540

Penicillin Antibiotic Drugs for Animal Use; Amoxicillin Trihydrate Film-Coated Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the new animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Beecham Laboratories for use of a 150-milligram amoxicillin tablet for treating certain bacterial infections in dogs.

EFFECTIVE DATE: June 12, 1985.

FOR FURTHER INFORMATION CONTACT: Patricia N. Cushing, Center for Veterinary Medicine (HFV-142), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Bristol, TN 37620, filed a supplement to NADA 55-078 which covers use of amoxicillin trihydrate film-coated tablets in dogs for the treatment of infections of the respiratory tract (tonsillitis, tracheobronchitis), genitourinary tract (cystitis), gastrointestinal tract (bacterial gastroenteritis), and soft tissues (abscesses, lacerations, wounds), caused by susceptible strains of *Staphylococcus aureus, Streptococcus spp., Escherichia coli, Proteus mirabilis,* and bacterial dermatitis caused by *Staphylococcus aureus, Streptococcus spp.,* and *Proteus mirabilis.*

The supplement covers use of a tablet containing 150 milligrams of amoxicillin, as amoxicillin trihydrate. NADA 55-078 was originally approved by a final rule published in the **Federal Register** of February 4, 1976 (41 FR 5093) which covered use of 50-, 100-, and 200-milligram tablets of amoxicillin, as amoxicillin trihydrate, for use in dogs. A supplement published in the **Federal Register** of September 27, 1977 (42 FR 49453), added the 400-milligram tablets. The supplement for the 150-milligram tablet is approved and the regulations are amended to reflect the approval.

The freedom of information summary made available under the provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), which consisted of a summary of safety and effectiveness data and information submitted to support approval of this original application, applies also to this supplemental application and 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 540

Animal drugs, Antibiotics, penicillin.

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 540 is amended as follows:

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

1. The authority citation for Part 540 continues to read as follows:

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

§ 540.103a [Amended]

2. In § 540.103a *Amoxicillin trihydrate film-coated tablets* in paragraph (a)(1) by revising the phrase "50, 100, 200, or 400 milligrams of amoxicillin." to read "50, 100, 150, 200 or 400 milligrams of amoxicillin."

Dated: June 5, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85-14074 Filed 6-11-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 215, 236, and 813

[Docket Nos. R-85-981 and 85-1163; FR-2083]

Delayed Implementation of Income Definitions for the Section 8 Housing Assistance Payments, Rent Supplement, and Section 236 Programs

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: The Department published rules concerning definition of income, income limits, rent and reexamination of family income on May 10, 1984 (49 FR 19925) for the Section 8 Housing Assistance programs and on July 23, 1984 (49 FR 29580) for the Rent Supplement and Section 236 programs. Those rules stated that the new definitions of Annual Income and Adjusted Income were to be used for all income reexaminations conducted on or after October 1, 1984 (corresponding to rent calculations effective on on after January 1, 1985), and that a recalculation of rent due for the period from October 1, 1984 until the effective date of the first reexamination using the new definitions of Annual Income and Adjusted Income would be made to determine whether a rent rebate was due for that period. This final rule revises the portions of those rules that prescribe the timing for implementation. This revision is based on the Secretary's determination that it was impracticable for owners to start using the new definitions as early as October 1, 1984, and that implementation must be delayed until HUD forms and instructions are available. No benefits accruing to tenants under those rules will be forfeited.

EFFECTIVE DATE: August 1, 1985.

FOR FURTHER INFORMATION CONTACT: For the Section 8 Existing Housing Certificate Program and Moderate Rehabilitation Program, Madeline Hastings, Director, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-6887; for all other programs, James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, telephone (202) 426-3944. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: The Department published a final rule on May 10, 1984 (49 FR 19925) entitled Definition of Income, Income Limits, Rent and Reexamination of Family Income for the Section 8 Housing Assistance Payments Programs ("new rule"), with a stated effective date of July 1, 1984. Section 813.110 of that rule provided that the applicability of the definitions of Annual Income and Adjusted Income contained in the rule was delayed until reexaminations conducted on or after October 1, 1984, "due to the need for distribution of instructions and forms, instruction of PHA and Owner staffs, and similar administrative adjustments."

Similarly, an interim rule was published on July 23, 1984 (49 FR 29580), entitled Definition of Income, Rents and Recertification of Family Income for the Rent Supplement and Section 236 Programs ("new rule"), with a stated effective date of October 1, 1984. Sections 215.56 and 236.81 contained provisions similar to § 813.110, requiring income reexaminations that are conducted on or after October 1, 1984 to use the new definitions of Annual Income and Adjusted Income.

The statutory changes being implemented by the new rules involve not only changes in definitions of Annual Income and Adjusted Income, but also other changes, including application of a ten percent annual cap on rent increases resulting from statutory and regulatory changes, a special rent calculation for some tenants converted from one form of housing assistance to another, and a limit on the number of applicants with incomes between 50 and 80 percent of median income that can be approved to receive assistance under the Section 8 and Public Housing programs. Because the new rules involve many complex issues, and HUD is concerned that the calculations under the new rules be done correctly, we decided (and § 813.110 provided) not to require implementation until PHAs and project owners had been provided an opportunity to establish procedures to carry out the requirements of the regulations.

The Section 8 program is divided into two major categories: Those programs where determinations of family eligibility and tenant payment are the responsibility of the project owner, and those programs where these functions are the responsibility of the PHA that administers the HAP contract. The programs in the latter category include the Section 8 Existing Housing Certificate Program (often referred to as "Finders-Keepers") and the Moderate Rehabilitation program, both administered under Part 882 of this chapter, as well as the new Housing Voucher program. Section 8 programs in the first category include the Section 8 New Construction and Substantial Rehabilitation programs and certain variations on the Section 8 Existing Housing Program where the subsidy is tied to specific projects and units. This category of programs will be referred to in this rule as "project-based."

With respect to the project-based Section 8 programs (*i.e.*, programs administered under Parts 880, 881, 883-886) and the Rent Supplement and Section 236 programs, we believed in September 1984 that we could provide forms and instructions for the new rule in October 1984. On September 17, 1984, the Assistant Secretary for Housing-Federal Housing Commissioner informed HUD Field Offices that they should advise project owners that forms and instructions would not be available before October 1, 1984, but were expected to be available the third week in October. On November 21, 1984, the Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner informed the HUD Field Offices that the Housing and Community Development Technical Amendments Act of 1984 had been enacted, requiring the addition of a new deduction from income for handicapped assistance expenses, which would cause additional changes in the forms and instructions, and hence further delay their issuance. The Field Offices were instructed to advise project owners to continue to use the old forms and instructions until the revised ones were available. In the meantime, some private housing consultants trained owner and PHA staffs on the draft forms and instructions for implementation of the new rules. Final forms and instructions were signed on March 7, 1985 and are now being printed and distributed.

In the Section 8 Existing Housing Certificate and Moderate Rehabilitation programs, there has been no administrative barrier to implementing 24 CFR Part 813 in accordance with the schedule in 24 CFR 813.110, *Transition Provisions*. In addition, because of the greater degree of autonomy afforded to PHAs by Section 2 of the United States Housing Act of 1937 ("the 1937 Act") and the fact that PHAs are government bodies, HUD traditionally gives PHAs more latitude than private owners to develop their own procedures. Some PHAs have proceeded to implement the provisions of 24 CFR Part 813 based on the regulation itself, as well as their experience with the public housing program, which has almost identical requirements (see 24 CFR Part 913).

Other PHAs, however, have hesitated to implement the provisions of 24 CFR Part 813 in their Section 8 Existing Housing Certificate and Moderate

Rehabilitation programs because of their desire for additional technical assistance from HUD. Although HUD initially expected that the delay established in 24 CFR Part 813.110 would be sufficient to respond to the anticipated needs of the PHAs in this regard, we have not yet been able to provide technical assistance directly to the PHAs. Therefore, we are making this additional delay applicable to the Section 8 Existing Housing Certificate and Moderate Rehabilitation programs to cover those PHAs that have not yet implemented 24 CFR Part 813.

Section 206(d)(1) of the Housing and Urban-Rural Recovery Act of 1983 (Pub. L. 98-181, approved November 30, 1983) provides that (notwithstanding certain other provisions of the Housing and Community Development Act of 1981 which the above rules seek to implement), the Secretary "may provide for delayed applicability . . . of the procedures for determining rents . . . required by such provisions if the Secretary determines that immediate application of such procedures would be impracticable . . ."

Under the authority of Section 206(d)(1) of the 1983 Act, taking into account the complexity of the new procedures, the Secretary had determined that implementation of the new rules by owners and PHAs on October 1, 1984 was impracticable and had to be delayed. HUD is now amending the rules to require all owners and PHAs to implement the new rules for examinations for admission and reexaminations with effective dates on or after August 1, 1985.

This delay in implementation will not affect a tenant's underlying rights, but will merely delay receipt of the full benefits of reduced rents in the cases where the new procedures are favorable to the tenant. Tenants whose rents would have decreased for the period from October 1, 1984 to the next reexamination date on or after August 1, 1985 had the new rule been implemented for that period will receive a rent rebate, based on the recalculation required by §§ 813.110, 215.56 and 236.81. Tenants whose rents would have increased as a result of the new procedures will *not* be required to make any additional payment for the period starting with October 1, 1984 during which they effectively underpaid their rents.

The following examples illustrate in general terms the effect of this delayed implementation on a few common situations: (1) A tenant first receiving Rent Supplement assistance before October 1, 1984; (2) a family first receiving Section 236 Rental Assistance Payments after October 1, 1984 and before August 1, 1985; (3) a family in a Section 8 project that has paid more than it would have paid from October 1, 1984 to the reexamination effective date had the new rule been implemented for that period; and (4) a family in a Section 8 project that has paid less than it would have paid from October 1, 1984 to the reexamination effective date had the new rule been implemented for that period. These examples do not attempt to cover all the possible factors. The forms and instructions must be followed to correctly determine the rent of any particular family.

Example (1)

A family first received Rent Supplement assistance on June 1, 1984. Thus, the definitions of Annual Income and Adjusted Income used in performing the income examination effective June 1, were those under the pre-July 1984 rules. When the date for processing the family's first annual reexamination came, on March 1, 1985, the project owner did not have the new implementation procedures available. Therefore, the old rule's procedures were used for this first post-October 1, 1984 reexamination. At the first annual reexamination processed under the new rule, the family's rental payment for the period October 1, 1984 to the date the rent calculation under the new rule is effective, is recalculated under § 215.56, using the income data available for the initial examination and the new definitions of Annual Income and Adjusted Income, and the ten percent cap on annual rent increases is applied. This recalculated rent is then used as described in examples 3 and 4. The rental payment effective for the next 12 months is based on new income data and the new procedures.

Example (2)

A family first received Section 236 Rental Assistance Payments on November 1, 1984. Since implementing procedures for the new rule were not yet available when the family's examination was being processed, the old definitions were applied. At the first reexamination processed under the new rule, the family's rental payment for the period from November 1, 1984 to the date the rent calculated under the new rule is effective, is recalculated under § 236.81, similar to the recalculation in example (1). However, the ten percent cap on rental increases is not applied, since the family first received Rental Assistance Payments after October 1, 1984, and, therefore, should have paid, under the statutes and regulations then in effect, a rental payment calculated under the new rule from the date of certification of eligibility for the Rental Assistance Payments program.

Example (3)

A family in occupancy in a Section 8 project on September 30, 1984, whose head is 63 years of age and which contains five dependents, qualified in November, 1984 for the following deductions under the respective rules:

Old Rule:		
Minor deduction	5×$300	$1,500
Medical deduction		500
Unusual expense deduction		2,000
Total		4,000
New Rule:		
Dependent deduction	5×$480	$2,400
Medical deduction		500
Child care deduction		2,000
Elderly deduction		400
Total		5,300

With an Annual Income of $12,000 (based on the old rule), the monthly rental payments due under the old rule and under § 813.110(f) of the new rule based on 30 percent of adjusted income would be $200.00 and $167.50, respectively.

If the family were current in its payments to the owner and it had paid $200 for its rental payment from October 1, 1984 until November 1, 1985 (the date the rent calculated under the new rule is effective), it would then be entitled to a total rent rebate of $422.50 (13 months times the difference between the old and recalculated rents). Its rental payment starting on November 1, 1985 would be based on new income data and the new rule.

Example (4)

A nonelderly family in occupancy in a Section 8 project on September 30, 1984, with two dependents and significant medical expenses would produce quite a different result:

Old Rule:		
Minor deduction	2×$300	$600
Medical deduction		1,000
Unusual expense deduction		2,000
Total		3,600
New Rule:		
Dependent deduction	2×$480	$960
Medical deduction		
Child care deduction		2,000
Total		2,960

With an Annual Income of $10,000 (based on the old rule), the monthly rental payments due under the old rule and under § 813.110(f) of the new rule based on 30 percent of adjusted income

would be $160.00 and $176.00, respectively.

In this case, the family would have effectively underpaid for the period from October 1, 1984 until its first reexamination under the new rule. The family would consequently *not* receive a rent rebate, but neither would it be required under § 813.110(g) to pay any additional rental payment for the prior period because of the difference in rents under the old and new rules. The family would simply start paying rent at the new level.

Use of Final Rule

This rule is being published as a final rule without prior notice and comment. Notice and comment procedures are considered to be contrary to the public interest for two reasons: First, any delay in effectuating the changes made by this rule would disserve the public interest, because the delay would perpetuate an implementation date which has proved to be impossible. Second, it would frustrate Congressional policy to delay the implementation date any longer than absolutely necessary. The implementation date contained here is the earliest precticable date. Morever, since benefits will be calculated retroactively to October 1, 1984—the *unaltered* date for the accrual of benefits for families whose income was reexamined under the old rule after October 1, 1984—and since proper rebates will be made, this necessary delay in implementation will not deprive families of any substantive right.

Findings and Certifications

Findings of No Significant Impact with respect to the environment were made in accordance with HUD regualtions in 24 CFR Part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332, in connection with the rules that are being amended herein. Those Findings of No Significant Impact are applicable to this rule amending those rules, and the Findings are available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rules indicates that it does not: (1) Have an annual effect on the economy of $100 million or more, (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions, or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rules does not have a significant economic impact on a substantial number of small entities, because it recognizes the need for most owners and PHAs to have HUD forms and instructions before implementing the new income definition rules.

This rule was not listed on any Semiannual Agenda of Regulations published pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Domestic Assistance Numbers are 14.103, 14.149 and 14.156.

List of Subjects

24 CFR Part 215

Grant programs—housing and community development, Rent subsidies.

24 CFR Part 236

Low and moderate income housing, Mortgage insurance, Rent subsidies.

24 CFR Part 813

Lower income housing, Rent subsidies, Utilities.

Accordingly, the Department amends 24 CFR Parts 215, 236 and 813 as follows:

PART 215—RENT SUPPLEMENT PAYMENTS

1. The authority citation for 24 CFR Part 215 is revised to read as set forth below and any authority citation following any section in Part 215 is removed:

Authority: Sec. 101(g), Housing and Urban Development Act of 1965, (12 U.S.C. 1701s); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 215.56 is revised to read as follows:

§ 215.56 Transition provision.

(a) *Admissions and reexaminations effective on or after August 1, 1985.* All regular and interim reexaminations and examinations for admission that are to be effective on or after August 1, 1985, and determinations of Annual Income, Adjusted Income, Total Tenant Payment and Tenant Rent based thereon, shall be made in accordance with the July 1984 revisions to §§ 215.1, 215.21, 215.45 and 215.55.

(b) *Optional interim reexamination.* Each owner shall have the right, at its discretion, to require any Qualified Tenant who paid an assisted rent on or after October 1, 1984, that was based on the rule in effect before October 1, 1984, to undergo an interim reexamination and determination of Annual Income, Adjusted Income, Total Tenant Payment and Tenant Rent based thereon, in accordance with the July 1984 revisions to §§ 215.1, 215.21, 215.45 and 215.55, before the next regularly scheduled reexamination for such Qualified Tenant.

(c) *Calculation of retroactive adjustment.* For all Qualified Tenants, other than those whose examination for admission was based on the July 1984 revisions to §§ 215.1, 215.21, 215.45 and 215.55, the owner shall make an additional calculation, at the first reexamination using the 1984 revisions, with respect to the period between October 1, 1984 and the effective date of such reexamination. An adjusted Total Tenant Payment shall be calculated for such period, in accordance with HUD administrative instructions, on the basis of:

(1) The Annual Income determined for such period in accordance with regulations and procedures in effect immediately before October 1, 1984;

(2) The Dependent and Elderly Family deductions prescribed in the definition of Adjusted Income in § 215.1;

(3) Medical Expenses and Handicapped Assistance Expenses as prescribed in HUD administrative instructions implementing the definition of Adjusted Income in § 215.1, as adapted to conform to section 102(b)(3) of the Housing and Community Development Technical Amendments Act of 1984;

(4) Unusual Expenses taken into account in the calculation of Adjusted Income for such period in accordance with regulations and procedures in effect immediately before October 1, 1984, but only if such Unusual Expenses qualify as Child Care Expenses as defined in § 215.1; and

(5) The percentage applied to one-twelfth of the tenant's Adjusted Income in accordance with regulations and procedures in effect immediately before October 1, 1984, to determine the actual monthly rental charge during such period.

(d) *Actual adjustments.* (1) If the adjusted monthly rental charge calculated under paragraph (c) of this section is higher than or equal to the actual monthly rental charge for the applicable period, no adjustment shall be made. If the adjusted monthly rental

charge calculated under paragraph (c) of this section is lower than the actual monthly rental charge for the applicable period, the amount of such difference shall be offset first against any amounts due from the tenant to the owner, and any remaining balance is the amount due the tenant. This amount due the tenant may be paid to the tenant; or it may be applied as a credit to the Tenant Rent due immediately after the effective date of the reexamination; or, if the amount due to a tenant exceeds 25 percent of the Total Tenant Payment due from such tenant, it may be applied as a credit in not more than four installments.

(2) If a Qualified Tenant vacates a unit on of after October 1, 1984, and before the first reexamination based on the July 1984 revisions to §§ 215.1, 215.21, 215.45 and 215.55, the owner shall notify the Qualified Tenant of the possibility of a rent adjustment for the period commencing October 1, 1984, subject to the requirement of a request therefor (made not later than 60 days after the owner sends the notice) together with notification of a current address to which any refund can be sent. For any tenant making such a timely request, the owner shall make all calculations necessary to determine whether an adjustment is due to the tenant under this paragraph (d) and, if so, the amount of any such adjustment shall be offset first against any amount due from the tenant to the owner, and any balance shall be refunded to the tenant.

(e) *Increased subsidy needs.* If an owner notifies HUD that its subsidy needs exceed the amount available under its contract with HUD as a result of reduced rental income caused by implementation of the July 1984 revisions to §§ 215.1, 215.21, 215.45 and 215.55, HUD will follow regular procedures appropriate to the circumstances.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

3. The authority citation for 24 CFR Part 236 is revised to read as set forth below and any authority citation following any section in Part 236 is removed:

Authority: Secs. 211 and 236 of the National Housing Act (12 U.S.C. 1715b and 1715z-1); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

4. Section 236.81 is revised to read as follows:

§ 236.81 Transition provision.

(a) *Admissions and reexaminations effective on or after August 1, 1985.* All regular and interim reexaminations and examinations for admission that are to be effective on or after August 1, 1985, and determinations of Annual Income, Adjusted Income, Total Tenant Payment and Tenant Rent based thereon, shall be made in accordance with the July 1984 revisions to §§ 236.2, 236.3, 236.55 (or § 236.735, if applicable).

(b) *Optional interim reexamination.* Each owner shall have the right, at its discretion, to require any Qualified Tenant who paid an assisted rent on or after October 1, 1984, that was based on the rule in effect before October 1, 1984, to undergo an interim reexamination, and determination of Annual Income, Adjusted Income, Total Tenant Payment, and Tenant Rent based thereon, in accordance with the July 1984 revisions to §§ 236.3, 236.55, and 236.735, before the next regularly scheduled reexamination for such Qualified Tenant.

(c) *Calculation of retroactive adjustment.* For all Qualified Tenants, other than those whose examination for admission was based on the July 1984 revisions to §§ 236.2, 236.3, 236.55 and 236.735, the owner shall make an additional calculation, at the first reexamination using the 1984 revisions, with respect to the period between October 1, 1984 and the effective date of such reexamination. An adjusted Total Tenant Payment (or Tenant Rent for tenants not receiving the benefit of Rental Assistance Payments) shall be calculated for such period, in accordance with HUD administrative instructions, on the basis of:

(1) The Annual Income determined for such period in accordance with regulations and procedures in effect immediately before October 1, 1984;

(2) The Dependent and Elderly Family deductions prescribed in the definition of Adjusted Income in § 236.2;

(3) Medical Expenses and Handicapped Assistance Expenses as prescribed in HUD administrative instructions implementing the definition of Adjusted Income in § 236.2, as adapted to conform to section 102(b)(3) of the Housing and Community Development Technical Amendments Act of 1984;

(4) Unusual Expenses taken into account in the calculation of Adjusted Income for such period in accordance with regulations and procedures in effect immediately before October 1, 1984, but only if such Unusual Expenses qualify as Child Care Expenses as defined in § 236.2; and

(5) The percentage applied to one-twelfth of the tenant's Adjusted income in accordance with regulations and procedures in effect immediately before October 1, 1984, to determine the actual monthly rental charge during such period.

(d) *Actual Adjustments.* (1) If the adjusted rental charge calculated under paragraph (c) of this section is higher than or equal to the actual monthly rental charge for the applicable period, no adjustment shall be made. If the adjusted monthly rental charge calculated under paragraph (c) of this section is lower than the actual monthly rental charge for the applicable period, the amount of such difference shall be offset first against any amounts due from the tenant to the owner, and any remaining balance is the amount due the tenant. This amount due the tenant may be paid to the tenant; or it may applied as a credit to the Total Tenant Payment or Tenant Rent, as appropriate, due immediately after the effective date of the reexamination; or, if the amount due to a tenant exceeds 25 percent of the Total Tenant Payment or Tenant Rent, as appropriate, due from such tenant, it may be applied as a credit in not more than four installments.

(2) If a Qualified Tenant vacates a unit on or after October 1, 1984, and before the first reexamination based on the July 1984 revisions to §§ 236.2, 236.3, 236.55 and 236.735, the owner shall notify the Qualified Tenant of the possibility of a rent adjustment for the period commencing October 1, 1984, subject to the requirement of a request therefor (made not later than 60 days after the owner sends the notice) together with notification of a current address to which any refund can be sent. For any tenant making such a timely request, the owner shall make all calculations necessary to determine whether an adjustment is due to the tenant under this paragraph (d) and, if so, the amount of any such adjustment shall be offset first against any amounts due from the tenant to the owner, and any balance shall be refunded to the tenant.

(e) *Increased subsidy needs.* If an owner notifies HUD that its subsidy needs exceed the amount available under its contract with HUD as a result of reduced rental income caused by implementation of the revisions to §§ 236.2, 236.3, 236.55 and 236.735, HUD will follow regular procedures appropriate to the circumstances.

PART 813—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR THE SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS AND RELATED PROGRAMS

5. The authority citation for 24 CFR Part 813 is revised to read as set forth below and any authority citation following any section in Part 813 is removed:

Authority: Secs. 3, 5(b), 8, and 16, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f, and 1437n); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 813.107 [Amended]

6. Section 813.107(c)(6) is amended (1) by removing the phrase "conducted on or after October 1, 1984" in the four places where it appears, and substituting in its place "using the 1984 revised definitions of income"; (2) by inserting after the phrase "any remaining balance shall be" the words "the amount due to the Family. This amount due the Family may be paid to the Family, or it may be"; (3) by removing the phrase "credit to the Total Tenant Payment" and substituting in its place "credit to the Tenant Rent"; and (4) by inserting after the phrase "any amounts due from the Family and" the phrase "any Section 8 damage and rent claims HUD has paid to the Owner on the Family's behalf, and".

7. Section 813.110 is revised to read as follows:

§ 813.110 Transition provision.

(a) *Delayed implementation for rent calculations.* This Part is effective on July 1, 1984. However, implementation of the definitions of Annual Income and Adjusted Income contained in this Part shall take place in time to be applied to examinations for admission and reexaminations effective on or after August 1, 1985.

(b) *Examinations and reexaminations effective before August 1, 1985.* In the case of the following categories of tenants, the PHA or Owner shall conduct the examination or reexamination as scheduled and may determine the tenant's contribution in accordance with regulations and procedures in effect immediately before July 1, 1984 (including the percentage to be applied to adjusted income in the case of such tenants pursuant to § 813.107 based on the effective date of the examination or reexamination): (1) Any current tenant for whom the examination or regularly scheduled reexamination process started on or after July 1, 1984, and whose examination or reexamination was effective before August 1, 1985; (2) current tenants for whom interim reexaminations have effective dates during that period; and (3) applicants for admission whose initial examinations have an effective date during that period.

(c) *Admissions.* On or after July 1, 1984, and before August 1, 1985, for purposes of application of §§ 813.103 and 813.105, a Family will be determined to be a Lower-Income Family or a Very Low-Income Family on the basis of a determination of Annual Income made in accordance with regulations and procedures in effect immediately before July 1, 1984. The admission of any Family on such basis before August 1, 1985, shall not be effected by a recalculation of Annual Income pursuant to this Part effective on or after August 1, 1985.

(d) *Admissions and Reexaminations effective on or after August 1, 1985.* All regular or interim reexaminations, or examinations for admission, effective on or after August 1, 1985, and determinations of Annual Income, Adjusted Income, Total Tenant Payment and Tenant Rent based thereon, shall be made in accordance with the requirements of this Part.

(e) *Optional Interim Reexamination.* Each PHA or Owner shall have the right, at its discretion, to require any Family that paid an assisted rent on or after October 1, 1984, that was based on the rule in effect before July 1, 1984, to undergo an interim reexamination, and determination of Annual Income, Adjusted Income, Total Tenant Payment, and Tenant Rent based thereon, in accordance with the requirements of this Part, before the next regularly scheduled reexamination for such Family.

(f) *Calculation of Retroactive Adjustment.* For all Families, other than those whose examination for admission was based on the revised definitions of Annual Income and Adjusted Income established in this Part, the PHA or Owner shall make an additional calculation at the time of the first regular or interim reexamination using the 1984 revisions, with respect to the period between October 1, 1984, and the effective date of such reexamination. An adjusted tenant rental payment shall be calculated for such period, in accordance with HUD administrative instructions, on the basis of:

(1) The Annual Income determined for such period in accordance with regulations and procedures in effect immediately before July 1, 1984;

(2) The Dependent and Elderly Family deductions prescribed by § 813.102;

(3) Estimated Medical Expenses and Handicapped Assistance Expenses as prescribed in HUD administrative instructions implementing the definition of Adjusted Income in § 813.102, as adapted to conform to section 102(b)(3) of the Housing and Community Development Technical Amendments Act of 1984;

(4) Unusual Expenses taken into account in the calculation of Annual Income After Allowances for such period in accordance with regulations and procedures in effect immediately before July 1, 1984, but only if such unusual expenses qualify as Child Care Expenses as defined in § 813.102.

(5) The percentage applied to Monthly Adjusted Income in accordance with regulations and procedures in effect immediately before July 1, 1984, to determine the rental payment actually charged during such period.

(g) *Actual adjustments.* (1) If the adjusted tenant rental payment calculated under paragraph (f) is higher than or equal to the tenant payment actually charged for the applicable period, no adjustment shall be made. If the adjusted tenant rental payment calculated under paragraph (f) is lower than the tenant rental payment actually charged for the applicable period, the amount of such difference shall first be offset against any amounts due from the Family to the PHA or Owner and any remaining balance shall be the amount due to the Family. This amount due the Family may be paid to the Family; or it may be applied as a credit to the Tenant Rent due immediately after the effective date of the reexamination; or, if the amount due to a Family exceeds 25 percent of the Total Tenant Payment due from such Family, it may be applied as a credit in not more than four installments.

(2) If a Family vacates a unit on or after October 1, 1984, and before the first reexamination based on the revised definitions of Annual Income and Adjusted Income established in this Part, the PHA or Owner will notify the Family of the possibility of a rent adjustment for the period commencing October 1, 1984, subject to the requirement of a request therefor (made not later than 60 days after the owner sends the notice) together with notification of a current address to which any refund can be sent. For any Family making such a timely request, the PHA or Owner will make all calculations necessary to determine whether an adjustment is due to the Family pursuant to this subsection (g).

and, if so, the amount of any such adjustment will first be offset against any amounts due from the Family to the PHA or Owner and any Section 8 damage or rent claims HUD has paid on the Family's behalf, and any balance will be refunded to the Family.

(h) *Increased subsidy needs.* If a PHA or Owner notifies HUD that its subsidy needs exceed the amount available under its contract with HUD as a result of reduced rental income caused by implementation of this Part, HUD will follow regular procedures appropriate to the circumstances.

Dated: June 5, 1985.

Janet Hale,

Acting General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 85-14097 Filed 6-11-85; 8:45 am]

BILLING CODE 4210-27-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1602

State and Local Government Information Report (EEO-4); Change in Survey Form and Instructions

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of change in Survey Form and Instructions, State and Local Government Information (EEO-4) Report.

SUMMARY: Starting with the 1986 survey year, the salary ranges on the EEO-4 form will be revised to reflect current earnings levels.

DATE: This change will be effective beginning with the 1986 EEO-4 survey.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Director, Survey Division, Office of Program Research, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20507 (703/756-6020).

SUPPLEMENTARY INFORMATION: The above change involves a modification in the reporting form and does not entail any additional reporting requirements. The salary ranges on the EEO-4 form will be revised to reflect current earnings level, starting with the 1986 survey, as follows:

[Dollars in thousands]

Current ranges	Revised ranges
$0.1 to 5.9	Below—$8.0
6.0 to 9.9	$8.0 to 11.9
10.0 to 12.9	12.0 to 15.9
13.0 to 15.9	16.0 to 19.9
16.0 to 19.9	20.0 to 24.9
20.0 to 24.9	25.0 to 32.9
25.0 to 32.9	33.0 to 42.9
33.0—plus	43.0—plus.

Respondents will receive notification of the above change along with their EEO-4 forms for the 1985 survey, thus allowing a year's lead time before the change is implemented.

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

For the Commission.

Clarence Thomas,

Chairman.

[FR Doc. 85-14088 Filed 6-11-85; 8:45 am]

BILLING CODE 6570-06-M

29 CFR Part 1602

Higher Education Staff Information Report (EEO-6); Revision of Salary Ranges

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of change in Survey Form and Instructions, Higher Education Staff Information (EEO-6) Report.

SUMMARY: Starting with 1987 survey year, the salary ranges on the EEO-6 forms will be revised to reflect current earnings levels.

DATE: This change will be effective beginning with the 1987 EEO-6 survey.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Director, Survey Division, Office of Program Research, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20507 (703/756-6020).

SUPPLEMENTARY INFORMATION: The above change involves a modification in the reporting form and does not entail any additional reporting requirements. The salary ranges on the EEO-6 form will be revised to reflect current earnings levels by occupational groups, starting with 1987 survey, as follows:

Current ranges	Revised ranges
Faculty: 9-10 Month Contract, 11-12 Month Contract, Executive/Administrative/Managerial Professional, Non-faculty:	
Below $7,500	Below $10,000
$7,500 to 9,999	$10,000 to 14,999
10,000 to 12,999	15,000 to 19,999
13,000 to 15,999	20,000 to 24,999
16,000 to 18,999	25,000 to 29,999
19,000 to 24,999	30,000 to 34,999
25,000 to 29,999	35,000 to 39,999
30,000 and above	40,000 and above
Secretarial/Clerical Technical/Paraprofessional Skilled Craft:	
Below $5,000	Below $8,000
$5,000 to 7,499	$8,000 to 11,999
7,500 to 9,999	12,000 to 15,999
10,000 to 12,999	16,000 to 21,999
13,000 to 15,999	22,000 to 29,999
16,000 and above	30,000 and above
Service/Maintenance:	
Below $3,000	Below $8,000
$3,000 to 4,999	$8,000 to 11,999
5,000 to 7,499	12,000 to 17,999
7,500 to 9,999	18,000 to 24,999
10,000 and above	25,000 and above

Respondents will receive notification of the above change along with their EEO-6 forms for the 1985 survey, thus allowing two year's lead time before the change is implemented.

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

For the Commission.

Clarence Thomas,

Chairman.

[FR Doc. 85-14089 Filed 6-11-85; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 725

Disposition of Cases Involving Physical Disability; Removal

AGENCY: Department of the Navy, DOD.

ACTION: Removal of rule from CFR.

SUMMARY: This document removes the Navy *Disability Evaluation Manual* (DEM) from the **Federal Register** and the *Code of Federal Regulations*. The purpose of this action is to avoid the costs associated with publishing the DEM. The DEM is still effective, however, and copies may be obtained from the Naval Council of Personnel Boards.

EFFECTIVE DATE: June 12, 1985.

ADDRESSES: Copies of the current edition of the DEM may be obtained from the Naval Council of Personnel Boards, Disability Evaluation System, Room 905—801 North Randolph Street, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Capt. J.O. Hall, 801 N. Randolph St. Suite 730, Arlington, VA 22203-1989, (703) 696-4371.

SUPPLEMENTARY INFORMATION: The DEM is being removed from 32 CFR Part 725 to avoid the expense of publishing this lengthy and oft-changed regulation in the **Federal Register** and the *Code of*

Federal Regulations. The DEM need not be published since it does not affect the public. It applies only to Department of the Navy military personnel. The DEM itself, as amended, is still in effect, however.

List of Subjects in 32 CFR Part 725

Administrative practice and procedure, Disability benefits, Military personnel, Retirement.

PART 725—[REMOVED]

Accordingly, Part 725 is removed from title 32, CFR.

Dated: June 6, 1985.

William F. Roos, Jr.,

LT, JAGC, USNR, Federal Register Liaison Officer.

[FR Doc. 85-14062 Filed 6-11-85; 8:45 am]

BILLING CODE 3810-AE-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations; Florida et al.

AGENCY: Federal Emergency Managment Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are established for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 1229, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

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

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The modified base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
FLORIDA	
Cape Coral (city), Lee County (FEMA Docket No. 6614)	
Charlotte Harbor:	
Intersection of Old Burnt Store Road and NW 41st Lane	*8
Approximately 3,150 feet west of intersection of Durden Parkway West and Old Burnt Store Road	*11
Along shoreline north of Yucca Creek	*12
Matlacha Pass:	
Intersection of Gulfstream Parkway and NW 36th Avenue	*8
Intersection of Embers Parkway and Burnt Store Road	*8
Intersection of SW 20th Avenue and SW 32nd Street	*8
Approximately 9,000 feet west of Intersection of Gulfstream Parkway and NW 39th Avenue	*9
Intersection of SW 28th Place and El. Dorado Parkway	*9
Approximately 3,800 feet west of intersection of SW 2nd Lane and SW 38th Place	*10
Approximately 9,900 feet west of intersection of SW 20th Avenue and SW 32nd Street	*11
Approximately 8,000 feet west of the intersection of SW 28th Place and El Dorado Parkway	*11
Caloosahatchee River:	
Intersection of River SE 46th Street and SE 5th Place	*8
Intersection of Country Club Boulevard and Wildwood Parkway	*8
Intersection of SW 52nd Street and SW 8th Place	*8
Intersection of Del Prado Parkway and Coral Point Drive	*8
Intersection of Flamingo Drive and Riverside Drive	*10
Approximately 8,000 feet south of the intersection of SW 28th Place and El Dorado Parkway	*11
Maps available for inspection at City Hall, Cape Coral, Florida.	
MONTANA	
Belt (town), Cascade County (FEMA Docket No. 6640)	
Belt Creek: 50 feet downstream of Bridge Street crossing	*3,509
Maps available for inspection at City Hall, Belt, Montana	
NEW YORK	
Oneida, city Madison County (FEMA Docket No. 6485)	
Oneida Creek:	
Downstream corporate limits	*386
Upstream Swallows Bridge Road	*397
Upstream Old Erie Canal bridge	*418
Upstream State Route 90	*422
Upstream Abandoned Railroad	*425
Upstream Lenox Avenue	*427
Upstream of Genesee Street	*446
Upstream Middle Road	*451
Upstream pipe crossing	*466
Upstream second crossing Kenwood Avenue	*484
Approximately 1,300 feet upstream of dam	*494
Upstream Peterboro Road	*509
Upstream corporate limits	*518
Higinbotham Brook:	
Confluence with Oneida Creek	*428
Upstream Sylvan Street	*444
Upstream CONRAIL	*461
Upstream State Route 5	*479
Cowaselon Creek:	
Downstream CONRAIL	*428
Downstream Elm Street	*444
Upstream Abandoned Railroad	*452
Upstream State Route 5	*475
Downstream of 1st upstream corporate limits	*497
Downstream of most upstream corporate limits	*513
Maps available for inspection at the City Engineer's Office, City Hall, 109 North Main Street, Oneida, New York.	
NORTH DAKOTA	
Bismarck (city), Burleigh County (FEMA Docket No. 6122)	
Missouri River: 500 feet upstream from center of Burlington Northern Railroad	*1,636

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Apple Creek: 200 feet upstream from center of Soo Line Railroad	*1,642
Hay Creek: 200 feet upstream from center of Interstate Highway 94	*1,693
Maps available for inspection at Planning Department, 221 N. 5th Street, Bismarck, North Dakota.	
Grand Forks (city), Grand Forks County (FEMA Docket No. 6592)	
English Coulee:	
At the intersection of Columbia Road and Gateway Drive	*829
At the intersection of Royal Drive and Baron Boulevard	*832
Maps available for inspection at City Engineer's Office, 440 2nd Avenue, North, Grand Forks, North Dakota.	
Stanley (township), Cass County (FEMA Docket No. 6568)	
Red River of the North: Intersection of Red River of the North and center of County Road No. 16	*909
Sheyenne River: Intersection of river and center of County Highway 6	*913
Wild Rice River: Intersection of river and center of U.S. Highway 81	*908
Maps available for inspection at Stanley Township Supervisor's Home, Route 1, Horace, North Dakota.	
TEXAS	
Harris County (FEMA Docket No. 6625)	
Halls Bayou:	
Approximately 1.0 mile upstream of confluence with Greens Bayou	*33
Approximately 800 feet downstream of confluence of Tributary 6.71	*58
At downstream corporate limits	*61
At Bertrand (upstream side)	*68
At Aldine Westfield Road (upstream side)	*70
At confluence of Tributary 11.96	*74
At Airline Drive (upstream side)	*78
Downstream side of Sweetwater Road	*81
Upstream side of Steubner Airline Road	*87
Approximately 1.4 miles upstream of Steubner Airline Road	*90
Approximately 0.6 mile downstream of Ann Louise Road	*96
Downstream of Mosleiee Road	*100
Tributary 6.71 to Halls Bayou:	
At downstream corporate limits	*56
At Hopper Road (upstream side)	*62
Approximately 1,950 feet upstream of Hartwick Lane	*63
Tributary 11.96 to Halls Bayou:	
At confluence with Halls Bayou	*74
Downstream of Carby	*75
Big Gulch:	
At confluence with Greens Bayou	*24
Upstream side of Wallisville Road	*25
Approximately 0.9 mile upstream of Wallisville Road	*32
Approximately 0.4 mile downstream of Villagrove	*38
Upstream side of Tidwell Road	*44
Approximately 300 feet downstream of Little York (extended)	*47
Spring Gully:	
At confluence with Greens Bayou	*26
Approximately 1.3 miles upstream of confluence with Greens Bayou	*32
Garners Bayou:	
Confluence with Greens Bayou	*57
Approximately 0.8 mile downstream of confluence of Tributary 3.19	*58
Approximately 1,700 feet upstream of confluence of Tributary 3.19	*62
At corporate limits	*65
Williams Gully:	
Confluence with Garners Bayou	*57
Approximately 1.1 miles upstream of confluence with Garners Bayou	*59
Approximately 1,400 feet upstream of confluence of Tributary 2.01	*64
Approximately 2.3 miles upstream of confluence of Tributary 2.01	*68
Tributary 2.01 to Williams Gully:	
Confluence with Williams Gully	*63
Approximately 0.9 mile upstream of confluence with Williams Gully	*66
Approximately 1.9 miles upstream of confluence with Williams Gully	*72
Tributary 3.19 to Garners Bayou:	
Confluence with Garners Bayou	*61
Upstream corporate limits	*68
Tributary 0.55 to Tributary 3.19 to Garners Bayou:	
Confluence with Tributary 3.19	*65
Upstream corporate limits	*67
North Fork Greens Bayou:	
At downstream corporate limits	*92
Upstream side of Ella Boulevard	*94
Upstream side of most downstream Shell Road	*104
Upstream side of most upstream Shell Road	*107
Approximately 1,875 feet upstream of Walters Road	*108
Tributary 1.95 to North Fork Greens Bayou:	
Confluence with North Fork Greens Bayou	*95
Approximately 0.6 mile upstream of Kuykendahl Road	*104
Approximately 0.9 mile upstream of Harrell-Dwyer Road	*112
Tributary 14.27 to Greens Bayou:	
At confluence with Greens Bayou	*41
At corporate limits	*44
Tributary 14.87 to Greens Bayou:	
At confluence with Greens Bayou	*43
Approximately 1.2 miles upstream of confluence with Greens Bayou	*48
Upstream side of East Houston Dyorsdale Road	*57
Upstream side of Sheridan Road	*62
At upstream corporate limits	*64
Tributary 20.88 to Greens Bayou:	
At confluence with Greens Bayou	*59
Upstream of Grand Prairie Drive	*62
Corporate limits at Old Humble Road	*68
Approximately 100 feet downstream of U.S. Route 59	*70
Mason Creek:	
At corporate limits with the City of Houston	*90
Upstream side of Fry Road	*102
Upstream side of Park Pine Road	*110
Approximately 0.5 mile downstream of Interstate 10/State Route 90	*123
Upstream of Interstate Route 10	*125
At Colonial Parkway	*126
Approximately 0.4 mile upstream of Franz Road	*130
Tributary 4.96 to Mason Creek:	
Confluence with Mason Creek	*125
Approximately 0.9 mile upstream of Mason Road	*128
Approximately 1.9 miles upstream of Mason Road	*132
Approximately 100 feet downstream of Katy-Fort Bend Road	*135
Tributary 52.9 to Buffalo Bayou:	
At corporate limits	*98
Approximately 1,850 feet upstream of confluence of Tributary 2.17 to Tributary 52.9 to Buffalo Bayou	*102
Tributary 2.17 to Tributary 52.9 to Buffalo Bayou:	
Confluence with Tributary 52.9 to Buffalo Bayou	*100
Approximately 0.8 mile upstream of confluence with Tributary 52.9 to Buffalo Bayou	*103
Cane Island Branch:	
Approximately 0.6 mile downstream of county boundary	*147
Approximately 0.6 mile upstream of Morton Road	*156
At Pitts Road	*159
Hunting Bayou:	
Confluence with Buffalo Bayou	*12
At upstream corporate limits (with Galena Park)	*12
Carpenters Bayou:	
Confluence with Buffalo Bayou	*12
Upstream side of Woodford Drive	*24
Upstream side of Wallisville Road	*33
At U.S. Route 90	*40
Tributary 3.33 to Carpenters Bayou:	
Confluence with Carpenters Bayou	*19
Upstream side of Avenue C	*23
Approximately 650 feet upstream of Elgin Road	*29
Tributary 11.715 to Carpenters Bayou:	
Confluence with Carpenters Bayou	*45
Approximately 1.0 mile upstream of Hatchery Road	*46
Sheldon Reservoir:	
Entire shoreline	*49
Buffalo Bayou:	
At confluence of Tucker Bayou	*12
At confluence of Tributary 6.77	*12
At confluence of Sims Bayou	*12
At Dairy Ashford Road and Houston corporate limits	*78
At confluence of Langham Creek	*80
Downstream of State Route 6	*83
Turkey Creek:	
At downstream City of Houston corporate limits	*88
At first upstream Houston corporate limits	*92
Corporate limits at Clay Road	*104
Upstream side of Tanmner Road	*108
At Fisher Road	*110
Tributary 3.9 to Turkey Creek:	
At City of Houston corporate limits	*107
Approximately 3,000 feet upstream of Tanner Road	*114
Glenmore Ditch:	
Confluence with Buffalo Bayou	*12
At corporate limits	*18
Tributary 8.17 to Buffalo Bayou:	
Confluence with Buffalo Bayou	*12
At corporate limits	*12
Tucker Bayou:	
Confluence with Buffalo Bayou	*12
At corporate limits with Deer Park	*12
Patrick Bayou:	
Confluence with Buffalo Bayou	*12
At corporate limits	*12
Panther Creek:	
Confluence with Buffalo Bayou	*12
At corporate limits	*12
Tributary 6.77 to Buffalo Bayou:	
At confluence with Buffalo Bayou	*12
At corporate limits	*12
Goose Creek:	
At downstream corporate limits	*24
Approximately .6 mile upstream of Interstate Route 10	*30
Approximately 200 feet upstream of Wallisville Road East	*35
Approximately .8 mile upstream of Fig Orchard Road	*42
East Fork Goose Creek:	
At downstream corporate limits	*25
Approximately 0.45 mile upstream of West Lynchburg-Cedar Bayou Road	*28
Forrest Lake:	
Downstream corporate limits	*11
Corporate limits with the City of Pasadena	*11
Approximately 1,200 feet upstream of corporate limits	*11
Clear Creek:	
Upstream corporate limits of unincorporated areas of Harris County/City of Seabrook	*15
Approximately 2.0 miles downstream of confluence of Cow Bayou	*12
At confluence of Cow Bayou	*11
Upstream side of Interstate Route 45/U.S. Route 25	*12
Upstream side of FM 528	*18
Upstream side of Edgewood Avenue/FM 2351	*24
At confluence of Halls Road Ditch	*27
Upstream side of Dixie Farm Road	*32
At upstream corporate limits of Harris County/City of Pearland	*36
At downstream corporate limits of Harris County/City of Houston	*44
Upstream side of Cullen Boulevard/FM 518	*53
Upstream side of County Route 403	*59
At county boundary	*63
Taylors Bayou:	
Entire shoreline with county	*11
Tributary 3.10 to Taylors Bayou:	
At confluence with Taylors Bayou	*11
Approximately 0.65 mile upstream of confluence with Taylors Bayou	*11
Tributary 3.36 to Taylors Bayou:	
At confluence with Taylors Bayou	*11
Approximately 1,360 feet upstream of pipeline crossing	*11

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tributary 3.93 to Taylors Bayou:	
At confluence with Taylors Bayou	*11
At corporate limits	*11
Big Island Slough:	
Upstream face of Red Bluff Road	*12
At upstream corporate limits	16
Spring Gully:	
At upstream face of Red Bluff Road	*15
Approximately 840' downstream of corporate limits	*19
Willow Springs Bayou:	
Upstream of Red Bluff Road	*21
At upstream corporate limits	*21
Armand Bayou:	
Approximately 0.90 mile upstream of confluence of Spring Gully	*16
Cow Bayou:	
Downstream corporate limits	*12
Approximately 620 feet upstream of El Camino Real Boulevard	*16
Tributary 10.08 of Clear Creek:	
Downstream corporate limits	*11
Corporate limits at West Nasa Road	*17
Approximately 1,550 feet upstream of third downstream corporate limits	*24
Turkey Creek:	
Downstream corporate limits	*26
Downstream corporate limits of the City of Houston	*29
At most upstream corporate limits with the City of Houston	*31
Tributary 0.16 to Turkey Creek:	
Confluence with Turkey Creek	*26
Approximately 0.7 mile upstream of confluence with Turkey Creek	*29
Halls Road Ditch:	
At downstream corporate limits	*30
Most upstream corporate limits	*37
Galveston Bay:	
Shoreline of southwestern corporate limits at Atkinson Island	*15
Shoreline approximately 1.1 miles east of Lee Drive (extended)	*16
Shoreline at Diverson Channel	*19
Shoreline of eastern corporate limits sourth of the City of Baytown	*17
White Oak Bayou:	
Downstream corporate limits with City of Houston	*84
Upstream corporate limits with City of Houston	*89
Fairbanks-North Houston Road (upstream side)	*97
Windfern Road (upstream side)	*100
Upstream corporate limits of City of Jersey Village	*110
Jones Road (upstream side)	*120
Addicks-Fairbanks Road (upstream side)	*126
Huffmeister Road (upstream side)	*133
Brickhouse Gully:	
Downstream corporate limits	*100
Approximately 300 feet upstream of Gessner Road	*101
Cole Creek:	
Downstream corporate limits	*93
Windfern Road (upstream side)	*97
Hempstead Road (upstream side)	*101
Approximately 1,150 feet upstream of Sommermeyer Road (upstream side)	*102
Vogel Creek:	
Downstream corporate limits	*86
West Mount Houston Road (upstream side)	*87
Chippewa Boulevard (downstream side)	*95
Romona Boulevard (upstream side)	*101
Silent Wood Lane (upstream side)	*105
Bunker Wood Lane (upstream side)	*107
Approximately 2,500 feet upstream of Fairbanks-North Houston Road	*115
Tributary 15.8 of White Oak Bayou:	
Confluence with White Oak Bayou	*92
Warren Road (upstream side)	*101
Rodney Ray Boulevard (upstream side)	*109
Taub Road (downstream side)	*113
Rolling Fork:	
Confluence with White Oak Bayou	*99
Rodney Boulevard (downstream side)	*106
Prairie Drive (upstream side)	*112
Approximately 1,100 feet upstream of Taub Road	*117
Approximately 2.0 miles upstream of Taub Road	*120
Tributary 19.82 to White Oak Bayou:	
Downstream corporate limits	*110
Jones Road (upstream side)	*111
Hemstead Road (upstream side)	*117
East Fork San Jacinto River:	
Confluence with Lake Houston	*50
Approximately 1.6 mile upstream of confluence of Caney Creek	*58
Confluence of Church House Gully	*67
County boundary	*69
West Fork San Jacinto River:	
Confluence with Lake Houston	*50
Approximately 1.5 miles upstream of confluence of Bear Branch (Tributary to Kingwood Village)	*58
At U.S. Route 59	*65
White Oak Creek:	
Downstream corporate limits	*59
Upstream corporate limits	*65
Mills Branch:	
Confluence with White Oak Creek	*61
Approximately 106 feet upstream of Hamblen Road	*75
Tributary 16.8 to West Fork San Jacinto River:	
Confluence with West Fork San Jacinto River	*62
Upstream corporate limits	*62
Tributary 17.7 to West Fork San Jacinto River:	
Confluence with West Fork San Jacinto River	*64
Approximately 0.9 mile upstream of confluence	*64
Bens Branch:	
At downstream corporate limits	*50
Approximately 500 feet upstream of Kingwood Drive	*54
At county boundary	*74
Jordon Gully:	
At corporate limits	*61
Approximately 2,000 feet upstream of FM 1960	*68
San Jacinto River:	
Downstream corporate limits	*14
Interstate Route 10 upstream	*14
Missouri Pacific Railroad upstream	*16
Approximately 2 miles upstream of Missouri Pacific Railroad	*17
Approximately 21,120 feet above Missouri Pacific Railroad	*19
Beaumont Highway (U.S. Route 90)	*28
Upstream corporate limits	*32
Approximately 3,250 feet downstream of Lake Houston Dam	*33
Lake Houston:	
Entire shoreline within community	*50
Cedar Bayou:	
Confluence with Galveston Bay	*15
Upstream side of Tri-Cities Beach Road	*12
Upstream side of Ferry Road/State Route 146	*15
Approximately 600 feet upstream of downstream crossing of Southern Pacific Railroad	*20
Upstream side of Interstate Route 10/U.S. Route 75	*22
At Crosby-Barbers Hill Road/FM 1942	*31
At confluence of Buck Gully	*35
At confluence of Adlong Ditch	*44
Approximately 2.1 miles upstream of confluence of Adlong Ditch	*48
Upstream side of upstream crossing of Southern Pacific Railroad	*57
Upstream side of Crosby-Eastgate Road	*63
Upstream side of Ramsey Road	*66
Upstream county boundary	*72
Cary Bayou:	
Confluence with Cedar Bayou	*15
Upstream side of Southern Pacific Railroad	*21
Upstream side of East Archer Road	*28
Approximately 0.5 mile upstream of East Archer Road	*30
McGee Gully:	
Confluence with Cedar Bayou	*18
Approximately 350 feet upstream of Needlepoint Road	*26
At Sjolander Road	*29
Approximately 1.4 miles upstream of Sjolander Road	*34
Cypress Creek:	
Confluence with Spring Creek	*76
Confluence of Wild Cow Gulch	*76
Upstream side of Aldine-Westfield Road	*82
Downstream side of Missouri-Pacific Railroad	*88
Upstream Interstate Route 45 (southbound)	*96
Upstream side of Kuykendahl Road	*104
Confluence of Spring Gully	*107
Upstream side of Steubner-Airline Road	*111
Confluence of Dry Gully	*115
Approximately 1.2 miles upstream of Champion Forest Drive	*116
Upstream Chicago Rock Island and Pacific Railroad	*118
Upstream FM 149	*120
Confluence of Faulkey Gully	*123
Upstream side of Grant Road	*130
Confluence of Little Cypress Creek	*135
Downstream side of Telge Road	*138
Upstream side of Woodworth Drive	*141
Upstream side of Southern Pacific Railroad	*144
Approximately 1.2 miles upstream of Southern Pacific Railroad	*145
Upstream side of House Hahl Road	*149
Approximately 1 mile upstream of House Hahl Road	*150
Approximately 2.1 miles upstream of House Hahl Road	*153
Confluence of Tributary 40.7	*157
Downstream Katy Hockley Road	*160
Confluence of Tributary 44.5	*166
Upstream Sharp Road	*169
County boundary	*171
Wild Cow Gulch:	
Confluence with Cypress Creek	*76
Upstream Treaschwig Road	*76
Downstream Hickory Gate Drive	*90
Schultz Gully:	
Confluence with Cypress Creek	*84
Approximately 800 feet upstream of Aldine Westfield Road	*89
Lemm Gully:	
Confluence with Cypress Creek	*90
Upstream Lockridge Drive	*90
Confluence of Wunsche Gully	*104
Approximately 1,200 feet downstream of Spring-Cypress Road	*112
Turkey Creek:	
Confluence with Cypress Creek	*76
Approximately 4,200 feet upstream of confluence	*76
Downstream Humble Westfield Road	*82
Upstream Aldine Westfield Road	*86
Approximately 4,700 feet upstream of W.W. Thorne Boulevard	*88
Downstream Hardy Road	*91
Downstream Imperial Valley Drive	*100
Upstream North Vista Drive	*105
Senger Gully:	
Confluence with Lemm Gully	*90
Upstream Northill Drive	*92
Upstream Cypresswood Drive	*104
Upstream side of Louetta Road	*115
Wunsche Gully:	
Confluence with Lemm Gully	*104
Upstream Spring-Cypress Road	*125
Approximately 1,550 feet upstream of Interstate Route 45	*127
Seals Gully:	
Confluence with Cypress Creek	*99
Upstream Candle Creek Road	*102
Downstream Louetta Road	*111
Upstream side of Spring-Cypress Road	*124
Upstream side of Rhodes Road	*132
Kothman Gully:	
Confluence with Seals Gully	*108
Upstream Spring-Cypress Road	*129
Downstream FM 2920	*131
Approximately 1,400 feet upstream of Spring Stuebner Road	*139
Spring Gully:	
Confluence with Cypress Creek	*107
Confluence of Theiss Gully	*111
Upstream side of Spring Creek Oak Drive	*117
Downstream side of Spring-Cypress Road	*133
Approximately .87 mile upstream of Spring-Cypress Road	*140
Theiss Gully:	
Confluence with Spring Gully	*111
Downstream side of Louetta Road	*117
Downstream Theisswood Road	*124
Upstream Spring-Cypress Road	*141
Approximately 1.5 miles upstream of Spring-Cypress Road	*147

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tributary 2.1 to Spring Gully:	
Confluence with Spring Gully	*116
Downstream Spring-Cypress Road	*130
Approximately 1.2 miles upstream of Spring-Cypress Road	*136
Dry Gully:	
Confluence with Cypress Creek	*115
Downstream side of Herts Road	*116
Approximately 1.57 miles upstream of Louetta Road	*139
Pillot Gully:	
Confluence with Cypress Creek	*119
Upstream side of Cane Creek Road	*124
Downstream Cossey Road	*134
Downstream Huffsmith-Kohrville Road	*143
Approximately 0.8 mile upstream of Huffsmith-Kohrville Road	*149
Faulkey Gully:	
Confluence with Cypress Creek	*123
Downstream side of Malcomson Road	*126
Upstream side of Spring-Cypress Road	*143
Approximately 1 mile upstream of Spring-Cypress Road	*151
Upstream Shaw Road	*155
Approximately 3,650 feet upstream of Shaw Road	*158
Little Cypress Creek:	
Confluence with Cypress Creek	*134
Upstream side of Klyge Road	*137
Approximately 1 mile upstream of Kluge Road	*141
Upstream side of Spring-Cypress Road	*146
Approximately 1 mile upstream of Spring-Cypress Road	*148
Approximately 2 miles upstream of Spring-Cypress Road	*152
Approximately .72 mile downstream of Cypress Rosehill Road	*157
Upstream Cypress Rosehill Road	*162
At confluence of Tributary 9.36	*167
Approximately .93 mile upstream of Mueschke Road	*173
Approximately 2.6 miles upstream of Mueschke Road	*179
Upstream Bauer Road	*189
Downstream side of Becker Road	*197
Upstream side of Roberts Road	*208
Upstream side of Bauer-Hockley Road (downstream crossing)	*210
Downstream side of Bauer-Hockley Road (upstream crossing)	*218
Approximately 1,400 feet upstream of Warren Ranch Road	*221
Tributary 9.36 to Little Cypress Creek:	
At confluence with Little Cypress Creek	*167
Upstream side of Mueschke Road	*174
Tributary 10.99 to Little Cypress Creek:	
Confluence with Little Cypress Creek	*173
Downstream side of Juergen Road	*180
Approximately .95 mile upstream of Juergen Road	*202
Approximately 1.4 miles upstream of Juergen Road	*213
Tributary 13.92 to Little Cypress Creek:	
Confluence with Little Cypress Creek	*185
Downstream Bauer Road	*189
Approximately 3,400 feet downstream of Botkins Road	*201
Downstream Botkins Road	*210
Approximately 2,000 feet upstream of Botkins Road	*216
Tributary 0.12 to Tributary 13.92 to Little Cypress Creek:	
Confluence with Tributary 13.92 to Little Cypress Creek	*187
Approximately 1 mile upstream of Bauer-Hockley Road at Private road crossing	*201
Dry Creek:	
Confluence with Cypress Creek	*142
Downstream side of Spring-Cypress Road	*146
Upstream side of Skinner Road	*150
Upstream side of Cypress Rosehill Road	*151
Upstream side of Mueschke Road	*156
Approximately 1.1 miles above Mueschke Road	*159
Tributary 36.5 to Cypress Creek:	
Confluence with Cypress Creek	*148
Approximately 5,000 feet upstream of confluence with Cypress Creek	*149
Approximately 1.9 miles upstream of confluence with Cypress Creek	*152
Approximately 2.4 miles upstream of confluence with Cypress Creek	*153
Tributary 37.1 to Cypress Creek:	
Confluence with Cypress Creek	*149
Approximately 6,150 feet upstream of confluence with Cypress Creek	*155
Tributary 40.7 to Cypress Creek:	
Confluence with Cypress Creek	*157
Upstream House Road	*172
Approximately 5,000 feet upstream of House Road	*189
Approximately 1.8 miles upstream of House Road	*195
Tributary 42.7 to Cypress Creek:	
Confluence with Cypress Creek	*161
Approximately .47 mile upstream of Katy-Hockley Road	*162
Approximately 1,450 feet downstream of Jack Road	*164
Upstream of Southern Pacific Railroad	*180
Approximately 1.1 miles upstream of Southern Pacific Railroad	*192
Approximately 300 feet south of Mound Creek	*195
Rock Hollow:	
Confluence with Cypress Creek	*162
Approximately .95 mile upstream of confluence with Cypress Creek	*165
At confluence of Tributary 1.63	*166
Approximately 1 mile upstream of confluence of Tributary 1.63	*171
Upstream Jack Road	*176
Approximately 1 mile upstream of Warren Lake Dam	*197
Approximately 1,450 feet upstream of Mound Road	*208
Tributary 1.63 to Rock Hollow:	
Confluence with Rock Hollow	*166
Upstream side of Warren Ranch Road	*171
Approximately 1.1 miles upstream of Warren Ranch Road	*181
Approximately 1.8 miles upstream of Warren Ranch Road	*194
Tributary 44.5 to Cypress Creek:	
Confluence with Cypress Creek	*166
Upstream Warren Ranch Road	*170
Approximately 1 mile upstream of Warren Ranch Road	*172
Approximately 2 miles upstream of Warren Ranch Road	*176
Approximately 3 miles upstream of Warren Ranch Road	*184
Approximately 4.1 miles upstream of Warren Ranch Road	*206
Mound Creek:	
At most downstream county boundary	*192
Approximately 2.46 miles upstream of confluence with Cypress Creek and Snake Creek	*198
Approximately .66 mile downstream of confluence of Little Mound Creek	*203
At most upstream county boundary	*206
Little Mound Creek:	
Confluence with Mound Creek	*205
Approximately 5,000 feet upstream of confluence with Cypress Creek	*212
Upstream side of Botka Road	*219
Approximately .9 mile upstream of Botka Road	*232
Tributary 7.62 to Mound Creek:	
At county boundary	*221
Approximately 800 feet upstream of county boundary	*225
Tributary 8.18 to Mound Creek:	
At corporate limits	*264
Approximately 1,600 feet upstream of corporate limits	*271
Luce Bayou:	
At confluence with East Fork San Jacinto River	*50
Downstream county boundary	*52
Confluence of Shook Gully	*55
Confluence of Mexican Gully	*59
Approximately 3.6 miles upstream of confluence of Mexican Gully	*67
Shook Gully:	
At confluence with Luce Bayou	*55
Approximately 1.3 mile upstream of Aldenway Road	*76
Mexican Gully:	
At confluence with Luce Bayou	*59
Approximately 0.3 mile upstream of confluence with Luce Bayou	*67
Jackson Bayou:	
At confluence with the San Jacinto River	*29
Upstream Avenue E	*29
Upstream Runneburg Road	*46
Downstream side of Ramsey Road	*49
Gum Gully:	
At confluence with Jackson Bayou	*29
Approximately .95 mile upstream of Diamondhead Boulevard	*30
At confluence of Tributary 3.08	*35
Approximately .95 mile of confluence of Tributary 3.08	*41
Upstream side of Foley Road	*47
Upstream Humble Crosby Road	*53
Approximately 1,475 feet upstream of Stroker Road	*58
Tributary 2.70 to Gum Gully:	
At confluence with Gum Gully	*33
Upstream side of Marlin Spike Way	*41
Approximately 950 feet upstream of Humble Crosby Road	*52
Tributary 3.08 to Gum Gully:	
At confluence with Gum Gully	*35
Approximately .59 mile upstream of Golf Club Road	*46
Approximately 1.4 miles upstream of Golf Club Road	*54
Bear Creek:	
Approximately 5.6 miles upstream of confluence with South Mayde Creek	*109
Approximately 1.1 miles downstream of Barker Cypress Road	*111
Upstream side of Barker Cypress Road	*115
Approximately .81 mile upstream of Clay Road	*122
Upstream side of Barker Cypress Road	*128
Approximately 1.33 miles upstream of Barker Cypress Road	*130
Approximately 2.27 miles upstream of Barker Cypress Road	*132
Approximately 1.88 miles downstream of Stockdick Road	*135
Approximately .93 mile downstream of Stockdick Road	*141
Upstream Stockdick Road	*146
Upstream FM 529	*150
Approximately .95 mile upstream of FM 529	*154
Approximately .78 mile upstream of Logenbaugh Road	*161
Langham Creek:	
At downstream corporate limits	*111
Upstream side of West Little York Road	*114
Approximately 1.4 miles upstream of West Little York Road	*118
Downstream Barker Cypress Road	*124
Approximately 1,600 feet upstream of Freeman Road	*130
Approximately 2.3 miles upstream of Freeman Road	*141
Approximately 4.3 miles upstream of Freeman Road	*150
Approximately 7.1 miles upstream of Freeman Road	*156
Dinner Creek:	
At confluence with Langham Creek	*124
Approximately 1 mile upstream of confluence with Langham Creek	*127
Approximately 2,200 feet downstream of Freeman Road	*128
Approximately 1.4 miles upstream of Freeman Road	*143
Horsepen Creek:	
At downstream corporate limits	*110
Approximately 2,800 feet upstream of West Little York Road	*112
Upstream Huffmeister Road	*117
Upstream side of State Route 6	*120
Approximately 1 mile upstream of State Route 6	*132
Approximately 2.5 miles upstream of State Route 6	*139
Tributary 9.4 to South Mayde Creek:	
At confluence with South Mayde Creek	*122
Upstream side of Elrod Road	*135
Downstream Peek Road	*138
Upstream side of Porter Road	*143

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Downstream Katy Hockley Cutoff	*149
South Mayde Creek:	
Approximately 2,000 feet downstream of Barker-Cypress Road	*105
Downstream Groeschke Road	*109
Downstream Greenhouse Road	*112
At confluence of Tributary 9.4	*122
Upstream Clay Road	*130
Upstream Stockdick Road	*142
Downstream side of Katy Hockley Cutoff	*154
At most upstream corporate limits	*171
Vince Bayou:	
Confluence with Buffalo Bayou	*12
Upstream corporate limits	*12
Little Vince Bayou:	
Confluence with Vince Bayou	*12
Upstream corporate limits	*12
Greens Bayou:	
At confluence with Buffalo Bayou	*12
Corporate limits at Missouri Pacific Railroad crossing	*14
Downstream side of Normandy Drive	*18
Approximately 1.14 miles upstream of Normandy Drive	*22
At confluence of Big Gulch	*24
Upstream side of South Lake Houston Parkway	*26
Approximately 1.19 miles upstream of South Lake Houston Parkway	*28
Upstream Southern Pacific Railroad	*31
Upstream Green River Drive	*33
Downstream Tidwell Road	*35
Downstream confluence of Tributary 14.27	*40
Upstream North Lake Houston Parkway	*49
At confluence of Garners Bayou	*57
Upstream side of Southern Pacific Railroad	*63
Upstream U.S. Route 59	*66
At confluence of Tributary 24.97	*69
Upstream side of FM 525	*72
Corporate limits upstream of North Belt	*74
Upstream side of Aldine Westfield Road	*76
Corporate limits located downstream of East Hardy Road	*80
Pedestrian bridge downstream of Greens Road	*86
Upstream side of Interstate Route 45	*91
Downstream Gears Road	*95
Upstream of Stuebner-Airline Road	*104
Upstream side of Bammel North Houston Road	*111
Upstream side of Cutten Road	*118
Upstream side of Mills Road	*122
Downstream of Louedd Road	*129
Sulphur Gully:	
At confluence with Greens Bayou	*26
Upstream Thrasher Street	*32
Approximately 2,000 feet upstream of Thrasher Street	*33
Tributary 24.97 to Greens Bayou:	
At confluence with Greens Bayou	*69
Upstream side of Aldine Westfield Road	*72
Upstream side of Reeveston Road	*76
Downstream side of Sweetwater	*86
Approximately .5 mile upstream of most upstream crossing of Interstate Route 45	*87
Tributary 26.64 to Greens Bayou:	
Upstream Aldine Westfield Road	*86
Approximately .8 mile upstream of Aldine Westfield Road	*88
Approximately 1.8 miles upstream of Aldine Westfield Road	*91
Approximately 2.2 miles upstream of Aldine Westfield Road	*94
Tributary 32.29 to Greens Bayou:	
At confluence with Greens Bayou	*93
Upstream side of Spears Gears Road	*99
Approximately 1,500 feet upstream of Hugh Road	*103
Tributary 34.80 to Greens Bayou:	
At confluence with Greens Bayou	*101
Upstream Ann Louise Road	*105
Approximately .51 mile upstream of Ann Louise Road	*106
Spring Creek:	
Downstream county boundary	*73
Confluence of Cypress Creek	*76
Approximately 2.0 miles upstream of confluence of Cypress Creek	*79
Approximately 1.6 miles downstream of confluence of Bender Lake	*82
Confluence of Bender Lake	*87
Approximately 1.6 miles upstream of confluence of Bender Lake	*92
Approximately 1 mile downstream of Riley Fussel Road	*96
Riley Fussel Road upstream	*98
Approximately 1.6 miles upstream of Riley Fussel Road	*103
Interstate Route 45 upstream	*108
Approximately 1 mile upstream of Interstate Route 45	*111
Confluence of Tributary 21.08 to Spring Creek	*118
Approximately 8.4 miles upstream of confluence of Tributary 21.08	*139
Huffsmith-Conroe Road	*151
Downstream City of Tomball corporate limits	*156
Upstream City of Tomball corporate limits	*162
Approximately 2.66 miles upstream of Cypress-Rosehill-Decker Road	*185
Bender Lake:	
At confluence with Spring Creek	*87
Approximately 1,400 feet upstream of Domino Road	*106
Boggs Gully:	
Confluence with Spring Creek	*151
Confluence of Tributary 1.25	*156
Zion Road downstream	*166
Tributary 1.25 to Boggs Gully:	
At confluence with Boggs Gully	*158
At corporate limits located at upstream side of Zion Road	*171
Upstream of Huffsmith Road	*173
Tributary 21.08 to Spring Creek:	
At confluence with Spring Creek	*118
Approximately 0.9 mile upstream of confluence with Spring Creek	*118
Willow Creek:	
Confluence with Spring Creek	*120
First Golf Cart bridge (upstream side)	*122
Confluence of Hughes Gully	*129
First crossing of Huffsmith-Kohrville Road (upstream side)	*135
Stuebner-Airline Road (upstream side)	*144
Second crossing of Huffsmith-Kohrville Road (upstream side)	*152
West Montgomery Road (upstream side)	*159
Telge Road (upstream side)	*164
Cypress-Rosehill Road (upstream side)	*171
Juergen Road (upstream side)	*176
Approximately 7,150 feet upstream of Juergen Road	*196
Tributary 0.26 to Willow Creek:	
Confluence with Willow Creek	*121
Approximately 3,270 feet upstream of confluence with Willow Creek	*120
Tributary 2.44 to Willow Creek:	
Confluence with Willow Creek	*124
Approximately 5,100 feet upstream of confluence with Willow Creek	*130
Approximately 8,450 feet upstream of confluence with Willow Creek	*135
Hughes Gully:	
Confluence with Willow Creek	*129
Approximately 3,070 feet upstream of confluence with Willow Creek	*135
Cannon Gully:	
Confluence with Willow Creek	*130
Approximately 500 feet upstream of confluence of Metzler Creek	*135
Kuykendahl Road (upstream side)	*139
Metzler Creek:	
Confluence with Cannon Gully	*131
Approximately 1,430 feet upstream of London Way Drive	*140
Tributary 6.52 to Willow Creek:	
Confluence with Willow Creek	*138
Approximately 1.02 miles upstream of confluence with Willow Creek	*142
Approximately 1.99 miles upstream of confluence with Willow Creek	*150
Tributary 8.18 to Willow Creek:	
Confluence with Willow Creek	*145
Tomball County Club Road (upstream side)	*147
Approximately .7 mile upstream of Tomball Country Club Road	*158
Tributary 13.50 to Willow Creek:	
Confluence with Willow Creek	*16
Humble Road (upstream side)	*169
Access Road (downstream side)	*174
Approximately 1,600 feet upstream of Triechel Road	*176
Tributary 26.20 to Brays Bayou:	
At upstream face of Southern Pacific Railroad	*81
Approximately 1,800 feet upstream of Piping Rock	*86
Tributary 29.16 to Brays Bayou:	
At confluence with Brays Bayou	*84
Upstream side of Addicks Clodine Road	*87
Brays Bayou:	
Upstream side of Southern Pacific Railroad	*81
Approximately 1,100 feet upstream Addicks-Clodine Road	*87
Keegans Bayou:	
Downstream corporate limits	*86
At county boundary	*86
Maps available for inspection at the Harris County Permit Office, County Annex, 301 Main Street, Houston, Texas.	
Houston, City, Fort Bend, Harris and Montgomery Counties (FEMA Docket No. 6625)	
Mustang Bayou: Quail Glen Drive (extended)	*75
Turkey Creek:	
Upstream Humble-Westfield Road	*83
Upstream corporate limits	*86
Spring Creek:	
Confluence with West Fork San Jacinto River	*66
Approximately 2 miles upstream of corporate limits	*74
Armand Bayou: Near the northeastern corporate limits along Genoa-Red Bluff Road and approximately 1,200 feet north of Tributary 9.40 to Armand Bayou at its downstream corporate limits	*21
Horsepen Bayou:	
Downstream corporate limits	*15
Ellington Air Force Base Runway (upstream side)	*25
Tributary 4.13 to Horsepen Bayou: Approximately 2.37 miles upstream of confluence with Horsepen Bayou	*24
Tributary 5.44 to Horsepen Bayou:	
Confluence with Horsepen Bayou	*21
Approximately .66 mile upstream of confluence with Horsepen Bayou	*21
Tributary 9.40 to Armand Bayou:	
At downstream corporate limits	*19
Approximately .57 mile upstream corporate limits	*25
Approximately 1.7 miles upstream of corporate limits	*31
San Jacinto River:	
At Black Duck Bay north of Baytown Tunnel	*15
At Crystal Bay at northern end of Goat Island	*15
At Little Eddy	*32
At Lake Houston Dam (downstream face)	*34
Lake Houston: Entire shoreline	*50
East Fork San Jacinto River:	
Confluence with Lake Houston	*50
Confluence of Caney Creek	*56
Approximately 1.10 miles upstream of corporate limits	*58
Luce Bayou:	
Confluence with East Fork San Jacinto River	*50
Upstream side of Wolf Road	*50
Approximately .24 mile upstream of corporate limits	*52
Caney Creek:	
Confluence with East Fork San Jacinto River	*56
Confluence of White Oak Creek	*56
At corporate limits	*64
White Oak Creek:	
Confluence with Caney Creek	*58
Upstream of Dogwood Lane	*59
Upstream corporate limits	*65
West Fork San Jacinto Rivers:	
Confluence with Lake Houston	*50
Confluence of Jordon Gully	*61
At upstream side of Southern Pacific Railroad	*64
Upstream corporate limits	*68
Jordon Gully:	
At confluence with West Fork San Jacinto River	*61
At corporate limits	*61
Bens Branch:	
At confluence with West Fork San Jacinto River	*50
At corporate limits	*50

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Buffalo Bayou:	
Confluence with san Jancinto River	*11
Confluence of Green Bayou	*12
Confluence of Brays Bayou	*12
Upstream side of 69th Street	*15
Upstream side of Lockwood Drive	*23
Upstream side of Jensen Drive	*28
Upstream side of McKee	*33
Upstream side of Main Street	*38
Upstream side of Shepherd Drive	*41
Upstream side of Interstate Highway 610	*46
At confluence of Spring Branch	*52
Corporate limits at Voss Road	*58
Upstream side of San Felipe	*61
At corporate limits of City of Piney Point Village	*64
Upstream side of Briar Forest Drive	*67
Upstream side of West Belt Drive	*72
Upstream side of North Wilcrest Drive	*74
Upstream side of Dairy Ashford Road	*78
At confluence of Turkey Creek	*79
Upstream side of State Route 6	*80
Spring Branch:	
At confluence with Buffalo Bayou	*52
At Interstate Route 10	*55
Upstream side of Westview Drive	*65
Upstream side of Bingle Road	*69
Upstream side of Bracher Road	*73
Upstream side of Longpoint Road	*79
Approximately 900 feet upstream of Campbell Road	*85
Bering Ditch:	
At confluence with Buffalo Bayou	*56
Upstream side of Woodway Drive	*62
Olympia Drive (extended)	*66
Turkey Creek:	
At confluence with Buffalo Bayou	*80
Upstream side of Old Katy Road	*84
At most downstream corporate limits	*88
Approximately 200 feet upstream of second upstream coroprate limits	*93
Hammerly Boulevard (extended)	*99
Downstream side of Clay Road	*103
Tributary 3.9 to Turkey Creek:	
At confluence with Turkey Creek	*104
At corporate limits	*106
Briar Branch: At confluence with Spring Branch	*52
Rummel Creek:	
At confluence with Buffalo Bayou	*72
250 feet downstream of Interstate Route 10	*72
Hunting Bayou:	
Most downstream corporate limits	*15
Interstate Route 10 (upstream side)	*24
Wallisville Road (upstream side)	*31
McCarty Road (upstream side)	*39
Homestead Road (upstream side)	*45
Approximately 0.2 mile upstream of U.S. Route 59	*47
Tributary 5.22 to Hunting Bayou:	
Confluence with Hunting Bayou	*25
Upstream side of Mercury Drive	*30
Approximately 250 feet downstream of Gellhorn Drive	*35
Tributary 12.05 to Hunting Bayou:	
Confluence with Hunting Bayou	*45
Approximately 0.3 mile upstream of Lockwood Road	*51
Tributary 12.70 to Hunting Bayou:	
Confluence with Hunting Bayou	*46
Upstream side of Octavia Street	*46
Tributary 13.85 to Hunting Bayou:	
Confluence with Hunting Bayou	*47
Bain Street (extended)	*47
Barker Reservoir: Entire shoreline	*98
Addicks Reservoir: Entire shoreline	*104
Bear Creek:	
Approximately 3.8 miles upstream of confluence with South Mayde Creek (within limits of reservoir)	*104
Approximately 4.8 miles upstream of South Mayde Creek	*106
Upstream corporate limits	*110
Horsepen Creek:	
Confluence with Langham Creek	*109
At corporate limits	*110
Langham Creek:	
Approximately 3 miles upstream of confluence with Bear Creek	*104
Approximately 4 miles upstream of confluence with Bear Creek	*107
At corporate limits	*111
South Mayde Creek:	
Approximately 3,300 feet downstream side of Barker-Cypress Road	*104
Upstream side of Barker-Cypress Road	*108
Downstream side of Greenhouse Road	*112
Mason Creek:	
At confluence with Buffalo Bayou	*98
At corporate limits	*98
Tributary 52.9 to Buffalo Bayou:	
At confluence with Buffalo Bayou	*98
At corporate limits	*98
Clodine Ditch:	
Approximately 850 feet upstream of Noble-Goar Road	*80
Approximately .95 mile upstream of Becler Road	*91
Approximately .95 mile downstream of Barker-Clodine Road	*92
Approximately 1,475 feet upstream of Barker-Clodine Road	*95
Halls Bayou:	
At confluence with Greens Bayou	*33
Approximately 500 feet upstream of FM 527	*34
Approximately 0.9 mile upstream of FM 527	*40
At Missouri Pacific Railroad	*46
Upstream side of Homestead Road	*50
Upstream side of Hirsch Road	*57
Upstream side of Jensen Drive	*60
Approximately 0.47 mile upstream of Little York Road	*64
Corporate limits at Sweetwater Road	*81
Corporate limits at Sunnywood Street	*83
Approximately 400 feet upstream of Stuebner-Airline	*87
Tributary 6.71 to Halls Bayou:	
At confluence with Halls Bayou	*58
At upstream corporate limits	*58
Tributary 11.96 to Halls Bayou:	
At confluance with Halls Bayou	*74
Downstream of East Mitchell	*74
Approximately 350 feet downstream of East Canino Road	*76
Tributary 14.27 to Greens Bayou:	
At downstream corporate limits	*44
Approximately 350 feet downstream of Mesa	*50
Approximately 550 feet upstream of Little York Road	*57
Approximately 100 feet downstream of Van Zandt	*64
Tributary 14.82 to Greens Bayou:	
At downstream corporate limits	*64
Upstream side of Suburban Road	*64
Tributary 20.88 to Greens Bayou:	
Approximately 400 feet upstream of Smith Road	*67
At downstream face of Old Humble Road	*68
At downstream face of U.S. Route 59	*70
Garners Bayou:	
At downstream corporate limits	*75
Approximately 1,400 feet upstream of Jetero Boulevard (westbound)	*82
Approximately 400 feet downstream of Lee Road	*84
At upstream corporate limits	*91
Reinhardt Bayou:	
At confluence with Garners Bayou	*65
Approximately 300 feet upstream of Southern Pacific Railroad	*68
Approximately 0.8 mile downstream of Lee Road	*75
Approximately 900 feet upstream of Lee Road	*78
Approximately 1 mile upstream of Lee Road	*80
Sims Bayou:	
Confluence with Buffalo Bayou	*12
La Porte Freeway/State Route 225 (upstream side)	*14
Galveston Houston and Henderson Railroad (upstream side)	*18
Interstate Route 45/U.S. Route 75/Gulf Freeway (upstream side)	*28
Belfort Avenue (upstream side)	*32
Swallow Street (upstream side)	*35
Timber Branch Road (upstream side)	*39
Cullen Boulevard (upstream side)	*42
State Route 288 (upstream side)	*48
Almeda Road (upstream side)	*54
White Heather Drive (upstream side)	*55
Heathorbrook Drive (upstream side)	*59
Hillcroft (upstream side)	*64
Approximately 2,400 feet upstream of Settlemont Road	*69
Plum Creek:	
Confluence with Sims Bayou	*14
La Porte Freeway/State Route 225 (upstream side)	*25
Galveston Houston and Henderson Railroad (upstream side)	*22
Approximately 800 feet upstream of Fennel	*24
Pine Gully:	
Confluence with Sims Bayou	*15
Broadway Boulevard (upstream side)	*29
Interstate Route 45/U.S. Route 75/Gulf Freeway (upstream side)	*32
Plum Drive (upstream side)	*36
Berry Bayou:	
Confluence with Sims Bayou	*17
Allendale Road (upstream side)	*20
Richey (upstream side)	*23
Lavaun	*33
Approximately 1,200 feet upstream of Gilpin Street	*35
Berry Creek:	
Confluence with Berry Bayou	*19
Winkler Road (upstream side)	*31
Wynlea	*37
Scranton Street	*39
Approximately 2,200 feet upstream of third crossing of West Monore Street	*42
Tributary 2.00 to Berry Bayou:	
Confluence with Berry Bayou	*22
Wynbelts (extended)	*32
College Avenue culvert (upstream side)	*34
Tributary 3.31 to Berry Bayou:	
Downstream corporate limits	*33
Approximately 650 feet upstream of Edgebrook Drive	*36
Tributary 10.12 to Sims Bayou:	
Confluence with Sims Bayou	*39
Vasser (upstream side)	*40
Belfort Avenue (upstream side)	*41
Tributary 10.77 to Sims Bayou:	
Confluence with Sims Bayou	*40
Approximately 3,900 feet upstream of Selinsky Road	*43
Tributary 13.73 to Sims Bayou:	
Confluence with Sims Bayou	*45
Approximately 2,950 feet upstream of Airport Boulevard	*47
Tributary 17.76 to Sims Bayou:	
Confluence with Sims Bayou	*54
Approximately 2,550 feet upstream of Tidewater Drive	*54
Tributary 20.12 to Sims Bayou:	
Confluence with Sims Bayou	*58
Gatewood (extended upstream side)	*63
Greens Bayou:	
At confluence with Buffalo Bayou	*12
Appoximately .95 mile upstream of confluence with Buffalo Bayou	*12
Upstream side of Port Terminal Railroad Association Railroad	*13
Upstream side of Interstate Route 10	*15
Downstream side of Normandy Drive	*18
Eastbrook Drive (extended)	*23
Upstream side of South Lake Houston Parkway	*26
Downstream side of U.S. Route 90	*30
Corporate limits located approximately .87 mile upstream of Greenriver Drive	*34
At corporate limits located at confluence of Tributary 26.64	*74
Corporate limits at Aldine Westfield Road	*75
Corporate limits located upstream of East Hardy Road	*81
At corporate limits upstream of Greens Road	*87
At upstream corporate limits	*93
Spring Gully:	
At downstream corporate limits	*28
At upstream corporate limits	*31
Tributary 24.97 to Greens Bayou:	
Corporate limits located at Aldine Westfield Road	*72
Corporate limits located approximately 150 feet downstream of Old Creek (extended)	*83
Downstream side of Airline Drive	*86

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Upstream of the most upstream crossing of Interstate Route 45	*87
Tributary 26.64 to Greens Bayou:	
At confluence with Greens Bayou	*74
Upstream side of Greens Road	*74
Upstream side of Rankin Road	*80
Downstream side of Aldine Westfield Road	*86
North Fork Greens Bayou:	
At confluence with Greens Bayou	*92
At upstream corporate limits	*93
Deer Creek:	
Downstream corporate limits	*44
State Route 35/Telephone Road (upstream side)	*46
Stone Road (upstream side)	*52
Second upstream corporate limits	*53
Third upstream corporate limits	*65
Most upstream corporate limits	*66
Cow Bayou:	
Downstream corporate limits	*12
Most upstream corporate limits	*12
Turkey Creek:	
Downstream corporate limits	*29
Corporate limits located upstream of Scarsdale Boulevard	*29
Downstream side of Sagedowne Lane	*31
Hills Road Ditch:	
Approximately 1.40 miles downstream of downstream corporate limits	*32
Downstream corporate limits	*34
Kirkfair Drive (upstream side)	*36
Approximately .66 mile upstream of Fuqua	*41
Brays Bayou:	
Confluence with Buffalo Bayou	*12
Upstream side of Forest Hill Boulevard	*19
Upstream side of Telephone Road	*28
Upstream side of Scott	*36
Houston Belt and Terminal Railroad (upstream side)	*40
Braeswood Boulevard (upstream side)	*45
Buffalo Speedway (upstream side)	*50
Hillcroft Avenue (upstream side)	*60
South Gessner Road (upstream side)	*64
Confluence of Tributary 20.86 to Brays Bayou	*68
Bellaire Boulevard (upstream side)	*72
Upstream corporate limits	*75
Willow Waterhole Bayou:	
Confluence with Brays Bayou	*53
South Post Oak Road (upstream side)	*55
Approximately 600 feet upstream of Landsdowne Drive	*61
Chimney Rock Diversion:	
Confluence of Brays Bayou	*56
Stillbrooke Drive (upstream side)	*58
Confluence with Willow Waterhole Bayou	*60
Tributary 17.42 to Brays Bayou:	
Confluence with Brays Bayou	*61
Bissonnet Road (upstream side)	*65
Upstream of Leader	*67
Fondren Diversion Channel:	
Confluence with Brays Bayou	*61
McLain Boulevard (upstream side)	*64
Approximately 2,000 feet upstream of Energy Dissipator	*68
Keegans Bayou:	
Confluence with Brays Bayou	*64
Wilcrest Drive (upstream side)	*79
Kirkwood Road (upstream side)	*82
Dairy Ashford Road (upstream side)	*84
Approximately 1,500 feet upstream of corporate limits	*88
Tributary 19.77 to Brays Bayou:	
Confluence with Brays Bayou	*66
Approximately 1,000 feet upstream of Neff	*69
Tributary 20.86 to Brays Bayou:	
Confluence with Brays Bayou	*68
Neff extended (upstream side)	*74
Downstream of Alief Road	*76
Tributary 20.90 to Brays Bayou:	
Confluence with Brays Bayou	*68
Boone Road (downstream side)	*74
Approximately 250 feet downstream of Cook Road	*83
Tributary 21.95 to Brays Bayou:	
Confluence with Brays Bayou	*71
Kirkwood Road (upstream side)	*78
Synott Road (downstream side)	*85

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tributary 22.69 to Brays Bayou:	
Confluence with Brays Bayou	*72
Approximately 400 feet upstream of intersection of Cooper Road and corporate limits (extended)	*75
Tributary 23.53 to Brays Bayou:	
Confluence with Brays Bayou	*73
Upstream of Cook Road	*80
Approximately 100 feet downstream of Synott Road	*85
Tributary 26.20 to Brays Bayou:	
At confluence with Brays Bayou	*79
At upstream corporate limits	*82
White Oak Bayou:	
Confluence with Buffalo Bayou	*38
Houston Avenue (upstream side)	*41
Yale Street (upstream side)	*45
Second crossing of West T.C. Jester Boulevard (upstream side)	*50
Interstate Route 610/State Route 90 (upstream side)	*53
Most downstream crossing of Fort Worth and Denver Railroad/Chicago Rock Island and Pacific Railroad (upstream side)	*59
Pinemont Drive (upstream side)	*63
West Little York Road (upstream side)	*78
North Houston-Rosslyn Road (upstream side)	*87
Upstream corporate limits	*91
Little White Oak Bayou:	
Confluence with White Oak Bayou	*41
Trimblee (upstream)	*43
Cavalcade Road (upstream)	*53
Stokes	*60
Victoria Drive	*63
West Tidwell Road	*65
North Shepherd Drive	*78
West Rittenhouse (upstream)	*82
Brickhouse Gully:	
Confluence with White Oak Bayou	*61
Costa Rica Road (upstream side)	*71
Bolin Road (upstream side)	*75
Bingle Road (upstream side)	*80
Colleen Road (upstream side)	*85
Campbell Road (upstream side)	*89
Palo Pinto Drive (upstream side)	*97
Talina Way (upstream side)	*100
Tributary 1.61 to Brickhouse Gully:	
Confluence with Brickhouse Gully	*73
Lang Road (upstream side)	*80
Pinemont Drive (upstream side)	*85
Tributary 10.1 to White Oak Bayou:	
Confluence with White Oak Bayou	*63
Rosslyn extended (upstream side)	*78
Approximately 2,200 feet upstream of Oak Forest Drive	*84
Cole Creek:	
Confluence with White Oak Bayou	*67
Antoine Road (upstream side)	*76
Bingle Road (upstream side)	*81
Langfield Road (upstream side)	*84
Fairbanks-North Houston Road (upstream side)	*93
Downstream of Hempstead Road	*100
Vogel Creek:	
Confluence with White Oak Bayou	*77
Maple Tree Drive (upstream side)	*83
Upstream corporate limits	*87
Maps available for inspection at the City Hall, 901 Bagby, P.O. Box 1561, Houston, Texas.	

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ALABAMA	
Unincorporated Areas of Fayette County (FEMA Docket No. 6645)	
Sipsey River:	
About 1.6 miles downstream of County Highway 35	*311
About 5.4 miles upstream of U.S. Highway 43	*339
Luxapallila Creek:	
About 3,050 feet downstream of County Highway 37	*321
About 3,100 feet upstream of State Highway 18	*340
Maps available for inspection at the Fayette County Courthouse, P.O. Box 509, Fayette, Alabama.	
Millport (town), Lamar County (FEMA Docket No. 6645)	
Luxapallila Creek:	
About 2,000 feet downstream of confluence of Propst Creek	*249
Just upstream of State Highway 17	*259
About 4,400 feet upstream of State Highway 17	*281
Driver Creek:	
About 0.6 mile upstream of confluence with Luxapallila Creek	*260
Just upstream of State Highway 96	*275
About 200 feet upstream of Darr Road	*280
Propst Creek:	
At confluence with Luxapallila Creek	*249
About 240 feet upstream of Norfolk Southern Railway	*260
Maps available for inspection at the City Hall, P.O. Box M, Millport, Alabama.	
Scottsboro (city), Jackson County (FEMA Docket No. 6645)	
Tennessee River:	
About 10.0 miles downstream of Corner Bridge	*598
About 1.7 miles upstream of Corner Bridge	*599
Roseberry Creek:	
At mouth	*598
Just downstream of U.S. Highway 72	*598
Just upstream of U.S. Highway 72	*603
Just downstream of Norfolk Southern Railway	*620
Wacker Branch:	
Mouth at Roseberry Creek	*603
Just downstream of Woods Cove Road	*618
Tributary A:	
Mouth at Roseberry Creek	*604
Just downstream of Tupelo Pike	*640
Bynum Branch:	
Mouth at Roseberry Creek	*605
Just downstream of Norfolk Southern Railway	*642
College Branch:	
Mouth at Bynum Branch	*621
Just downstream of Laurel Street	*639
Maps available for inspection at the City Hall, 916 South Broad Street, Scottsboro, Alabama.	
ARIZONA	
Gila County (unincorporated areas) (FEMA Docket No. 6645)	
Cherry Creek: 70 feet upstream from center of Cherry Creek Road	*5,075
Christopher Creek: 50 feet upstream from the center of State Highway 260	*5,860
Dripping Springs Wash: 50 feet upstream of the center of State Highway 77	*2,128
East Verde River (Near State Highway 87): At confluence with Weber Creek	*4,820
East Verde River (At Whispering Pines: Intersection of East Verde River and center of Scott Drive	*5,205
Gila River (At Hayden and Winkelman): 20 feet upstream of State Highway 77	*1,936
Houston Creek: At the intersection of Mars Lane and Milky Way	*4,664
M.O. Creek: 40 feet upstream from center of State Highway 288	*5,151
Pinal Creek: Intersection of Pinal Creek and center of Wilbanks Drive Bridge	*3,061
Pine Creek: 50 feet upstream from the center of State Highway 87	*5,371

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pinto Creek: Intersection of Stage Coach Trail and Mallard Street	*2,242
Strawberry Creek: Intersection of creek and State Highway 87	*5,880
Strawberry Hollow: 20 feet upstream from the center of Warren Drive	*5,423
Thompson Draw: 20 feet upstream from the center of Johnson Boulevard Bridge	*5,731
Tonto Creek (At Bear Flat): Intersection of Tonto Creek and center of County Highway 405	*4,952
Tonto Creek (At Gisela): Intersection of Tonto Creek center of ford	*2,862
Tonto Creek (At Kohls Ranch): 30 feet upstream from the center of State Highway 260	*5,335
Tonto Creek (At Roosevelt Gardens): 3,100 feet due east of the intersection of Tonto Creek Trail and State Highway 188	*2,276
Maps available for inspection at the Engineering Department, 1400 East Ash Street, Globe, Arizona.	
Yavapai County (unincorporated areas) (FEMA Docket No. 6640)	
Verde River:	
Intersection of Pearl Drive and Pine Street	*3,063
Intersection of the river and the center of U.S. Route 89 Alternate	*3,262
Beaver Creek (At Camp Verde): 250 feet north along Montezuma Castle Highway from its intersection with Kachina Lane	*3,096
Beaver Creek (At Lake Montezuma): 1,000 feet downstream from the confluence with Dry Beaver Creek	*3,258
Wet Beaver Creek: Intersection of Montezuma Avenue and Beaver Vista Road	*3,436
Russell Wash: 100 feet upstream from the center of Lake Shore Drive	*3,415
West Clear Creek: At the intersection of Susan Way and Lake Front Drive	*3,085
Jacks Canyon: 150 feet east along Juniper Street from its intersection with Rosewood Road	*4,040
Oak Creek: Intersection of Cottonwood Court and Creekside Drive	*3,360
Spring Creek: 50 feet upstream from the center of Oak Creek Valley Drive	*3,366
Dry Creek: 50 feet upstream from the confluence with Boynton Canyon	*4,404
Boynton Canyon: 50 feet downstream from the center of Boynton Pass Road	*4,475
Big Chino Wash: 50 feet upstream from the center of the Atchison, Topeka & Santa Fe Railroad	*4,374
Williamson Valley Wash: 5,100 feet west along the Atchison, Topeka & Santa Fe Railroad from the bridge crossing at Big Chino Wash	*4,376
Chino Valley Stream: 100 feet downstream from the center of West Postle Road	*4,540
Chino Valley Stream (Tributary): 600 feet upstream from the confluence with Chino Valley Stream	*4,607
American Wash: 10 feet upstream from the center of the first Simmons Highway crossing	*5,195
Ash Fork Draw Wash:	
50 feet upstream from the center of U.S. Route 66	*5,128
100 feet north along Double A Ranch Road from its intersection with the Atchison, Topeka & Santa Fe Railroad	*5,134
800 feet north along Double A Ranch Road from its intersection with the Atchison, Topeka & Santa Fe Railroad	#1
Agua Fria River (At Black Canyon City): 100 feet east along Spencer Street from its intersection with Albins Way	*1,973
Agua Fria River (At Dewey-Humboldt): 200 feet upstream from the center of State Route 169	*4,553
Auga Fria River (At Prescott Valley): At the confluence with Navajo Drive Wash	*4,821
Navajo Drive Wash: 160 feet upstream from the center of an abandoned railroad crossing	*4,830
Black Canyon Creek: 100 feet upstream from the center of Maren Avenue	*2,000
Big Bug Creek: 150 feet north along Antelope Road from its intersection with Wagon Lane	*3,680
Clipper Wash: At the center of State Route 69	*4,623
Lynx Creek: 70 feet upstream from the center of Lynx Creek Road	*5,243
Manzanita Creek: 80 feet upstream from the center of Canyon Drive	*5,476
Aspen Creek: 190 feet upstream from the center of Rancho Vista Road	*5,745
Willow Creek: At the center of Iron Springs Road	*5,441
Hassayampa River: 120 feet upstream from the center of the second Rincon Road crossing	*2,163
Martinez Wash: 150 feet downstream from the confluence with Antelope Creek	*2,351
Miller Creek: At the intersection of Gold Way, Norton Way, and Cross Way	*4,695
Model Creek: 10 feet upstream from the center of Crowfoot Trail	*4,500
South Rocky Boy Wash: At the intersection of Laughing Water Pass and White Buffaloe Trail	#1
Skull Valley Wash: 3,000 feet upstream from the confluence with Kirkland Creek	*3,888
Ramsgate Wash:	
10 feet upstream from the center of Iron Springs Road	*4,263
30 feet upstream from the center of the Atchison, Topeka & Santa Fe Railroad crossing	#2
Dead Mule Canyon Wash: At the center of the Atchison, Topeka & Santa Fe Railroad crossing	*4,264
Gardener Wash:	
400 feet upstream from the confluence with Ramsgate Wash	#1
100 feet upstream from the center of the Atchison, Topeka & Santa Fe Railroad	*4,316
Maps available for inspection at Department of Planning and Zoning, 255 East Gurley, Prescott, Arizona.	
CALIFORNIA	
Cloverdale (city), Sonoma County (FEMA Docket No. 6645)	
Russian River: Approximately 100 feet downstream of River Road	*302
Maps available for inspection at Public Works Department, 124 North Cloverdale Boulevard, Cloverdale, California.	
Danville (city), Contra Costa County (FEMA Docket No. 6645)	
Green Valley Creek: 30 feet upstream from centerline of George Lane	*410
East Branch Green Valley Creek: At the intersection of Green Valley Road and Clydesdale Drive	*430
Sycamore Creek: 70 feet upstream from the centerline of Sycamore Valley Road	*420
Maps available for inspection at the Department of Public Works, 542 San Ramon Valley Boulevard, Danville, California.	
Poway (city), San Diego County (FEMA-6640)	
Beeler Creek: 20 feet upstream from center of Pomerado Road	*464
Green Valley Creek: 20 feet upstream from center of Orchard Bend Road	*617
Green Valley Creek Tributary: 40 feet upstream from center of Sagewood Drive	*601
Poway Creek: Intersection of Standish Drive and Kennebunk Street	*542
North Branch Poway Creek: 30 feet upstream from center of Sycamore Canyon Road	*573
South Branch Poway Creek: 35 feet upstream from center of Sycamore Canyon Road	*570
Rattlesnake Creek: Intersection of Poway Road and Bowron Road	*488
Maps available for inspection at City Engineer's Office, 13325 Civic Center Drive, Poway, California.	
San Ramon (city), Contra Costa County (FEMA Docket No. 6645)	
San Ramon Creek: 50 feet upstream from center of San Ramon Valley Boulevard	*486
Maps available for inspection at Planning Department, 2222 Camino Ramon, San Ramon, California.	
Santa Barbara County (unincorporated areas) (FEMA Docket No. 6545)	
Orcutt Creek:	
50 feet upstream from center of Solomon Road	*231
50 feet upstream from center of Stillwell Road	*491
Branch Canyon Wash: Intersection of Perkins Road and Cebrian Avenue	#1
Salisbury Canyon Wash: Intersection of State Highway 166 and Hubbard Avenue	#1
San Antonio Creek: Intersection of State Highway 135 and Den Street	*559
Los Alamos Interceptor Channel: 450 feet southeast along State Highway 135 from its intersection with Foxen Lane	#2
Zaca Creek: 200 feet upstream from center of Avenue of the Flags	*351
Thumbelina Creek: 100 feet upstream from center of State Highway 246	*362
Alamo Pintado Creek:	
50 feet upstream from center of lower Alamo Pintado Road crossing	*565
200 feet upstream from center of State Highway 154	*830
East Branch Alamo Pintado Creek:	
50 feet upstream from center of lower Quail Valley Road crossing	*523
200 feet upstream from center of Base Line Avenue	*706
East Tributary to East Branch Alamo Pintado Creek: 100 feet upstream from center of Refugio Road	*630
West Fork Zanja de Cota Creek: Intersection of Edison and Tivola Streets	*583
East Fork Zanja de Cota Creek: 100 feet upstream from center of State Highway 246 (Santa Barbara Avenue)	*589
Bell Canyon Wash: 100 feet upstream from center of Winchester Canyon Road	*67
Winchester Canyon Wash: 50 feet upstream from center of Winchester Canyon Road	*80
Ellwood Canyon Wash: 300 feet upstream from confluence with Winchester Canyon Wash	#1
Tecolote Canyon Creek: Intersection of Tecolote Canyon Creek and Vereda del Padre	*40
Santa Ynez River: Intersection of Sweeny Road and State Highway 246	*112
San Miguelito Creek: 25 feet upstream from center of Feed Store Bridge	*243
East-West Channel: 250 feet southeast from intersection of Central Avenue and North O Street	*75
Pacific Ocean:	
At mouth of El Estero Lagoon at Sand Point	*8
At mouth of Romero Creek at Fernald Point	*8
At mouth of Bell Canyon Wash	*7
Maps available for inspection at the Santa Barbara County Flood Control and Water Conservation District, 123 East Anapamu Street, Santa Barbara, California.	
Shasta County (unincorporated areas) (FEMA Docket No. 6645)	
Burney Creek: 90 feet upstream from center of State Highway 299	*3127
Burney Creek West Branch: Intersection of Superior Avenue and Hudson Street	*3121
Churn Creek: Intersection of Churn Creek and center of State Highway 299	*596
Clover Creek: 50 feet upstream from center of Old Forty Four Drive	*483
Cow Creek (Near Millville): 200 feet upstream from center of Old Forty Four Drive	*503
Cow Creek (Near Palo Cedro): Intersection of Cow Creek and center of State Highway 44	*442
Dry Creek: 100 feet upstream from center of State Highway 299	*529
Little Cow Creek: 10 feet upstream from center of Old Forty Four Drive	*447
Sacramento River: Intersection of Sacramento River and center of Interstate Highway 5	*413
Tormey Drain: Intersection of Tormey Drain and center of Dodson Lane	*405

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at Shasta County Water District, 1558 West Street, Reading, California.	
COLORADO	
Otero County (unincorporated areas) FEMA-6640	
Arkansas River:	
Intersection of Chalmers Street and Olive Avenue	*4,057
150 feet upstream from center of State Highway 167	*4,315
Anderson Arroyo: 50 feet south of intersection of Barnes Avenue and Tenth Street	*4,094
King Arroyo: 50 feet upstrem from center of Sixth Street	*4,070
Timpas Creek: 300 feet upstream from center of U.S. Highway 50	*4,117
Maps available for inspection at Land Use Department, 3rd and Colorado Avenues, La Junta, Colorado.	
Rangely (town), Rio Blanco County (FEMA Docket No. 6645)	
White River: Intersection of East Rangely Avenue and Nichols Street	*5,212
Coal Mine Draw: Intersection of stream and center of County Highway 2	*5,244
College Canyon Draw: 60 feet upstream from center fo Prospect Street	*5,221
Maps available for inspection at the Town Hall, 209 East Main, Rangely, Colorado.	
Ridgway (town), Ouray County (FEMA Docket No. 6645)	
Uncompahgre River: 60 feet upstream from center of State Highway 62 (Sherman Street)	*6,975
Maps available for inspection at Town Clerk's Office, Town Hall, Ridgeway, Colorado.	
CONNECTICUT	
New London (city), New London County (FEMA Docket No. 6640)	
Long Island Sound:	
Shoreline at Ocean Avenue (extended)	*15
Shoreline at Bayshore Drive (extended)	*10
Thames River:	
Shoreline at Montauk Avenue (extended)	*15
Shoreline at Granada Terrace (extended)	*13
Shoreline at Smith Street (extended)	*10
Maps available for inspection at the Building Department, 33 Union Street, New London, Connecticut.	
FLORIDA	
Flager Beach (city), Flagler County (FEMA Docket No. 6645)	
Atlantic Ocean:	
Along shoreline about 100 feet inland	*9
Along shoreline	*13
Intracoastal Waterway:	
Along northeast shoreline from about 1200 feet south of Beachwood Drive to southern Flager County Boundary	*4
Along Flagler Avenue	*5
About 200 feet west of North Daytona Avenue from 13th Street north to City of Flagler Beach northern corporate limits	*5
Maps available for inspection at the City Hall, P.O. Box 758, Flagler Beach, Florida.	
Unincorporated Areas of St. Johns County (FEMA Docket No. 6645)	
Atlantic Ocean:	
About 150 feet west of shoreline from southern county boundary to about 2.3 miles south of intersection of State Road A1A and State Road 206	*8
About 200 feet west of shoreline from northern county boundary to St. Augustine Inlet	*9
About 300 feet west of shoreline from about 2.3 miles south of intersection of State Road A1A and State Road 206 to southern corporate limits of Town of St. Augustine Beach	*9
At intersection of State Road A1A and Ocean Avenue	*9
At intersection of Barcelona Street and Asturias Street	*9
About 300 feet west of intersection of Franciscan Way and Barcelona Avenue	*9
Along eastern shoreline of Salt Run	*10
Along shoreline from about 5.5 miles south of intersection of County Highway 203 and State Road A1A to southern county boundary	*13
Along shoreline from northern county boundary to about 5.5 miles south of intersection of County Highway 203 and State Road A1A	*14
St. Johns River: Along shoreline	*6
Matanzas River/Intracoastal Waterway:	
Along shoreline from about 2.3 miles south of State Road 206 to southern county boundary	*7
Along shoreline from State Road 312 to about 2.3 miles south of State Road 206	*8
Mantanzas River/San Sebastian River: Along shoreline from State Road 312 to Lewis speedway	*9
Shallow Flooding (Ponding from Guano River):	
Along shoreline from Guano Lake to Lake Ponte Vedra	*5
About 400 feet west of County Highway 203 from State Road A1A to County Highway 210	*6
Along shoreline of Lake Vedra	*8
Guano River: Along shoreline from mouth to Guano Lake	*8
Tolomato River/Intracoastal Waterway:	
Along shoreline from about 3,000 feet south of mouth of Smith Creek to northern county boundary	*6
Along shoreline from about 2,000 feet south of mouth of Tolomato River Tributary No. 1 to about 3,000 feet south of mouth of Smith Creek	*7
Tolomato River:	
Along shoreline from Carcaba Road to about 2,000 feet south of mouth of Tolomato River Tributary No. 1	*8
Along shoreline from Vilano Beach Bridge to Carcaba Road	*9
Shallow Flooding (Ponding behind road on Moultrie Creek Tributary No. 2):	
From Vaill Point Road to Shores Boulevard	*13
From Shores Boulevard to Deltona Boulevard	*19
From Deltona Boulevard to about 3,000 feet upstream of Deltona Boulevard	*21
Cunningham Creek:	
At mouth	*6
About 4,600 feet upstream of Unnamed Road crossing	*22
Deep Creek:	
At confluence of West Run Cracker Branch	*6
About 1,800 feet upstream of confluence of Sixteenmile Creek	*10
Durbin Creek:	
At confluence with Julington Creek	*6
Just upsteam of Race Track Road	*12
Durbin Creek Tributary:	
At mouth	*6
Just downstream of Race Track Road	*13
Kendall Creek:	
At mouth	*6
Just upstream of Dirt Road	*24
Mill Creek:	
At mouth	*6
Just downstream of Old Airport Road	*26
Trout Creek:	
At mouth	*6
Just downstream of County Highway 210	*13
Moses Creek:	
At mouth	*8
Just upstream of State Road 206	*29
Moses Creek Tributary No. 1:	
At mouth	*8
Just upstream of State Road 206	*20
Moses Creek Tributary No. 2:	
At mouth	*11
Just downstream of Dirt Road	*15
Moses Creek Tributary No. 2 (cont'd):	
Just upstream of Dirt Road	*20
About 2,500 feet upstream of Shores Boulevard	*22
Moses Creek Tributary No. 3:	
At mouth	*11
About 2,400 feet upstream of mouth	*23
Moses Creek Tributary No. 4:	
At mouth	*12
About 0.65 mile upstream of mouth	*23
Moses Creek Tributary No. 5:	
At mouth	*16
About 0.75 mile upstream of mouth	*26
Moses Creek Tributary No. 6:	
At mouth	*26
About 0.7 mile upstream of mouth	*28
Moultrie Creek:	
At mouth	*8
Just upstream of County Highway 214	*33
Moultrie Creek Tributary No. 1:	
At confluence with Moultrie Creek	*8
Just upstream of Lewis Point Road	*25
Moultrie Creek Tributary No. 3:	
At mouth	*9
About 1.1 miles upstream of mouth	*21
Moultrie Creek Tributary No. 4:	
At mouth	*9
Just upstream of State Road 207	*36
Sixteenmile Creek:	
At mouth	*9
At southern county boundary	*14
St. Johns Tributary No. 1:	
At mouth	*6
Just downstream of State Road 13	*16
Just upstream of State Road 13	*22
St. Johns River Tributary No. 2:	
At mouth	*6
Just upstream of Dirt Road (about 0.7 mile upstream of mouth)	*12
St. Johns River Tributary No. 3 Branch No. 1:	
At mouth	*6
About 0.5 mile upstream of State Road 13	*22
St. Johns River Tributary No. 3 Branch 2:	
At mouth	*13
About 1,600 feet upstream of mouth	*24
St. Johns River Tributary No. 4:	
At mouth	*6
About 0.55 mile upstream of State Road 13	*23
St. Johns River Tributary No. 5:	
At mouth	*6
About 0.7 mile upstream of State Road 13	*17
Tolomato River Tributary No. 1:	
At mouth	*8
Just downstream of U.S. Route 1	*20
Tolomato River Tributary No. 2:	
At mouth	*8
Just upstream of U.S. Route 1	*27
Big Lige Branch:	
At mouth	*8
About 0.8 mile upstream of mouth	*17
Flora Branch:	
At mouth	*6
About 1.1 miles upstream of Race Track Road	*18
Kentucky Branch:	
At mouth	*6
About 1.4 miles upstream of State Road 13	*24
Kentucky Branch Tributary:	
At mouth	*8
Just upstream of Old Airport Road	*19
Orange Grove Branch:	
At mouth	*6
Just downstream of State Road 13	*7
Just upstream of State Road 13	*14
About 1.85 miles upstream of State Road 13	*27
Petty Branch:	
At mouth	*6
Just downstream of State Road 13	*8
Just upstream of State Road 13	*15
About 2.0 miles upstream of State Road 13	*27
Red House Branch:	
At mouth	*9
Just upstream of Chicken Farm Road	*28
West Run Cracker Branch:	
At mouth	*6
At western county boundary	*11
Maps available for inspection at the Planning & Zoning Office, P.O. Drawer 349, St. Augustine, Florida.	

Source of flooding and location	#Depth in feet above ground. ¹Elevation in feet (NGVD)
GEORGIA	
City of Cave Spring, Floyd County (Docket No. FEMA-6640)	
Little Cedar Creek:	
About 2,400 feet downstream of Cave Spring Highway	*628
About 2,200 feet upstream of State Route 100	*650
Mill Race Creek:	
At mouth	*643
About 2,300 feet upstream of mouth	*656
Maps available for inspection at City Hall, Cave Spring, Georgia.	
IDAHO	
Bonners Ferry (city), Boundary County (FEMA-6640)	
Kootenai River: At intersection of Kootenai River and U.S. Highway 95	*1769
Maps available for inspection at Engineer's Office, 102 Main Street, Bonners Ferry, Idaho.	
Kamiah (city), Lewis County (FEMA-6640)	
Clearwater Creek: Intersection of Clearwater River and center of U.S. Highway 12 (3rd Street)	*1184
Lawyer Creek: Intersection of Lawyer Creek and center of Hill Street	*1237
Maps available for inspection at City Hall, Kamiah, Idaho.	
Malad City (city), Oneida County (FEMA Docket No. 6645)	
Deep Creek: Intersection of Deep Creek and 90 South Street	*4538
Maps available for inspection at Water Office, 59 Bannock, Malad City, Idaho.	
ILLINOIS	
Unincorporated Areas of Coles County (Docket No. FEMA-6640)	
Kaskaskia River:	
About 7.7 miles downstream of County Route 20	*631
About 6.1 miles upstream of County Route 16	*643
Embarras River:	
About 3.1 miles downstream of State Route 130	*580
About 2.2 miles upstream of Conrail	*608
Riley Creek:	
About 0.95 mile downstream of State Route 16	*603
About 0.95 mile upstream of Norfolk Southern Railway	*616
Cassell Creek:	
Mouth at Riley Creek	*609
Just downstream of Conrail	*619
Town Branch Creek:	
Mouth at Cassell Creek	*611
About 0.43 mile upstream of Norfolk Southern Railway	*630
Kickapoo Creek:	
Just upstream of Odd Fellow Road	*700
About 0.32 mile downstream of 6th Street	*702
Maps available for inspection at the Coles County Regional Planning Commission, Coles County Courthouse, Charleston, Illinois.	
De Pue (village), Bureau County (FEMA Docket No. 6640)	
Illinois River: Within community	*454
Maps available for inspection at the Clerks Office, De Pue Water Plant, 111 West 2nd Street, De Pue, Illinois.	
Equality (village), Gallatin County (FEMA Docket No. 6640)	
Saline River: Within community	*367
North Fork Saline River: Within community	*367
Maps available for inspection at the Equality Municipal Building, P.O. Box 368, Equality, Illinois	
Fults (village), Monroe County (FEMA Docket No. 6640)	
Mississippi River: Within corporate limits	*406
Maps available for inspection at the Village Clerks Office, P.O. Box 6, Fults, Illinois.	
Kaskaskia (village), Randolph County (FEMA Docket No. 6640)	
Mississippi River:	
At southern corporate limits	*392
At northern corporate limits	*394
Maps available for inspection at the Kaskaskia School, Principal Office, Village of Kaskaskia, Illinois.	
Old Shawneetown (village), Gallatin County (FEMA Docket No. 6640)	
Ohio River:	
About 1,600 feet downstream of Garfield Street	*367
About 3,000 feet upstream of Garfield Street	*368
Maps available for inspection at the Village Hall, Rt. 1, Old Shawneetown, Illinois.	
Ottawa (city), LaSalle County (FEMA Docket No. 6640)	
Illinois River:	
About 0.92 mile downstream of Burlington Northern railroad	*421
About 0.75 mile upstream of State Route 23	*473
Fox River:	
At mouth	*472
About 2,500 feet upstream of U.S. Route 6	*476
Goose Creek:	
At mouth	*476
About 7,050 feet upstream of Columbus Street	*516
Maps available for inspection at the City Clerks Office, City Hall, Ottawa, Illinois.	
Palestine (village), Crawford County (FEMA Docket No. 6640)	
Sugar Creek:	
Just upstream of Franklin Street	*440
About 0.5 mile upstream of Main Street	*445
Lamotte Creek:	
About 1200 feet downstream of confluence of Tributary A	*440
At confluence of Tributary A	*441
Tributary A:	
At confluence with Lamotte Creek	*441
About 0.5 mile upstream of Main Street	*443
Maps available for inspection at the Village Centre, 301 South Main Street, Palestine, Illinois.	
City of Peru, La Salle County (Docket No. FEMA-6640)	
Illinois River:	
About 2.2 miles downstream of U.S. Route 51	*460
About 0.65 miles upstream of U.S. Route 51	*462
West Creek:	
About 630 feet downstream of 4th Street	*468
About 130 feet downstream of 4th Street	*470
About 130 feet upstream of 4th Street	*488
About 130 feet downstream of 7th Street	*496
About 130 feet upstream of 7th Street	*532
About 1,850 feet upstream of 7th Street	*543
Maps available for inspection at the Office of the City Clerk, Community Building, P.O. Box 299, Peru, Illinois.	
Prairie du Rocher (village), Randolph Country (FEMA Docket No. 6640)	
Mississippi River:	
At southeastern corporate limits	*400
At northwestern corporate limits	*401
Maps available for inspection at the Post Office, Prairie du Rocher, Illinois	
Valmeyer (village), Monroe County (FEMA Docket No. 6640)	
Mississippi River:	
At southern corporate limits	*410
At northern corporate limits	*414
Maps available for inspection at the Village Hall, 100 Maple Street, Valmeyer, Illinois.	
IOWA	
Unincorporated Areas, Johnson County (Docket No. FEMA-6640)	
Iowa River:	
At Southern county boundary (about 1.3 miles downstream of Tri-County Bridge)	*611
About 9.1 miles upstream of County Highway F62	*642
Just upstream of Interstate 80	*658
Just downstream of Coralville Dam	*663
Just upstream of Coralville Dam	*713
At Western County boundary	*715
Old Mans Creek:	
At mouth	*627
At Western County boundary	*711
Old Mans Bypass:	
At mouth	*631
At divergence from Old Mans Creek	*639
Clear Creek:	
About 1.9 miles downstream of Interstate 80	*664
Just downstream of County Highway F46	*740
Cedar River:	
At Eastern County Boundary	*640
At Northern County Boundary	*691
Rapid Creek:	
At mouth	*684
About 2.4 miles upstream of State Highway 1	*719
About 3,900 feet downstream of County Highway F8W	*756
Just downstream of Chicago, Rock Island and Pacific Railroad	*775
East Fork Rapid Creek:	
At mouth	*760
About 0.7 mile upstream of County Road F36	*768
Rapid Creek Tributary No. 3:	
At mouth	*703
About 0.45 miles upstream of mouth	*710
Jordan Creek:	
About 2.4 miles upstream of Lake MacBride Dam	*716
Just downstream of State Highway 1	*772
Just upstream of State Highway 1	*776
About 0.6 mile upstream of State Highway 1	*785
Mill Creek:	
About 3.4 miles upstream of Lake MacBride Dam	*716
Just downstream of Chicago, Rock Island and Pacific Railroad	*721
Just upstream of Chicago, Rock Island, and Pacific Railroad	*725
Just downstream of State Highway 382	*729
Just upstream of State Highway 382	*731
About 1.0 mile upstream of State Highway 1	*743
McAllister Creek:	
About 1.2 miles upstream of mouth	*713
About 0.45 mile upstream of eastwest County Road (about 2.6 miles upstream of mouth)	*727
Swisher Creek	
About 400 feet downstream of County Road F20	*713
Just downstream of a County Road (about 2.4 miles upstream of County Highway F20)	*743
Rhine Creek:	
At mouth	*728
About 2.0 miles upstream of State Highway 109	*769
Muddy Creek:	
At mouth	*686
About 1.55 miles upstream of a County Road (Road is about 5.1 miles upstream of mouth)	*746
Lake MacBride: At shoreline	*719
Maps available for inspection at the Johnson County Courthouse, Iowa City, Iowa 52240	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
KANSAS	
(C) El Dorado, Butler County (Docket No. FEMA-6356)	
Walnut River:	
Downstream coporate limit	*1,271
Upstream corporate limit	*1,281
Constant Creek:	
Just downstream Douglas Road	*1,276
Just downstream Central Avenue	*1,313
About 900 feet upstream Sixth Avenue	*1,328
West Branch Walnut River:	
Mouth at Walnut River	*1,280
About 1.83 miles upstream of 9th Avenue	*1,296
Tributary A:	
Mouth at West Branch Walnut River	*1,290
Just downstream Topeka Street	*1,297
Maps available for inspection at the City Hall, P.O. Box 762, El Dorado, Kansas.	
KENTUCKY	
City of Calvert City, Marshall County (Docket No. FEMA-6640)	
Tennessee River:	
About 2.0 miles upstream of confluence of Cypress Creek	*342
About 9.0 miles upstream of confluence with Cypress Creek	*344
Cypress Creek:	
About 1.4 miles downstream of County Highway 1523	*342
Just downstream of Interstate 24	*347
Maps available for inspection at the City Hall, Calvert City, Kentucky.	
MAINE	
Shapleigh (town), York County (FEMA Docket No. 6640)	
Little Ossipee River:	
At downstream corporate limits	*418
Upstream side of State Route 11	*487
Upstream side of Shapleigh Pond Road	*516
At upstream corporate limits	*518
Maps available for inspection at the Clerk's Vault, Shapleigh, Maine.	
MARYLAND	
Centreville (town), Queen Annes County (FEMA Docket No. 6640)	
Mill Stream Branch:	
Approximately 1,100 feet downstream of Bridge Street	*7
Upstream side of State Route 213	*8
Upstream corporate limits	*9
Gravel Run: At Commerce Street	*7
Yellow Bank Stream: At confluence with Gravel Run	*7
Three Bridges Branch: Upstream side of State Route 213	*7
Maps available for inspection at the Centreville Town Hall, 101 Lawyers Road, Centreville, Maryland.	
Mardela Springs (town), Wicomico County (FEMA Docket No. 1604)	
Nanticoke River: Entire length of Baron Creek	*6
Maps available for inspection at the Town Hall, Station Street, Mardela Springs, Maryland.	
Sharptown (town), Wicomico County (FEMA Docket No. 1604)	
Nanticoke River: Entire shoreline within community	*6
Maps available for inspection at the Town Hall, Sharptown, Maryland.	
Queen Anne (town), Queen Annes County (FEMA Docket No. 6640)	
Tuckahoe Creek:	
Downstream corporate limits	*7
Upstream corporate limits	*9
Maps available for inspection at the Queen Annes Post Office, Queen Anne, Maryland.	
MASSACHUSETTS	
Barnstable (town), Barnstable County (FEMA Docket No. 6640)	
Cape Cod Bay:	
Shoreline of Barnstable Harbor at Locust Lane (extended)	*15
Area 800 feet east of intersection of Mill Way and Freezer Road	*11
Shoreline at Beach Point Area 1.0 mile north of Mussel Point	*17
Shoreline 0.8 mile north of north end of Little Thatch Island	*18
Shoreline 0.9 mile east of Sandy Neck Road (extended)	*20
Shoreline 0.6 mile east of Sandy Neck Road (extended)	*25
Area 800 feet northeast of northern end of Sandy Neck Road	#2
Nantucket Sound:	
Area at intersection of Old Colony Road and Nantucket Street	*10
Shoreline of Hyannis Inner Harbor at School Street (extended)	*12
Shoreline of Lewis Bay at Harbor Bluff	*15
Area 1,000 feet west of intersection of Ocean Avenue and Studley Road	*11
Shoreline at Hyannis Point	*15
Area 1,500 feet of intersection of Bag Lane and South Main Street	#1
Shoreline at West Street (extended)	*16
Shoreline of Eel River at Hathaway Road (extended)	*11
Shoreline of Cotuit Bay 1,000 feet southeast of intersection of Putnam Avenue and Lowell Avenue	*19
Shoreline 3,000 feet southwest of Bluff Point	*17
Maps available for inspection at the Building Inspector's Office, Barnstable Town Hall, Hyannis, Massachusetts.	
Billerica (town), Middlesex County (FEMA Docket No. 6625)	
Concord River:	
At downstream corporate limits	*106
Approximately 1,000 feet downstream of Faulkner Street	*107
Talbot Mill Dam upstream side	*115
Approximately 1,000 feet upstream of Pollard Street	*116
Boston Road, upstream side	*117
U.S. Route 3, upstream side	*118
Nashua Road, upstream side	*119
At upstream corporate limits	*119
Shawsheen River:	
At downstream corporate limits	*89
Salem Road upstream side	*97
At confluence of Jones Brook	*98
Boston Road upstream side	*99
At upstream corporate limits	*99
Jones Brook:	
At confluence with Shawsheen River	*98
Golf Course Culvert upstream side	*105
Approximately 720 feet upstream of Baldwin Road	*109
Content Brook:	
At most downstream corporate limits	*92
Whipple Road, upstream side	*98
200 feet upstream of Andover Road	*102
Boston and Maine Railroad, upstream side	*106
At confluence of Middlesex Canal	*107
Middlesex Canal:	
At confluence with Content Brook	*107
Pond Street, downstream side	*110
Lubber Brook:	
At downstream corporate limits	*103
Cook Street, upstream side	*104
At upstream corporate limits	*104
Maps available for inspection at the Board of Health Office, Billerica, Massachusetts.	
Ipswich (town), Essex County (FEMA Docket No. 6640)	
Atlantic Ocean:	
Shoreline at Rowley-Ipswich corporate limits	*14
Shoreline at confluence of Pine Creek	*10
Shoreline of Middle Ground	*10
Shoreline at Clark Road (extended)	*14
Shoreline approximately 1,000 feet north of Bay Road (extended)	*22
Dune area along 5th Street	#2
Shoreline at River Road (extended)	*16
Shoreline at Gloucester-Ipswich corporate limits	*14
Entire shoreline of Castle Neck River	*10
Entire shoreline of Rowley River	*10
Confluence of Eagle Hill River with Plum Island Sound	*11
At confluence of Paine Creek	*10
Ipswich River:	
At confluence of Treadwell Island Creek	*11
At Jurdins Hill Road (extended)	*10
At Boston & Maine Railroad	*15
Approximately 0.5 mile upstream of Boston & Maine Railroad	*17
Upstream side of Mill Road	*20
Approximately 0.5 mile upstream of Mill Road	*22
Approximately 1.0 mile upstream of Mill Road	*24
Approximately 0.3 mile downstream of Willowdale Road	*26
Upstream side of Willowdale Road	*28
At confluence of Gravelly Brook	32
Miles River:	
At confluence with Ipswich River	*15
Approximately 600 feet upstream of Lakemans Drive	*18
At County Road	*20
Downstream side Sagamore Road	*24
At Hamilton-Ipswich corporate limits	*25
Maps available for inspection at the Ipswich Town Manager's Office, Ipswich, Massachusetts.	
Kingston (town), Plymouth County (FEMA Docket No. 6640)	
Kingston Bay:	
Shoreline at southern corporate limits	*15
Shoreline at Rocky Nook Point	*13
Jones River:	
At River Street Landing	*10
Upstream side of State Route 3	*9
Downstream side of dam	*11
Upstream side of dam	*21
Upstream side of Wapping Road	*29
At confluence of Jones River Brook	*35
Downstream side of Silver Lake Dam	*45
Smelt Brook:	
At confluence with Jones River	*10
Upstream side of Foundary Pond outlets	*28
Upstream side of Cranberry Road	*59
Halls Brook:	
At confluence with Jones River	*9
Upstream side of dam	*21
At confuence of Mile Brook	*25
Upstream side of Brookdale Road	*32
Upstream side of weir upstream of Winter Street	*54
Mile Brook:	
Upstream side of Winthrop Street	*25
Near intersection of state Route 3A and State Route 53	#2
Upstream side of culvert under State Routes 3A and 53	*36
Upstream side of dam	*54
Jones River Brook:	
At confluence with Jones River	*35
Upstream corporate limits	*40
Maps available for inspection at the Board of Selectmen's Office, Town Hall, Kingston, Massachusetts.	
Millis (town), Norfolk County (FEMA Docket No. 1604)	
Charles River:	
Downstream corporate limits	*123
Main Street (upstream side)	*124

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 2,900 feet downstream of Norfolk Road	*125
Norfolk Road (upstream side)	*127
Approximately 240 feet upstream of Pleasant Street	*129
Approximately 80 feet upstream of Myrtle Street	*136
Upstream corporate limits	*138
Bogastow Brook:	
At conclusion with Charles River	*123
Approximately 180 feet upstream of Orchard Street by Partridge Hill	*131
Ridge Street (upstream side)	*134
Orchard Street by School House Hill (upstream side)	*143
Upstream corporate limits	*145
Maps available for inspection at the Selectmen's Office, Town Hall, Millis, Massachusetts.	
Norfolk (town), Norfolk County (FEMA Docket No. 6514)	
Charles River:	
Approximately 400 feet downstream of Harlow Pond Lateral	*125
Approximately 800 feet upstream of Harlow Pond Lateral	*125
Approximately 700 feet downstream of Myrtle Street	*133
Approximately 4,000 feet upstream of Myrtle Street	*138
At upstream corporate limits	*138
Harlow Pond Lateral:	
Harlow Pond Dam (upstream side)	*127
Approximately 3,350 feet upstream of Coolige Pond Dam	*129
Myrtle Street Lateral:	
Upstream side of Myrtle Street bridge	*139
Approximately 3,230 feet upstream of Myrtle Street bridge	*144
Mill River:	
Upstream side of River Road	*137
Upstream side of Main Street Dam	*151
Upstream side of Bush Pond Dam	*176
Upstream corporate limits	*181
Cress Brook:	
Confluence with Mill River	*137
Approximately 5,000 feet upstream of confluence with Mill River	*146
Approximately 6,640 feet upstream of confluence with Mill River	*148
Miller Brook:	
Confluence with Mill River	*137
Upstream corporate limits	*160
Stop River:	
Downstream corporate limits	*124
Upstream side of Commonwealth of Massachusetts Railroad bridge	*147
Confluence with Prison Farm Lateral	*149
Downstream side of Prison Road Dam	*150
Approximately 5,000 feet upstream of Prison Road Dam	*153
At upstream corporate limits	*187
Mann Pond Lateral:	
Confluence with Stop River	*149
Boardman Street bridge (upstream side)	*173
Prison Farm Lateral:	
Confluence with Stop River	*149
Approximately 1,200 feet upstream of Needham Street	*162
Stony Brook:	
Confluence with Stop River	*153
Upstream of dam	*176
Upstream corporate limits	*183
Maps available for inspection at the Selectmen's Office, Norfolk Town Office, Norfolk, Massachusetts.	
Salem (city), Essex County (FEMA Docket No. 6640)	
Atlantic Ocean:	
Entire shoreline of Danvers River within community	*10
Shoreline of Collins Cove	*13
Massachusetts Bay:	
Shoreline at Sutton Avenue (extended)	*15
Shoreline of Juniper Cove at Dustin Street (extended)	*10
Shoreline approximately 250 feet south of Winter Island Road (extended)	*20
Eastern shoreline of Cat Island	*15
Western shoreline of Cat Island	*12
Eastern shoreline of Tinkers Island	*15
Western shoreline of Tinkers Island	*12
Eastern shoreline of Great Misery Island	*24
Western shoreline of Great Misery Island	*15
Northeastern shoreline of Bakers Island	*30
Southwestern shoreline of Bakers Island	*12
Salem Harbor: Shoreline at Carlton Street (extended)	*13
Shallow Flooding:	
Dunes in the vicinity of Salem Neck	#1
Dunes in the vicinity of Juniper Avenue	#2
Dunes in the vicinity of Winter Island Road (extended)	#1
Maps available for inspection at the City Clerk's Office, Salem, Massachusetts.	
MISSOURI	
City of Chillicothe, Livingston County (Docket No. FEMA-6640)	
Grand River Tributary:	
About 3,000 feet downstream of State Highway 190	*708
About 1,250 feet upstream of U.S. Highway 65	*738
Maps available for inspection at the Building Commissioner's Office, Harrison, Ohio.	
MONTANA	
East Helena (city), Lewis and Clark County (FEMA Docket No. 6640)	
Prickly Pear Creek: Intersection of Morton Avenue and Groschell Street	*3,870
Maps available for inspection at Flood Plain Administrator's Office, 7 East Main, East Helena, Montana 59635.	
Lewis and Clark County (unincorporated areas) FEMA-6640	
Prickly Pear Creek:	
170 feet upstream from the center of Sierra Road East	*3,681
At the Helena Valley Irrigation Canal	*3,799
South Braid of Prickly Pear Creek: 50 feet upstream from the center of Wylie Drive	*3,846
East Overflow of Prickly Pear Creek: 160 feet upstream from the center of the Helena Valley Irrigation Canal	*3,801
North Overflow of Prickly Pear Creek: 470 feet west from the northwest corner of the East Helena Sewage Lagoon holding ponds	*3,829
Tenmile Creek:	
30 feet upstream from the center of Sierra Road East	*3,684
85 feet upstream from the center of Country Club Avenue	*3,912
Shallow Flooding:	
900 feet west of the intersection of Franklin Mine Road and Green Meadow Drive	*3,790
Maps available for inspection at DES Director's Office, 201 South Main, Helena, Montana.	
NEW JERSEY	
Totowa, Borough, Morris County (FEMA Docket No. 6640)	
Passaic River:	
Approximately 500 feet downstream of corporate limits	*126
Totowa Road (upstream side)	*128
Interstate 80	*129
Lackawana Avenue (upstream side)	*132
N.J.W.S. Aqueduct (upstream corporate limits)	*138
Singac Brook:	
Downstream corporate limits	*173
Approximately 200 feet upstream of upstream corporate limits	*175
Naachpunkt Brook:	
Jackson Road (downstream side)	*175
Totowa Road (downstream side)	*183
Maps available for inspection at the Totowa Clerk's Office, Municipal Building, 537 Totowa Road, Totowa, New Jersey.	
NEW YORK	
Saugerties, Town, Ulster County (FEMA Docket No. 6640)	
Esopus Creek:	
Downstream corporate limits	*59
Upstream side Glasco Turnpike	*70
Approximately 865 feet downstream CONRAIL	*82
Upstream side of CONRAIL	*127
Approximately 510 feet upstream of upstream corporate limits	*133
Hudson River: Entire shoreline within community	*9
Maps available for inspection at the Town Clerk's Offices, Saugerties Town Hall, Saugerties, New York.	
Saugerties, Village, Ulster County (FEMA Docket No. 6640)	
Esopus Creek:	
Cantine Dam	*58
At U.S. corporate limits	*59
Hudson River:	
Entire Shoreline within community	*9
Espous Creek below Cantine Dam	*9
Maps available for inspection at the Municipal Building, Partition Street, Saugerties, New York.	
NORTH CAROLINA	
Town of Alliance, Pamlico County (Docket No. FEMA-6640)	
South Prong Bay River:	
About 1.45 miles downstream of Campen Swamp Road	*8
About 0.95 mile upstream of Campen Swamp Road	*10
Maps available for inspection at the Town Hall, Alliance, North Carolina.	
Unincorporated Areas, Carteret County (Docket No. FEMA-6640)	
Adams Creek: Along eastern bank from its inouth to mouth of Back Creek	*9
Atlantic Ocean:	
About 300 feet northwest of shoreline from Drum Inlet to about 2500 feet southeast of the High Hills	*6
About 500 feet northwest of shoreline from The Swash to Drum Inlet	*6
About 0.75 mile east of Wreck Point on Core Banks	*6
About 300 feet northwest of shoreline from about 0.75 mile southeast of Daniel Swash to Ocracoke Inlet	*7
Along western and southern shoreline of Lookout Bight	*7
Along shoreline from southern tip of Shackleford Banks to about 0.55 mile northwest of southern tip of Shackleford Banks	*8
Along shoreline from about 0.85 mile north of jetty located about 2.2 miles northwest of Cape Point to Ocracoke Inlet	*10
About 300 feet north of shoreline from about 1 mile southeast of Shackleford Point to about 0.65 mile west of Bald Hill	*10
Along shoreline from about 0.4 mile south of Horse Point to about 0.75 mile northwest of southern tip of Shackleford Banks	*11
About 100 feet north of shoreline between eastern section and western section of Town of Indian Beach	*11
About 50 feet north of shoreline between Town of Pine Knoll Shores and Town of Atlantic Beach	*11
Along shoreline from about 0.65 mile west of Bald Hill to about 0.4 mile south of Horse Point	*12
About 150 feet north of shoreline from Town of Atlantic Beach to Beaufort Inlet	*12
Along shoreline from about 1 mile southeast of Shackleford Point to about 0.65 mile west of Bald Hill	*13

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Along shoreline from Shackleford Point to about 1 mile southeast of Shackleford Point	*14
Along shoreline between Town of Pine Knoll Shores and Town of Atlantic Beach	*15
Along shoreline from the Town of Atlantic Beach to about 1500 feet west of western shore of Beaufort Inlet	*15
Along shoreline between eastern section and western section of Town of Indian Beach	*16
Back Sound:	
Along shoreline of Great Marsh Island	*6
Along shorelines of Morgan Island and Whitehurst Island	*7
Along shoreline of Barden Inlet	*7
Along northern shoreline of Shackleford Banks	*8
Along shoreline from about 2000 feet north of Shell Point to about 2500 feet northwest of Shell Point	*8
Along shoreline from about 2500 feet northwest of Shell Point to Rush Point	*9
Bogue Sound:	
Along shoreline from eastern section of Town of Indian Beach to about 1200 feet northwest of intersection of SR 1193 and NC 58	*6
At NC 24 bridge over Jumping Run	*7
At confluence of East Prong with Gales Creek	*7
Along shoreline of West Prong from confluence with Broad Creek to confluence of Wolf Branch	*7
About 300 feet south of intersection of SR 1122 and SR 1256	*7
Just north of intersection of SR 1122 and SR 1213	*7
About 300 feet landward of shoreline along SR 1121	*7
Along shoreline between Town of Pine Knoll Shores and the Town of Atlantic Beach	*7
Along shoreline from Town of Atlantic Beach to Fort Macon Creek	*7
Along Salter Path Road between Town of Pine Knoll Shores and Town of Atlantic Beach	*7
About 800 feet north of Salter Path Road between Town of Pine Knoll Shores and Town of Atlantic Beach	*7
At Harbor Drive bridge over Spooner Creek	*8
About 100 feet north of shoreline from mouth of Spooner Creek to mouth of Gales Creek	*8
At US Route 70 bridge over Peletier Creek	*8
Just north of intersection of SR 1249 and SR 1281	*8
Along shoreline of southeastern half of Wood Island	*8
Along shoreline of Dog Islands	*8
Along shoreline of northwestern half of Wood Island	*9
At confluence of Sikes Branch and East Prong	*9
At NC 24 bridge over Sanders Creek	*9
At NC 24 bridge over Hunting Island Creek	*9
About 250 feet landward of shoreline from about 1,500 feet southwest of mouth of Sikes Branch to about 2,000 feet southwest of intersection of SR 1119 and SR 1215	*9
Along shorelines of Piney Island and Bean Island	*10
Along shoreline from mouth of Peletier Creek to about 0.6 mile southwest of mouth of Broad Creek	*10
Along shoreline from about 0.6 mile southwest of mouth of Broad Creek to about 0.1 mile west of end of SR 1215	*11
Along shoreline from about 0.65 mile south of intersection of NC 24 and SR 1225 to mouth of Hunting Island Creek	*12
Along southern shoreline of Hunting Island	*13
Core Sound:	
About 1,300 feet northwest of intersection of SR 1362 and SR 1363	*5
Along western shoreline of Core Banks from about 0.6 mile southeast of Whitehurst Island to Dear Pond	*6
Along shorelines of Gunning Hammock Island and Rush Island	*6
Along shoreline from Great Island Bay to The Swash	*6
Along shoreline of Oyster Creek	*6
Along shoreline of Spit Bay	*6
Along shoreline of Jarrett Bay from Spit Bay to Ditch Cove	*6
Along shoreline of Lewis Creek	*7
Along shorelines of Horse Island and Dump Island	*7
Along shoreline from Drum Inlet to Kathryne Jane Islands	*7
At intersection of Marshallberg Road and Gloucester Road	*7
At intersection of Straits Road and Gloucester Road	*7
At intersection of Harkers Island Road and SR 1340	*7
Along shorelines of Leo Cockle Marsh Island, Little Deep Marsh Island, Big Deep Marsh Island, and Teal Island	*7
At Douglas Point	*7
Along shoreline from The Swash to Drum Inlet	*7
Along shoreline from mouth of Fork Creek to The Spit	*7
Along shoreline of Jarrett Bay from mouth of Smyrna Creek to Howland Point	*7
At intersection of US Route 70 and SR 1411	*7
At intersection of US Route 70 ans SR 1354	*7
At intersection of US Route 70 and SR 1353	*7
At intersection of USMC Road and US Route 70	*7
At intersection of US Route 70 and SR 1377	*7
At intersection of US Route 70 and SR 1373	*7
Along Salters Creek north of NC 12	*7
At intersection of US Route 70 and SR 1371	*7
Along shorelines of Chain Shot Island, Harbor Island, Wainwright Island, and Shell Island	*8
Along shoreline of Back Bay	*8
Along shoreline of South Island	*8
At intersection of NC 12 and SR 1388	*8
Along shoreline of Thorofare Bay from mouth of Merkle Hammock Creek to Green Point	*8
At Cricket Island Point	*8
Along shoreline from mouth of Middens Creek to end of SR 1347	*8
Along shorelines of Salters Lumps and Big Island	*8
At Pasture Point	*8
At intersection of US Route 70 and SR 1350	*8
Along shoreline of Bells Island	*8
Along southern shoreline of Barry Bay	*8
At Thorofare Bridge	*8
Along shoreline from about 1.4 miles southwest of Hall Point to Steep Point	*8
Along eastern shoreline of Nelson Bay	*8
Along shoreline from Cedar Point to mouth of Maria Creek	*8
At Cowpen Point	*9
At Hog Island Point	*9
Along shoreline from Cedar Inlet Point to Fish Hawk Point	*9
Along northern shoreline of Thorofare Bay	*9
Along shoreline of Barry Bay from Green Point to about 0.9 mile southwest of Green Point	*9
Along shoreline of Jarrett Bay from mouth of Williston Creek to mouth of Middens Creek	*9
Along shoreline from Hall Point to about 1.4 miles southwest of Hall Point	*9
Along shoreline from Steep Point to about 0.4 mile east of Drum Point	*9
Along shoreline of Nelson Bay from Broad Creek to mouth of Pasture Creek	*9
Core Sound/The Straits:	
Along shoreline from mouth of Sleepy Creek to Harkers Island Road bridge over The Straits	*9
Goose Bay:	
Along northern shoreline	*8
Intracoastal Waterway:	
About 0.6 mile south of intersection of NC 24 and NC 58	*10
At intersection of Easy Street and Leisure Lane	*10
Along shoreline from about 1,700 feet southwest of intersection of NC 24 and SR 1117 to NC 24 bridge over White Oak River	*13
Along shoreline from Cameron Langston Bridge to about 1,800 feet south of intersection of NC 24 and SR 1117	*13
Along shoreline from about 1,800 feet south of intersection of NC 24 and SR 1117 to about 1700 feet southwest of intersection of NC 24 and SR 1117	*14
Neuse River:	
Along shoreline from Westward Point to Point of Marsh	*7
Along shoreline of South River from north of confluence of Eastman Creek to mouth of East Fork	*8
Along shoreline from Horton Point to about 2,000 feet southwest of Westward Point	*8
At mouth of Broad Creed	*8
Along shoreline of Old Canal	*8
Along shoreline from Winthrop Point to about 0.9 mile east of Herring Pond	*9
Along shoreline of South River north of mouth of Little Creek	*8
Newport River:	
At intersection of New Bern Road and SR 1166	*7
About 500 feet southwest of intersection of New Bern Road and SR 1246	*7
About 200 feet south of intersection of NC 101 and SR 1161	*8
At intersection of New Bern Road and SR 1155	*8
About 100 feet north of intersection of SR 1158 and SR 1159	*8
About 0.65 mile east of intersection of SR 1176 and SR 1177	*8
At intersection of US Route 70 and SR 1175	*8
Along shoreline of Morehead City Channel	*8
At mouth of Alligator Creek	*9
Along shoreline of Adams Creek Canal from mouth of Bell Creek to mouth of Eastman Creek	*9
Along shoreline from just south of mouth of Ware Creek to about 0.55 mile south of mouth of Russell Creek	*9
Along shoreline of Bullhead Channel	*9
Along shoreline of Mill Creek	*9
Along shoreline from Core Creek to Oyster Creek	*10
Along shoreline from mouth of Harlow Creek to about 1,500 feet east of mouth of Mill Creek	*10
Along shoreline from mouth of Ware Creek to mouth of Core Creek	*10
Along shoreline of The Narrows just west of confluence of Little Creek Swamp	*10
Along shoreline of Mill Pond	*10
Along shoreline of Hull Swamp	*10
Along shoreline from about 1,000 feet southwest of mouth of Oyster Creek to about 2,200 feet southwest of mouth of Oyster Creek	*11
North River:	
About 50 feet west of intersection of SR 1301 and SR 1302	*7
Along shoreline from about 0.2 mile west of Harkers Island Road to Crow Hill Road	*8
At intersection of SR 1331 and SR 1328	*9
Along shoreline of Ward Creek north of US Route 70	*9
At intersection of US Route 70 and SR 1429	*9
Along shorelines of Gull Island and Simons Island	*9
Along shoreline from Goose Bay to mouth of South Leopard Creek	*10
At mouth of Felton Creek	*10
At intersection of US Route 70 and SR 1238	*10
Along shoreline from mouth of South Leopard Creek to mouth of Ward Creek	*11
Along shoreline from Thomas Marsh to Marsh Hen Point	*11
Along shoreline from about 1 mile south of US Route 70 to US Route 70	*12
Pamlico Sound:	
Along shoreline of Big Swan Island	*7
Along shoreline of West Bay from Deep Hole Point to Dowdy Point	*7
Along shoreline of Long Bay	*8
Along shoreline of West Thorofare Bay	*8
Along shoreline of West Bay	*8
At intersection of Cedar Island Road and SR 1389	*8
Along shoreline from Raymond Sand to Camp Point	*8
Along shorelines of Kathryne Jane Islands	*8
Along shoreline from High Hills Inlet to Ocracoke Inlet	*6
Along shorelines of North Rock, Shell Castle, and Casey Island	*8
The Straits:	
At intersection of SR 1414 and SR 1416	*7
Along northern shoreline of Harkers Island	*7
Along shoreline of Browns Island	*8

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
White Oak River:	
Along shoreline from mouth of Bathouse Creek to Hampton Bay	*8
Along shoreline of Pettiford Creek	*8
Along shoreline from Hampton Bay to about 1,200 feet north of Hancock Point	*9
Along shoreline from about 0.25 mile north of Hancock Point to about 0.95 mile west of mouth of Cales Creek	*10
At intersection of NC 24 and SR 1117	*10
Along shoreline from NC 24 bridge over White Oak River to mouth of Boathouse Creek	*10
Deep Creek:	
About 0.6 mile downstream of SR 1133	*11
Just upstream of SR 1133	*13
Little Deep Creek:	
About 0.55 mile downstream of SR 1139	*11
About 0.6 mile upstream of SR 1139	*16
Maps available for inspection at the Carteret County Courthouse, P.O. Box 630, Beaufort, North Carolina.	
Town of Columbia, Tyrrell County (Docket No. FEMA-6640)	
Atlantic Ocean/Albemarle Sound: Within community	*6
Maps available for inspection at Town Hall, Columbia, North Carolina.	
City of Elizabeth (city), Pasquotank and Camden Counties (Docket No. FEMA-6640)	
Pasquotank River: Within community	*6
Knobbs Creek:	
From mouth at Pasquotank River to about 1.1 miles upstream of U.S. Highway 17	*6
From about 1.1 miles upstream of U.S. Highway 17 to just downstream of Creek Road	*7
Knobbs Creek Tributary:	
Mouth at Knobbs Creek	*7
Just upstream of SR 1309	*7
Just downstream of West Ehringhaus Street	*8
Charles Creek:	
From mouth at Pasquotank River to just upstream of Halstead Boulevard	6*
Just upstream of SR 1101	8
Maps available for inspection at the City Hall, Elizabeth City, North Carolina.	
Town of Minnesott Beach, Pamlico County (Docket No. FEMA-6640)	
Atlantic Ocean/Pamlico Sound/Neuse River: Within community	*9
Maps available for inspection at the Town Hall, Arapahoe, North Carolina.	
Unincorporated Areas of Pamlico County (Docket No. FEMA-6640)	
Pamlico Sound:	
At intersection of SR 1327 and SR 1328	*8
At intersection of SR 1320 and SR 1321	*8
Along shoreline from Yaupon Hammock Point to Big Propoise Point	*10
Along shoreline from Pine Tree Point to Cockle Point	*11
Along shoreline from Maiden Point to about 3,000 feet east of Rockhole Islands	*11
Along shoreline from Big Fishing Point to about 2,000 feet southwest of Sow Island Point	*11
Along shoreline from Sage Point to Deep Point	*11
Pamlico River:	
Along shoreline of Intracoastal Waterway from northern boundary of Goose Creek State Game Refuge to Cow Hole Bay	*7
At intersection of SR 1237 and SR 1232	*7
At mouth of Wallace Gateaway Creek	*7
Along shoreline from Deep Watering Point to James Point	*8
Along shoreline from 2,500 feet west of Long Point to Cedar Island Thourofare	*8
Along shoreline from Boar Creek to about 6,500 feet east of Boar Creek	*9
Along shoreline from about 6,500 feet east of Boar Creek to Hog Cove	*10
Jones Bay:	
At intersection of SR 1228 and SR 1229	*8
At Minktrap Point	*9
Along shoreline from mouth of Lambert Creek to Maiden Point	*10
At Drum Creek Point	*10
Middle Bay:	
Along shoreline from Rocky Point to Preston Bay	*9
At Oyster Creek Point	*11
Bay River:	
Along Intracoastal Waterway from northern boundary of Goose Creek State Game Refuge to Persimmon Tree Point	*8
Along shoreline from Ball Island to Raccoon Creek	*8
Along Bear Creek from Harper Creek to NC 304	*8
Along shoreline from Bell Point to confluence of Trent Creek	*8
Along southeast shoreline of Spring Creek	*8
Along shoreline from Deadman Point to Branes Creek	*10
Along shoreline from Cove Point to mouth of Spring Creek	*10
Along shoreline from Bryan Point to Hogpen Creek	*10
Pamlico Sound Bay River: Southern shore of Fisherman Bay	*10
Big Porpoise Bay: At mouth of Porpoise Creek	*9
Pamlico Sound/Neuse River: Along Pasture Creek	*10
Neuse River:	
Along shoreline from about 4,500 feet southeast of Murtle Marsh point to Cooper Point	*8
Along southeast shore of Goose Creek to SR 1110	*8
Along shoreline of the Town of Oriental	*8
Along shoreline from about 6,000 feet east-northeast of Daniels Point to about 4,500 feet southeast of Murtle Marsh Point	*9
Along shoreline from Creek Point to SR 1103	*9
At confluence of Alexander Swamp with Goose Creek	*9
Trent Creek: Along shoreline from mouth to NC 55	*7
Greens Creek:	
Just upstream of SR 1308	*8
Just downstream of SR 1300	*10
South Prong Bay River:	
Just upstream of SR 1343	*8
About 5,000 feet upstream of SR 1344	*10
Smith Creek: At intersection of NC 55 and SR 1300	*8
Maps available for inspection at the Pamlico County Courthouse, Bayboro, North Carolina.	
Town of Pantego, Beaufort County (Docket No. FEMA 6640)	
Atlantic Ocean/Pamlico Sound/Pantego Creek: Within Community	*9
Maps available for inspection at Town Hall, Pantego, North Carolina.	
Town of Plymouth, Washington County (Docket No. FEMA-6640)	
Welch Creek:	
Just upstream of Southern Railway	*7
About 2,800 feet upstream of Seaboard Coast Line Railroad	*7
Conaby Creek:	
About 1.7 miles downstream of East Main Street	*7
About 0.9 mile upstream of Roosevelt Avenue	*21
Conaby Creek Tributary:	
At mouth	*12
About 3,100 feet upstream of State Road 1115	*19
Maps available for inspection at City Hall, P.O. Box 806, 132 East Water Street, Plymouth, North Carolina 27962.	
Town of Roper, Washington County (Docket No. FEMA-6640)	
Mill Creek:	
About 3,900 feet downstream of U.S. Highway 64	*8
About 3,700 feet upstream of Buncombe Avenue	*11
Kendrick Creek:	
Just upstream of SR 1301	*10
Maps available for inspection at City Hall, Hall, Roper, North Carolina.	
Unincorporated Areas, Tyrrell County (Docket No. FEMA-6640)	
Atlantic Ocean/Albemarle Sound:	
Along shoreline from about 9,000 feet southwest of Ship Point to about 9,000 feet southeast of Greys Canal	*4
Along shoreline from about 5,500 feet northwest of Goose Pond Island to about 1,600 feet north of Catfish Point	*4
Along shoreline of The Frying Pan	*4
Along shoreline of Alligator River from the confluence of Gum Neck Creek to the confluence of New Lake Fork	*4
Along northern shoreline of New Lake Fork	*4
At confluence of Southwest Fork and Northwest Fork	*4
At intersection of SR 1229 and U.S. 64	*4
Along shoreline from about 4.0 miles northeast of Taylors Beach to about 9,000 feet southwest of Ship Point	*5
Along shoreline from about 6,500 feet northwest of Long Shoal Point to about 5,500 feet northwest of Goose Pond Island	*5
Along shoreline from about 2,000 feet north of Orange Point to Rattlesnake Bay	*5
Along shoreline of Alligator River from about 4,000 feet northwest of Tuckahoe Point to Gum Neck Creek	*5
At intersection of SR 1103 and State Road 94	*5
At intersection of SR 1118 and SR 1121	*5
Along southern shoreline of Scuppernong River from Second Creek to Simmons Landing	*5
At Cross Landing	*5
At intersection of SR 1302 and SR 1301	*5
Along shoreline from Rattlesnake Bay to about 4,000 feet northwest of Tuckahoe Point	*6
At intersection of SR 1110 and SR 1111	*6
Along shoreline from about 0.7 mile northeast of Taylors Beach to about 4.0 miles northeast of Taylors Beach	*6
About 2,000 feet southeast of intersection of SR 1113 and U.S. Route 64	*6
Along western shoreline and northern shoreline of Scuppernong River from SR 1212 to Simmons Landing	*6
Along shoreline from Bunton Creek to south end of SR 1212 crossing over Scuppernong River	*7
Along shoreline from north end of SR 1212 crossing over Scuppernong River to about 3,500 feet northeast of Taylors Beach	*7
About 500 feet south of intersection of SR 1200 and SR 1203	*7
Maps available for inspection at the Tyrrell County Courthouse, Columbia, North Carolina 27925.	
Unincorporated Areas, Washington County (Docket No. FEMA-6640)	
Kendrick Creek:	
Just upstream of SR 1301	*10
About 500 feet upstream of confluence of Kendrick Creek Tributary	*11
Kendrick Creek Tributary:	
At confluence with Kendrick Creek	*11
Just upstream of U.S. Route 64	*17
Welch Creek:	
About 0.9 mile downstream of U.S. Route 64	*7
About 700 feet upstream of confluence of Welch Creek Tributary	*8
Welch Creek Tributary:	
At confluance with Welch Creek	*8
Just downstream of SR 1100	*19
Conaby Creek:	
About 1.6 miles upstream of NC 45	*7
About 4,550 feet upstream of SR 1108	*21
About 7,100 feet upstream of SR 1108	*25
Conaby Creek Tributary:	
About 250 feet downstream of SR 1117	*19
Just downstream of NC 32	*26

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Mill Creek:	
About 1.85 miles upstream of confluence with Kendrick Creek	*11
About 2.6 miles upstream of confluence with Kendrick Creek	*11
Scuppernong River:	
From the eastern County Boundary to SR 1155	*5
Along Maw Creek from its mouth to about 3,000 feet upstream of SR 1163	*5
Albemarle Sound:	
About 300 feet north of intersection of Cross Road and NC 308	*7
Just downstream of U.S. Route 64 bridge over Lees Mills Creek	*7
Along Shoreline from about 500 feet west of intersection of SR 1323 and SR 1343 to mouth of Bunton Creek	*7
Just downstream of U.S. Route 64 bridge over Deep Creek	*7
Just downstream of NC 45 bridge over Roanoke River	*8
Along shoreline from mouth of Roanoke River to about 500 feet west of intersection of SR 1323 and SR 1343	*8
About 500 feet north of intersection of SR 1324 and NC 308	*8
Maps available for inspection at the Washington County Courthouse, Plymouth, North Carolina 27962.	
Town of Windsor, Bertie County (Docket No. FEMA-6640)	
Cashie River:	
About 1,700 feet downstream of King Street	*8
About 3.7 miles upstream of King Street	*12
Maps available for inspection at the City Hall, 128 South King Street, Windsor, North Carolina.	
NORTH DAKOTA	
Barnes (township), Cass County (FEMA Docket No. 6645)	
Sheyenne River: Intersection of Sheyenne River and County Road 8	*909
Maps available for inspection at Barnes Township Supervisor's Home, Rural Route 1, Fargo, North Dakota.	
Briarwood (town), Cass County (FEMA Docket No. 6645)	
Red River of the North: At southern corporate limits of the Town of Briarwood	
Maps available for inspection at the Town Auditor's Office, 22 Briarwood, Briarwood, North Dakota.	
Burleigh County (unincorporated areas) (FEMA Docket No. 6122)	
Missouri River: Confluence with Burnt Creek	*1,639
Burnt Creek:	
400 feet upstream from center of Old F.A.S. 1504	*1,647
1,000 feet downstream from center of U.S. Highway 83	*1,774
Apple Creek: 300 feet upstream from center of Bismarck Avenue	*1,658
Maps available for inspection at County Engineering Department, Sixth and Bismarck, Bismarck, North Dakota.	
Fort Ransom (city), Ransom County (FEMA Docket No. 6645)	
Sheyenne River: Intersection of Sheyenne River and center of County Highway 11	*1,133
Maps available for inspection at Department of Planning and Zoning, Main Avenue, Fort Ransome, North Dakota.	
Hillsboro (city), Traill County (FEMA Docket No. 6645)	
Goose River: Intersection of Goose River and center of Burlington Northern Railroad	*898
Maps available for inspection at the City Auditor's Office, South Main Street, Hillsboro, North Dakota.	
Horace (city), Cass County (FEMA Docket No. 6645)	
Sheyenne River: Intersection of Wall Avenue and Sheyenne Drive	*915
Maps available for inspection at City Hall, Horace, North Dakota.	
Lisbon (city), Ransom County (FEMA Docket No. 6645)	
Sheyenne River: Intersection of Fifth Avenue (State Highway 27) and Harris Street	*1,088
Maps available for inspection at City Hall, 18 4th Avenue West, Lisbon, North Dakota.	
North River (city), Cass County (FEMA Docket No. 6645)	
Red River of the North: 100 feet east of the intersection of County Road No. 31 and Road Drive	*892
Maps available for inspection at the City Auditor's Office, City Hall, North River, North Dakota.	
Ransom County (unincorporated areas) (FEMA Docket No. 6645)	
Sheyenne River (at Lisbon): Intersection of Sheyenne River and center of an unnamed road located in Sections 23 and 24 of Township 23 and 24 of Township 134 North and Range 56 West	*1,081
Sheyenne River (at Fort Ransom): 150 feet upstream from State Park Bridge	*1,141
Maps available for inspection at the County Auditor's Office, Ransom County Courthouse, Libson, North Dakota.	
Riverside (city), Cass County (FEMA Docket No. 6645)	
Sheyenne River: Intersection of Sheyenne River and Burlington Northern Railroad	*900
County Drain 21: Intersection of County Drain 21 and Burlington Northern Railroad	*900
Maps available for inspection at the Department of Planning and Zoning, 108 West Main Avenue, Riverside, North Dakota.	
West Fargo (city), Cass County (FEMA Docket No. 6645)	
Sheyenne River: Intersection of 7th Avenue West and Sheyenne Street	*902
County Drain 21: Intersection of County Highway 10 and County Highway 19	*899
Maps available for inspection at the Engineer's Office, 800 4th Avenue East, West Fargo, North Dakota.	
OHIO	
Village of Briarwood Beach, Medina County (Docket No. FEMA-6640)	
The Inlet: Within community	*965
Maps available for inspection at the Town Hall, P.O. Box 25, Chippewa Lake, Ohio.	
Village of Gloria Glens Park, Medina County (Docket No. FEMA-6640)	
Chippewa Creek: Within community	*995
Maps available for inspection at the Town Hall, P.O. Box 457, Chippewa Lake, Ohio.	
Unincorporated Areas of Jackson County (Docket No. FEMA-6640)	
Little Salt Creek:	
About 2,200 feet downstream of confluence of Pigeon Creek	*602
About 0.9 mile upstream of Keystone Station Road	*680
Pigeon Creek:	
At mouth	*602
Just downstream of Big Rock Road	*651
Buckeye Creek:	
At mouth	*647
Just downstream of Township Road 825	*668
Jisco Lake Creek:	
At confluence of Parkview Lateral	*649
About 1,700 feet upstream of the Detroit, Toledo and Ironton Railroad	*668
Sugar Run:	
About 1,800 feet downstream of State Route 788 (downstream crossing)	*653
About 3,200 feet upstream of Chessie System	*671
Four Mile Creek:	
At mouth	*665
About 1,000 feet upstream of Four Mile Road	*699
Parkview Lateral:	
At confluence with Jisco Lake Creek	*649
About 400 feet upstream of State Street	*650
Diversion No. 1:	
At confluence with Little Salt Creek	*656
At divergence from Little Salt Creek	*663
Diversion No. 2:	
At confluence with Little Salt Creek	*663
At divergence from Little Salt Creek	*664
Maps available for inspection at 200 Main Street, Jackson, Ohio 45640.	
Wadsworth (city), Medina County (FEMA Docket No. 6640)	
River Styx:	
Just upstream of Wall Road	*952
About 2700 feet upstream of Seville Road	*966
Maps available for inspection at the Municipal Building, 145 High Street, Wadsworth, Ohio 44281.	
OREGON	
Brookings (city), Curry County (FEMA Docket No. 6640)	
Chetco River: 50 feet upstream from the center of U.S. Highway 101	*13
Maps available for inspection at the City Hall, 898 Elk Drive, Brookings, Oregon.	
Creswell (city), Lane County, (FEMA Docket No. 6640)	
Coast Fork Willamette River: Along Park Street, approximately 200 feet west of its intersection with Pacific Highway	*540
Maps available for inspection at the City Hall, Creswell, Oregon.	
Springfield (city), Lane County (FEMA Docket No. 6640)	
McKenzie: At the centerline of the Southern Pacific Railroad Bridge	*467
Willamette River: At the centerline of the Southern Pacific Railroad Bridge	*440
Middle Fork Willamette River: 1730 feet south along 28th Street from its intersection with the Southern Pacific Railroad	*462
Maps available for inspection at the Public Works Department, 225 North 5th, Springfield, Oregon.	
Westfir (city), Lane County (FEMA Docket No. 6640)	
Middle Fork Willamette River: At confluence with North Fork Middle Fork Willamette River	*1028
North Fork Middle Fork Willamette River: 75 feet upstream from the center of West Oak Road	*1072
Maps available for inspection at the City Hall, Recorder's Office, City Hall, Westfir, Oregon.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
TENNESSEE	
City of Dayton, Rhea County (Docket No. FEMA-6640)	
Richland Creek:	
About 800 feet downstream of U.S. Route 27	*689
About 1,800 feet upstream of Norfolk Southern Railway	*711
Little Richland Creek:	
At mouth	*689
About 1,150 feet upstream of Walnut Grove Road	*701
Broyles Branch:	
About 1,950 feet downstream of Blythes Ferry Road	*689
About 350 feet upstream of U.S. Route 27	*720
Unnamed Tributary Broyles Branch:	
At mouth	*720
Just downstream of Laurel Street	*722
Chickamauga Lake: Within community	*689
Maps available for inspection at the City Hall, Dayton, Tennessee.	
WASHINGTON	
Darrington (town), Snohomish County (FEMA-6640)	
Sauk River: On Alvord Street extended 500 feet east from intersection of Montague Avenue	*535
Maps available for inspection at Town Hall, Darrington, Washington.	
Elma (city), Grays Harbor County (FEMA-6640)	
Claquallum Creek: Intersection of Cloquallum Creek and Interstate 12	*51
Maps available for insepction at City Hall, Elma, Washington.	
Orting (city), Pierce County (FEMA Docket No. 6645)	
Puyallup River—With Consideration of Levee: 110 feet upstream from the center of Orting-Kapowsin Highway	*196
Puyallup River—Without Consideration of Levee: At the intersection of Kansas Avenue and Ford Lane	*194
Carbon River—With Consideration of Levee: 100 feet downstream from the southern corporate limits	*200
Carbon River—Without Consideration of Levee: 100 feet East on Calistoga Avenue from the intersection of Calistoga Avenue and River Street	*182
Maps available for inspection at City Hall, Orting, Washington.	
Pacific County (Unincorporated areas) (FEMA Docket No. 6645)	
Pacific Ocean: 2000 feet west of intersection of State Highway 105 and Cranberry Beach Extension County Road	*24
Shallow Flooding: 1300 feet west of intersection of Ocean Beach Highway and Pioneer Road	#1
Maps available for inspection at Planning Department, 300 Memorial Avenue, South Bend, Washington.	
WISCONSIN	
Rock Springs (village), Sauk County (FEMA Docket No. 6592)	
Baraboo River:	
About 0.63 mile downstream to State Highway 136	*870
About 0.15 mile upstream of Chicago and Northwestern Railroad	*872
Narrows Creek:	
At mouth	*871
About 1.04 miles upstream of State Highway 136	*872
Maps available for inspection at the Village Clerk's Office, Village Hall, Rock Springs, Wisconsin.	
Tomahawk (city), Lincoln County (FEMA Docket No. 6640)	
Tomahawk River:	
About 360 feet downstream from Marinette, Tomahawk and Western railroad bridge	*1435
Just downstream of Jersey City Dam	*1436
Just upstream of Jersey City Dam	*1450
About 1,700 feet upstream of Jersey City Dam	*1450
Wisconsin River: Within community	*1435
Maps available for inspection at the Building Inspector's Office, City Hall, P.O. Box 469, 2nd Street, Tomahawk, Wisconsin.	

Issued: June 4, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 13990 Filed 6-11-85; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-1; RM-4726]

FM Broadcast Stations in Big Flats, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allocates Channel 249A to Big Flats, New York, as that community's first local FM service, at the request of the Heron Corporation.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Big Flats, New York); MM Docket No. 85-1, RM-4726.

Adopted: May 21, 1985.

Released: June 5, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 50 FR 4712, published February 1, 1985, proposing the allocation of Channel 249A to Big Flats, New York, as that community's first local FM service, at the request of the Heron Corporation ("petitioner"). Petitioner filed comments supporting the proposal and reiterating its intention to apply for the channel. No other comments were received.

2. Channel 249A can be allocated in conformance with the Commission's minimum distance separation requirements if the transmitter is restricted to an area at least 1.13 kilometers northwest of the community, to prevent a short-spacing to Station WSQV, Channel 249A, Jersey Shores, Pennsylvania. Canadian concurrence in the allocation has been received as Big Flats is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

3. We believe the public interest would be served by allocating the channel to Big Flats, as it could provide the community with its first local FM service. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 12, 1985, the FM Table of Allotments, § 73.202(b) of the Rules, is amended with respect to the community listed below, to read as follows:

City	Channel No.
Big Flats, NY	249A

4. The window period for filing applications will open on June 13, 1985 and close on July 12, 1985.

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14148 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-17; RM-4624]

FM Broadcast Stations in Billings, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allots Class C FM Channel 231 to Billings, Montana, in response to a petition for reconsideration filed by Champion Broadcasting. The allotment could provide a sixth FM service for the community.

EFFECTIVE DATE: July 15, 1985.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Memorandum Opinion and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), table of allotments FM broadcast stations, (Billings, Montana); MM Docket No. 84-17, RM-4624.

Adopted: May 21, 1985.
Released: June 6, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration, the Petition for Reconsideration of the *Memorandum Opinion and Order*, which dismissed a proposal to allot Channel 231 to Billings, Montana. Reconsideration of that decision is sought by Champion Broadcasting.

2. In response to the *Notice of Proposed Rule Making*, 49 FR 3887, published January 31, 1984, seeking comments on the proposal to allot FM Channel 231 to Billings, Montana, the Commission failed to receive comments from the original petitioner, Charles Thompson, or any other party. Therefore consistent with our policy and procedures set forth in the Appendix to the *Notice*, we dismisssed the petition. Champion Broadcasting, in its petition for reconsideration, advises the Commission that it was unaware of the ongoing rule making proceeding and therefore did not file its comments. However, it states that it intends to apply for Channel 231, if allocated.

3. We believe that the public interest would be served by the allotment of Channel 231 to Billings, Montana, since it could provide the community with a sixth FM channel. Inasmuch as the channel would have been allocated earlier had it not been for the lack of an expression of interest, we believe that a reversal of our earlier decision is warranted.

4. Accordingly it is ordered, that effective July 15, 1985, the FM Table of Allotments, § 73.202(b) of the Commission's Rules, is amended with respect to Billings, Montana, as follows:

City	Channel No.
Billings, MT	227, 231, 246, 253, 275, and 279.

5. The window period for filing applications will open on June 13, 1985, and close on July 12, 1985.

6. Authority for the action taken herein is found in sections 4(i), 5(c)(1) and 303 (b) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules.

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

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.
Charles Schott,
Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the date set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 85-14157 Filed 6-11-85; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-720; RM-4588, RM 4654]

FM Broadcast Stations in Boston and Quitman, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allots Channel 292A to Boston, Georgia, and Channel 287A to Quitman, Georgia, in response to petitions filed by Donald E. White and Sons, Inc. and Nankin Broadcasting, respectively. The channels could provide a first FM service to each community.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: Montrose Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), table of allotments, FM broadcast stations, (Boston and Quitman, Georgia); MM Docket 84-720, RM-4588, RM-4654.

Adopted: May 22, 1985.

Released: June 5, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 49 FR 30759, published August 1, 1984, proposing the allotments of Channel 292A to Boston, Georgia, and Channel 287A to Quitman, Georgia, as each community's first FM service. The proceeding was instituted in response to petitions filed by Donald E. White and Sons, Inc. ("White") and by Nankin Broadcasting ("Nankin"), respectively. Both petitioners filed comments restating their intention to apply for the channel, if allotted to their requested community.

2. The Commission believes that the public interest would be served by the proposed allotments, as it could provide each community with a first FM service. Both the allotment of Channel 292A to Boston and Channel 287A to Quitman can be made in compliance with the minimum distance separation requirements.

3. Accordingly, pursuant to the authority contained in section 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 12, 1985, the FM Table of Allotments, § 73.202(b) of the Rules, is amended with respect to the following communities:

City	Channel No.
Boston, GA	292A
Quitman, GA	287A

4. The window period for filing applications will open on June 13, 1985, and close July 12, 1985.

5. It is furthered ordered, that this proceeding is terminated.

6. For further information concerning this proceeding, contact Montrose H. Tyree (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14152 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-600; RM-4641]

FM Broadcast Stations in East Jordan, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action allots Channel 265A to East Jordan, Michigan, in response to a petition filed by Midwest Radio Consultants. The allotment could provide a first local broadcast service for East Jordan.

EFFECTIVE DATE: July 15, 1985.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Inerpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (East Jordan, Michigan) MM Docket No. 84-600; RM-4641).

Adopted: May 21, 1985.

Released: June 6, 1985.

By the Chief, Policy and Rules Divisions.

1. The Commission has before it the *Notice of Proposed Rule Making*, 49 FR 26115, published June 26, 1984, in response to a petition filed by Midwest Radio Consultants ("petitioner"). The *Notice* proposed the allotment of FM Channel 265A to East Jordan, Michigan, as that community's first FM service. Petitioner filed comments in support of the *Notice* and stated its intention to apply for the channel.

2. A staff study indicates that Channel 265A could be allotted to East Jordan, Michigan, in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules. Canadian concurrence has been obtained since the proposed assignment is within 320 kilometers (200 miles) of the common U.S.-Canadian border.

3. In view of the above considerations, we believe the public interest would be served by a grant of the petitioner's request since it could provide for the first FM service in that community.

PART 73—[AMENDED]

§ 73.202 [Amended]

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 15, 1985, the FM Table of Allotments, § 73.202(b) of the Commission's Rules is amended with respect to the community listed below:

City	Channel No.
East Jordan, MI	265A

5. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

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

7. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Divisions, Mass Media Bureau.

[FR. Doc. 85-14161 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-506; RM-4698]

FM Broadcast Stations in Eureka, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule

SUMMARY: Action taken herein allots Channel 288A to Eureka, California, as that community's fourth FM service, at the request of Thomas Renteria.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended: 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Eureka, California) (MM Docket No. 84-506, RM-4698).

Adopted: May 21, 1985.

Released: June 5, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 49 FR 24410, published June 13, 1984, proposing the allotment of Channel 249A to Eureka, California, as that community's fourth FM channel, in response to a petition filed by Thomas Renteria ("petitioner"). Petitioner filed comments reaffirming his intention in applying for the channel. KPDJ-FM, Inc. ("KPDJ"), licensee of Station KPDJ-FM, Eureka, California submitted comments and a counterproposal.

2. KPDJ urges the allocation of an alternative channel to Eureka and suggests Channel 288A is best suited for allotment there. KPDJ states that the instant proposal would cause interference to translators at Ferndale, California (Channel 252) and Willow Creek, California (a recently applied for translator on Channel 249). Petitioner did not respond.

3. The Commission does not generally provide protection for translator stations from a full service station. See, 47 CFR 74.1203(a). Our main concern is to provide an allotment to Eureka as requested by the petitioner. Of course we do not want to intentionally disrupt any service to the public when a suitable alternative allotment is available. Therefore, the Commission believes that the public interest would be served by the allotment of FM Channel 288A to Eureka, California, in order to provide a fourth FM service to that community. The allotment can be made in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

PART 73—[AMENDED]

§ 73.202 [Amended]

4. Accordingly, pursuant to the authority contained in §§ 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, It is ordered, That effective July 12, 1985, the FM Table of Allotments is amended with regard to the community listed below:

City	Channel No.
Eureka, CA	222, 242, 268, and 288A.

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

6. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

7. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14161 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-788; RM-4821]

TV Broadcast Stations in Islamorada, Key West, and Marathon, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns noncommercial educational television channels to Islamorada, Key West and Marathon, Florida, in response to a petition filed by Florida Educational Television, Inc. The assignments could provide a first noncommercial educational service to each community.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific section are cited to text.

Report and Order; Proceeding Terminated

In the matter of Amendment of § 73.606(b), table of assignments, TV broadcast stations, (Islamorada, Key West, and Marathon, Florida); MM Docket 84-788, RM-4821.

Adopted: May 22, 1985.

Released: June 5, 1985.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 49 FR 33465, published August 23, 1984, issued in response to a petition filed by Florida Educational Television, Inc. ("petitioner"). The *Notice* proposed to assign UHF Channel *18 to Islamorada, Florida, VHF Channel *13 to Key West, Florida, and VHF Channel *9 to Marathon, Florida. The proposed assignments could provide a first noncommercial educational television service to each community. Supporting comments were filed by the petitioner restating the need for the requested assignments and its intention to apply for the channels, if assigned.

2. We believe that the public interest would be served by the proposed assignments. The petitioner has

adequately demonstrated the need for a first noncommercial television service at each community. The channels can be assigned in compliance with the minimum distance separation requirements of §§ 73.610 and 73.698 of the Rules.

3. Accordingly, pursuant to the authority contained in Section 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 12, 1985, the FM Table of Assignments § 73.606(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Islamorada, FL	*18.
Key West, FL	3, *13, 16+, and 22+
Marathon, FL	*9+

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

5. For information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau (202) 634-6530

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14155 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-626; RM-4723]

FM Broadcast Stations in Lisbon, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allots FM Channel 292A to Lisbon, North Dakota, in response to a petition filed by Charles Thompson, Terry Loomis, and Bob Hein as that community's first FM channel.

EFFECTIVE DATE: July 15, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), table of allotments, FM broadcast stations, (Lisbon, North Dakota); MM Docket No. 84-626, RM-4723.

Adopted: May 21, 1985.

Released: June 6, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 49 FR 27330, published July 3, 1984, in response to a petition filed by Charles Thompson, Terry Loomis and Bob Hein ("petitioners") proposing the allotment of FM Channel 292A to Lisbon, North Dakota, as that community's first FM channel. Petitioners have filed supporting comments reaffirming their intention to file for the channel.

2. The Commission believes that the public interest would be served by the allotment of FM Channel 292A to Lisbon, North Dakota, since it could provide that community with its first FM service. The assignment can be made in compliance with the minimum distance separation requirements of § 73.207 of the Rules.

3. The concurrence of the Canadian government has been received as Lisbon is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 15, 1985, the Table of FM Allotments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Lisbon, ND	292A

5. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14160 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-653; RM-4713]

FM Broadcast Stations in Oxford, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allots Channel 238A to Oxford, Mississippi, in response to comments filed by J. Boyd Ingram. The allotment could provide a third FM service to the community.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheurele, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Oxford, Mississippi); MM Docket No. 84-653, RM-4713.

Adopted: May 21, 1985.

Released: June 5, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making*, 49 FR 29423, published July 20, 1984, in response to petition filed by North Mississippi Broadcasters ("petitioner"). The *Notice* proposed the allotment of FM Channel 238A to Oxford, Mississippi, as that community's third FM assignment. Petitioner failed to file supporting comments but J. Boyd Ingram filed comments expressing his intention to apply for the channel.

2. Channel 238A can be allotted to Oxford in compliance with the minimum distance separation requirements of

§ 73.207 of the Commission's Rules, provided there is a site restriction of 1.7 miles southeast of the community. The site restriction will prevent a short spacing to FM Station WVIM-FM, Channel 237, Coldwater, Mississippi.

3. In view of the above considerations, we believe the public interest would be served by a grant of the petitioner's request, since it could provide for the third FM service to Oxford.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective July 12, 1985, the FM Table of Allotments, § 73.202(b) of the Commission's Rules is amended with respect to the community listed below:

City	Channel No.
Oxford, Miss.	238A, 248, and 296A.

5. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

6. It is further ordered, That is proceeding is terminated.

7. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Burea, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14150 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-504; RM-4708]

FM Broadcast Stations in Rapid City, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C FM Channel 282 to Rapid City, South Dakota, in response to a petition filed by William H. Payne as that community's fourth FM allotment.

EFFECTIVE DATE: July 15, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), table of allotments, FM broadcast stations, (Rapid City, South Dakota); MM Docket No. 84-504, RM-4708.

Adopted: May 22, 1985.

Released: June 6, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 49 FR 24402, published June 13, 1984, proposing the allotment of Class C FM Channel 282 to Rapid City, South Dakota, as that community's fourth FM channel. The *Notice* was adopted in response to a petition filed by William H. Payne ("petitioner"). Petitioner submitted a late-filed letter reaffirming its intention to apply for the channel, if allotted. Tom-Tom Broadcasting ("Tom-Tom") also submitted late filed comments. Petitioner submitted an opposition thereto.[1] We find that it is in the public interest to accept petitioner's late filed comment for the purpose of expressing his interest in applying for the channel.

2. The Commission believes that the public interest would be served by the allotment of Channel 282 to Rapid City, South Dakota, since it could provide a fourth FM service to the community. The assignment can be made in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 15, 1985, the Table of FM Allotments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Rapid City, SD	230, 250, 262, and 282.

[1] Petitioner's opposition is based on Tom-Tom's assertion that no party filed comments in support. In view of our action taken herein, Tom-Tom's late-filed comments expressing an interest in the proposal and petitioner's opposition thereto are moot.

4. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

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

6. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14159 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-514; RM-4431, RM-4561]

FM Broadcast Stations in Susanville, CA and Reno, NV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Class C FM Channel 227 for Channel 224A at Susanville, California, and modifies the Class A license of Station KSUE-FM, in response to a petition filed by Radio Lassen. Also, Class C FM Channel 225 is allocated to Reno, Nevada, as that community's sixth commercial broadcast service, in response to a proposal filed by David E. and Kathryn S. Caldwell.

EFFECTIVE DATE: July 15, 1985.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority. Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), table of allotments, FM broadcast stations, (Susanville, California and Reno, Nevada [1])

[1] This community has been added to the caption.

MM Docket No. 83-514, RM-4431, and RM-4561.

Adopted: May 22, 1985.

Released: June 6, 1985.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 28494, published June 22, 1983, proposing the substitution of Class C FM Channel 226 for Channel 224A at Susanville, California, in response to a request filed by Radio Lassen ("petitioner"),[2] licensee of Station KSUE-FM, Susanville. Petitioner desires to expand its coverage area to serve the rural areas of Lassen County. In response to the *Notice*, David E. and Kathryn S. Caldwell ("Caldwell") filed a counterproposal requesting the allotment of Channel 226 to Reno, Nevada, as that community's sixth commercial FM broadcast service.[3] Both parties stated their intention to apply for the channel, if allocated. Reply comments were filed by each party.[4]

2. In the counterproposal, Caldwell notes that due to technical considerations, Channel 226 cannot be assigned to Susanville and Reno simultaneously. (The distance between the two communities is approximately 120 kilometers, whereas 290 kilometers is required to accommodate co-channel allotments.) Thus, Caldwell requests, as an alternative, that Channel 226 be allotted to Reno, Nevada, and that Channel 277 be allotted to Susanville to accommodate petitioner's proposal. According to Caldwell's engineering study, Channel 226 would require a site restriction on Spanish Springs Peak, while Channel 277 would necessitate a site on Shaffer Mountain. According to Caldwell, each restricted site would provide 70 dBu line-of-sight coverage to Reno and Susanville, respectively.

3. In response, petitioner states that the proposed reference sites suggested by Caldwell are not feasible. According to petitioner's engineer, the Spanish Springs Peak is under the authority of the Bureau of Land Management ("BLM"), which has advised it would be adverse to the use of that location for a transmitter site for several reasons. First, it is currently undeveloped with a steep terrain. Also, there are no access roads nor electrical power available. Moreover, it is asserted that line-of-site coverage to Reno's dense population to the north would not be possible due to the intervening moutainous terrain, culminating in severe shadowing and poor reception quality.

4. With regard to Shaffer Mountain, petitioner's engineer asserts that such site would result in shadowing of large areas of Susanville. Further, petitioner advises that the BLM is opposed to the use of a proposed transmitter on Shaffer Mountain since it is the location of a developed two-way repeater radio site under its jurisdiction, that is utilized by approximately 17 concerns, including various Federal, State and local governments, as well as private users.

5. Since the parties differ on the useability of transmitter sites on Spanish Springs Peak and Shaffer Mountain to serve Reno, Nevada and Susanville, California, respectively, a staff engineering study was undertaken in an attempt to resolve the dispute to mutual satisfaction. As a result, we have determined that other channel allotment schemes are feasible.

6. We have determined that Channel 227 can be allocated to Susanville and located at the present site of Station KSUE-FM, while Channel 225 can be allocated to Reno with a site restriction 17.4 kilometers (10.8 miles) northeast of the community. Such location would appear to provide a transmitter site at a sufficiently elevation from which Reno could be provided city grade service.

7. In view of the above, and absent any other expressions of interest in the Susanville, California, proposal, we have authorized, *infra*, a modification of the license of Station KSUE-FM. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

8. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 15, 1985, the FM Table of Allotments, § 73.202(b) of the Commission's Rules, is amended with respect to the communities listed below, as follows:

City	Channel No.
Susanville, CA	227.
Reno, NV	225, 238, 272A, 283, 289 and 195.

9. It is further ordered, that, pursuant to section 316(a) of the Communications Act of 1934, as amended, the license of Radio Lassen for Station KSUE-FM, Susanville, CA, is modified effective July 15, 1985, to specify operation on Channel 227 in lieu of Channel 224A. This license modification for Station KSUE-FM is subject to the following conditions:

(a) The licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

10. It is further ordered, that the Secretary of the Commission shall send a copy of this *Order* by certified mail, Return Receipt Requested, to Radio Lassen, 3015 Johnstonville Road, Susanville, CA 94130, and to petitioner's counsel, George M. Malti, Esq., Farrand, Malti and Cooper, 701 Sutter Street, 7th Floor, San Francisco, CA 94109.

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

12. The filing window for application on Class C Channel 225 at Reno, NV, will open on June 13, 1985 and close on July 12, 1985.

13. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division Mass Media Bureau.

[FR Doc. 85-14158 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

[2] Petitioner is also the licensee of co-owned Station KSUE(AM).

[3] *Public Notice* of the filing of the counterproposal was given on August 3, 1983, Report No. 1418.

[4] Petitioner's reply comments elicited additional comments from Caldwell to which petitioner responded. However, § 1.415(d) of the Commission's Rules does not generally contemplate such filings after the record has closed. The unsolicited comments in response to petitioner's reply are immaterial due to the fact that they relate to site availability problems on the proposed channels. However ultimate determination reached herein involves different channels which can be used at sites unrelated to the issues raised in the late comments. Thus, no analysis thereof is required, and their acceptance will be denied. Those comment include: "Response of David E. Caldwell and Kathryn S. Caldwell to Reply Comments of Radio Lassen"; "Reply to Caldwell Response"; "Motion to Enlarge the Pleading Schedule to Permit a Response to the Reply of Radio Lassen"; Supplement to Reply to Caldwell Response"; "Opposition . . . to Second Reply and Supplement of Radio Lassen"; Reply to Request to File Supplement"; and "Motion to Strike Radio Lassen's Reply of February 16, 1984, or to Enlarge the Pleading Schedule to Permit the Caldwell's to Respond."

47 CFR Part 73

[MM Docket No. 84-895; RM-4799]

TV Broadcast Stations in Santa Catalina Island or Avalon, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF TV Channel 54 to Avalon, California, as that community's first television assignment in response to comments filed by Catalina Television Corporation.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.606(b), Table of Allotments, TV Broadcast Stations (Santa Catalina Island or Avalon, California); MM Docket No. 84-895, RM-4799.

Adopted: May 21, 1985.
Released: June 5, 1985.

By the Chief, Policy and Rules Division.

1. The commission has under consideration the *Notice of Proposed Rule Making*, 49 FR 38676, published October 1, 1984, proposing the assignment of UHF TV Channel 54 to Santa Catalina Island, California,[1] or Avalon, California, as its first television assignment. The *Notice* was adopted in response to a petition filed by Jin Nok Wi ("petitioner"). Petitioner failed to file supporting comments in response to the *Notice*. However, comments were filed by Catalina Television Corporation ("Catalina"), in which it expressed an intention to apply for the channel, if assigned to Avalon, California.

2. In view of Catalina's expressed interest in the assignment of UHF TV Channel 54 to Avalon, California, the Commission believes that the public interest would be served by the assignment to that community since it could provide Avalon with a first local television service. The assignment can be made in compliance with the minimum distance separation and other technical requirements of the Commission's Rules. Mexican concurrence in the proposed assignment has been obtained.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective July 12, 1985, the Television Table of Assignments, § 73.606(b) of the Rules, is amended, with respect to the following community:

City	Channel No.
Avalon, CA	54

4. It is further ordered, That this proceeding is terminated.

5. For further information contact D. David Weston, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14151 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

[1] Petitioner requested the assignment of TV Channel 54 to the entire island of Santa Catalina rather than to the principal island community of Avalon and was requested to supply information to demonstrate that the island was a community for assignment purposes. Petitioner failed to file comments and no other comments were received on this matter.

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47 CFR Part 73

[MM Docket No. 84-521; RM-4700]

FM Broadcast Stations in Walla Walla, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 265A to Walla Walla, Washington, as that community's fourth channel in response to a petition filed by Thomas D. Hodgins.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order; Proceeding Terminated

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Walla Walla, Washington, MM Docket No. 84-521, RM-4700.

Adopted: May 21, 1985.
Released: June 5, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 49 FR 24415, published June 13, 1984, proposing the allotment of FM Channel 265A to Walla Walla, Washington, as that community's fourth channel. The *Notice* was adopted in response to a petition filed by Thomas D. Hodgins ("petitioner"). Supporting comments were filed by petitioner reaffirming his intention to apply for the channel. No oppositions or other comments expressing an interest in the proposal were received.

2. The Channel can be allotted in compliance with the minimum distance separation requirements of §73.207 of the rules with a site restriction 5.3 miles south to avoid short spacing to pending applications for Channel 266 at Cheney, Washington.[1]

3. Accordingly, in view of the fact that the allotment could provide a fourth FM service, pursuant to the authority contained in section (i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communication Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective July 12, 1985, the FM Table of Allotments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Walla Walla, WA	227, 239, 246, and 265A

4. It is further ordered, That this proceeding is Terminated.

5. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

6. For further information concerning this proceeding, contact D. David

[1] The applicants are: Delta Radio, Inc. (BPH-830616AI), Cheney Broadcasting Company (BPH-830929AA) and High Tech Industries, Inc. (BPH-830618AG). If High Tech Industries, Inc.'s application is granted, no site restriction is necessary.

Weston, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14149 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-517; RM-4697, RM-4836]

FM Broadcast Stations in Tranquillity and San Joaquin, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allots FR Channel 288A to San Joaquin, California, in response to a petition filed by Stanley Soho as that community's first FM channel.

EFFECTIVE DATE: July 15, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation of Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Tranquillity and *San Joaquin,*[1] California (MM Docket No. 84-517, RM-4697, RM-4836).

Adopted: May 22, 1985.

Released: June 6, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is the Notice of Proposed Rule Making, 49 FR 24394, published June 13, 1984, proposing the allotment of FM Channel 288A to Tranquillity, California, as that community's first FM channel. The Notice was adopted in response to a petition filed by Stanley Soho ("petitioner"). Petitioner filed comments requesting that the channel be allotted to San Joaquin, California,[2] rather than Tranquillity, California.

2. Generally, we require the petitioner or interested parties to express in their comments a continuing interest in the proposed allotment. Since petitioner has failed to express a continuing interest and no other expressions of interest were received, we will, in accordance with Commission policy, give no further consideration to the proposal to allot FM Channel 288A to Tranquillity. See *West Memphis, Arkansas,* 38 R.R. 2d 970(1976). However, we are treating petitioner's comments as a counterproposal to allot Channel 288A to San Joaquin, California. In view of petitioner's expressed interest in the allotment, and having received no oppositions or counter-proposals, the Commission believes the public interest would be served by adopting the proposal to allot FM Channel 288A to San Joaquin, as its first local FM channel.

3. The Channel can be allotted in compliance with the minimum distance separation requirements of § 73.207 of the Rules.

PART 73—[AMENDED]

§ 73.202 [Amended]

4. Accordingly, pursuant to the authority contained in §§ 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective July 15, 1985, the Table of FM Allotments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
San Joaquin, CA	288A

5. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

6. It is further ordered, that this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14165 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

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[1] This community has been added to the caption.

[2] This petition was treated as a counterproposal and Public Notice was given on August 2, 1984, Report No. 1472.

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47 CFR Part 73

[MM Docket No. 84-786; RM-4655, RM-4721, RM-4746]

FM Broadcast Stations in Fenwick Island, DE and Hurlock, MD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allots Channel 221A to Fenwick Island Maryland, in response to a petition filed by Gregory W. Guise, and Channel 265A to Hurlock, Maryland, in response to a petition filed by the Muir Corporation. The allotments could provide a first local broadcast service to both communities.

EFFECTIVE DATE: July 15, 1985.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheurele, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Fenwick Island, Delaware, and Hurlock, Maryland) (MM Docket No. 84-786, RM-4655, RM-4721, RM-4746 [1]).

Adopted: May 21, 1985.

Released: June 6, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making,* 49 FR 33461, published August 23, 1984, in response to petitions filed by Gregory W. Guise ("Guise") seeking the allotment of FM Channel 221A to Fenwick Island, Delaware (RM-4721), and the Muir Corporation ("Muir"), requesting the allotment of Channel 265A [2] to Hurlock, Maryland (RM-4655).

[1] Genesis Communications, Incorporated filed a petition for rule making (RM-4746) seeking the allotment of FM Channel 265A to Hurlock, Maryland. The petition has been treated as comments in support of the Hurlock assignment.

[2] The Muir Corporation originally requested Channel 221A, but that channel could not be

Continued

Guise and Muir filed comments in support of the *Notice* and reaffirmed their intention to apply for the channel. Fenwick Island Communications ("Fenwick") also filed supporting comments and stated its intention to apply for the channel alloted to Fenwick Island.

2. Channel 221A can be alloted to Fenwick Island in compliance with the Commission's minimum distance separation requirements provided there is a site restriction of approximately 3.2 miles south of the community. The site restriction will prevent a short spacing to the allotment of Channel 222A at Wildwood Crest, New Jersey. At the same time, Channel 265A can be allotted to Hurlock, Maryland, in compliance with the Commission's mileage separation requirements provided there is a site restriction. The Hurlock allotment requires a site restriction of 0.3 miles south of the community.

3. In view of the above considerations, we believe the public interest would be served by a grant of each petitioner's request, since it could provide for a first FM service to Fenwick Island, Delaware and Hurlock, Maryland.

PART 73—[AMENDED]

§ 73.202 [Amended]

4. Accordingly, pursuant to the authority contained in §§ 4(i), 5(c)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 15, 1985, the FM Table of Allotments, § 73.202(b) of the Commission's Rules, is amended with respect to the communities listed below:

City	Channel No.
Fenwick Island, MD	221A
Hurlock, MD	265A

5. The window period for filing applications will open on June 13, 1985 and close on July 12, 1985.

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

7. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

assigned to Hurlock and Fenwick Island, Maryland. Therefore, we proposed Channel 265A at Hurlock as a substitute.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14167 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-656; RM-4710]

FM Broadcast Stations in Mechanicsville, MD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allots Channel 252A to Mechanicsville, Maryland, in response to a petition filed by Roy Robertson d/b/a Southern Maryland Broadcasting Co. The allotment could provide a first local broadcast service for Mechanicsville.

EFFECTIVE DATE: July 12, 1985.

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

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments FM Broadcast Stations. (Mechanicsville, Maryland) (MM Docket No. 84-656, RM-4710).

Adopted: May 22, 1985.

Released: June 5, 1985.

By the Chief, Policy and Rules Divisions.

1. The Commission has before it the *Notice of Proposed Rule Making*, 49 FR 29422, published July 20, 1984, in response to a petition filed by Roy Robertson d/b/a Southern Maryland Broadcasting Co. ("petitioner"). The *Notice* proposed the allotment of FM Channel 252A to Mechanicsville, Maryland, as that community's first FM service. Petitioner filed comments in support of the *Notice* and stated its intention to apply for the channel.

2. Channel 252A can be allotted to Mechanicsville, in compliance with the minimum distance separation requirements of section 73.207 of the Commission's Rules, provided there is a site restriction of approximately 1.8 miles southwest of the community. The site restriction will prevent a short spacing to FM station WSUX, Channel 252A, Seaford, Delaware.

3. In view of the above considerations, we believe the public interest would be served by a grant of the petitioner's request, since it could provide for the first FM service to Mechanicsville.

PART 73—[AMENDED]

§ 73.202 [Amended]

4. Accordingly, pursuant to the authority contained in §§ 4(i), 5(c)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 12, 1985, the FM Table of Allotments, § 73.202(b) of the Commission's Rules is amended with respect to the community listed below:

City	Channel No.
Mechanicsville, MD	252 A

5. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

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

7. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Bureau (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85-14164 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-297; RM-4596]

FM Broadcast Stations in Eastland, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein allots FM Channel 249A to Eastland, Texas, as that community's second FM allotment in response to a petition filed by Breckenridge Broadcasting Company.

EFFECTIVE DATE: July 15, 1985.

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

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Eastland, Texas) (MM Docket No. 84-297, RM-4598).

Adopted: May 21, 1985.

Released: June 6, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is its Notice of Proposed Rule Making, 49 FR 14545, published April 12, 1984, proposing the allotment of Channel 249A to Eastland, Texas, as that community's second FM assignment. The Notice was adopted in response to a petition filed by Breckenridge Broadcasting Company ("petitioner"), licensee of Stations KEAS (AM), Eastland, Texas, and KROO (FM), Breckenridge, Texas. Petitioner filed supporting comments restating its intention to apply for the channel, if assigned. Micromedia, a partnership composed of Don Pierson, Ann Pierson, and Gray Pierson ("Micromedia") [1] filed opposing comments to which petitioner responded.

2. In its opposition Micromedia asserts that "any new broadcast facility in Eastland would not only fail to be economically viable but would, in fact, imperil the economic viability of the two existing stations." Further, if petitioner "is ultimately granted a license for the new facility" its ownership of an AM station in Eastland and an FM station within "23 miles" of Eastland would lead to "an over-concentration of facilities bordering on monopolistic" in the Eastland, Texas, market. In conclusion, Micromedia argues that if Channel 249A is allocated to Eastland, it will "make this channel unavailable for assignment to a number of cities currently lacking any broadcast facilities whatsoever. . . ."

[1] Micromedia is the licensee of Station KVMX (FM), Eastland, Texas.

3. In response, petitioner argues that Micromedia's opposition should be "rejected as an unwarranted attempt to protect its competitive position in Eastland." In support, petitioner points out the "Commission long ago rejected the argument that a proposed FM assignment should be denied on economic viability grounds." Further, Micromedia's assertions of "monopolistic" impact are not a "legitimate issue" since "the issue in this proceeding is not whether [it] should be granted a permit but whether the assignment should be made by the Commission." As to the preclusive effect of this assignment upon surrounding communities, petitioner argues that "Micromedia has made no showing that the channel could technically be assigned [elsewhere] or that there is any interest in such alternative assignments."

4. As a preliminary matter, the Commission eliminated many of its previous policy considerations including its criteria for determining when a community presumably has its fair share of channel assignments. As a result, the Commission no longer considers the preclusive impact on surrounding communities. See *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982). However, the focal point of Micromedia's opposition appears to be its concern of economic harm to its existing station. That argument is not a sufficient justification for denial of this proposal. For as we have held on other occasions, if the community's status is not questionable, and a proponent believes that there is a need for additional service, the Commission has no reason to question such judgment. See *Sacramento, California*, 50 RR 2d 951 (1982); and *Chadron, Nebraska*, 52 RR 2d 1480 (1982) and cases cited therein. Micromedia's objections relate to the consequences if petitioner should become the successful applicant and that is a matter which can best be addressed at the application stage rather than in a rulemaking proceeding. See *Kankakee and Crete, Illinois, et. al.*, 48 Fed. Reg. 53178, published September 22, 1983, *Sacramento, California*, and *Chadron, Nebraska, supra*.

5. In view of the above considerations and finding no policy objections to the proposal, we believe the public interest would be served by the allotment of Channel 249A to Eastland, Texas, since it could provide that community with its second FM channel. The channel can be allotted in compliance with the minimum distance separation and other technical requirements.

PART 73—[AMENDED]

§ 73.202 [Amended]

6. Accordingly, pursuant to the authority contained in §§ 4(i), (5)(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective July 15, 1985, the FM Table of Allotments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Eastland, TX	244A, and 249A.

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

8. The window period for filing applications will open June 13, 1985, and close July 12, 1985.

9. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

FR Doc. 85-14166 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte No. MC-43 (Sub-14)]

Lease and Interchange Regulations (Master Leases); Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction of final rule.

SUMMARY: At 49 FR 47268, December 3, 1984, the Commission adopted final rules modifying existing leasing regulations. The new rules allow the use of master leases and allow required receipts to be transmitted by mail, telegraph, or other similar means of communications. Those rules added a new sentence to 49 CFR 1057.11(d)(1) which was inadvertently removed at 49 FR 47850, December 7, 1985, (Ex Parte MC-43 (Sub-No. 15)), when paragraph (d)(1) was revised. This notice corrects § 1057.11 by adding the sentence that was removed.

FOR FURTHER INFORMATION CONTACT: Judy Ann Barnes, (202) 275-7962.

SUPPLEMENTARY INFORMATION: To correct the rule originally published at

49 FR 47268, December 7, 1984, 49 FR 47850, December 7, 1984, the following sentence is added to the end of § 1057.11(d)(1):

§ 1057.11 General leasing requirements.

* * * * *

(d) * * *

(1) * * * As to lease agreements negotiated under a master lease, this provision is complied with by having a copy of a master lease in the unit of equipment in question and where the balance of documentation called for by this paragraph is included in the freight documents prepared for the specific movement.

* * * * *

James H. Bayne,

Secretary.

[FR Doc. 85-14094 Filed 6-11-85; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1152

[Ex Parte No. 274 (Sub-8B]

Exemption of Out of Service Rail Lines; Notice to the Department of Defense

AGENCY: Interstate Commerce Commission.

ACTION: Final rule; procedural change.

SUMMARY: The Commission is modifying its regulations at 49 CFR Part 1152, Subpart F, to require railroads to notify, in writing, the Department of Defense (Military Traffic Management Command), at least 10 days prior to the filing of a notice of exemption, that a railroad line out of service for at least two years will be abandoned, or that service or trackage rights over the line will be discontinued. DOD requests that we provide them the same advance notification as they now must provide to Public Service Commissions. Modification of our regulations to require railroads to notify MTMC as well as Public Service Commissions will not unduly burden the railroads and will increase the time available for DOD to evaluate the relation of a specific rail line to the Nation's defense needs.

EFFECTIVE DATE: July 12, 1985.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275-7245;

or

Wayne A. Michel, (202) 275-7657.

SUPPLEMENTARY INFORMATION: Under 49 CFR Part 1152.50(d)(1), at least 10 days prior to filing a notice of exemption with the Commission, a railroad seeking exemption under 49 CFR Part 1152, Subpart F, is required to notify the Public Service Commission (or equivalent agency) in the State(s) where a line will be abandoned or the service or trackage rights discontinued.

The United States Department of Defense (DOD) requests that we require railroads to provide the same advance notification to the Military Traffic Management Command (MTMC) as they now must provide to Public Service Commissions. Modification of our regulations to require railroads to notify MTMC as well as Public Service Commissions will not unduly burden the railroads and will increase the time available for DOD to evaluate the relation of a specific rail line to the Nation's defense needs. Accordingly, the revision in the Appendix is adopted.

The proposed minor procedural change will not have a significant economic impact on a substantial number of small entities.

This action does not significantly affect either the quality of the human environment or energy conservation.

Comments: Since this is a minor procedural change, formal comments are unnecessary. 5 U.S.C. 553(b)(A).

List of Subjects in 49 CFR Part 1152

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

These final rules are issued pursuant to 5 U.S.C. 553, and 553(b)(A) and 49 U.S.C. 10321 and 10903, *et seq.*

Dated: May 28, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley and Strenio.

James H. Bayne,

Secretary.

Appendix

Title 49 of the Code of Federal Regulations is amended as follows:

PART 1152—[AMENDED]

1. The authority citation for Part 1152 continues to read as follows:

Authority: 49 U.S.C. 10321 and 10903-10905; 5 U.S.C. 559; 45 U.S.C. 904 and 915, unless otherwise noted.

2. Paragraph (d)(1) of § 1152.50 is revised to read as follows:

§ 1152.50 Exempt abandonments and discontinuances of service and trackage rights.

* * * * *

(d) *Notice of exemption.* (1) At least 10 days prior to filing a notice of exemption with the Commission, the railroad seeking the exemption must notify in writing (i) the Public Service Commission (or equivalent agency) in the State(s) where the line will be abandoned or the service or trackage rights discontinued, and (ii) the United States Department of Defense (Military Traffic Management Command). The notice shall name the railroad, describe the line involved, indicate the exemption procedure is being used, and include the approximate date that the notice of exemption will be filed with the Commission.

* * * * *

FR Doc. 85-14092 Filed 6-11-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status and Critical Habitat for the Niangua Darter (Etheostoma Nianguae)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the Niangua darter (*Etheostoma nianquae*) to be a threatened species and designates its critical habitat under the authority contained in the Endangered Species Act of 1973, as amended. A special rule allowing take for certain purposes in accordance with State laws and regulations is established. This fish is presently known only from the Osage River Basin of west-centeral Missouri. It is rare, localized in occurrence, and vulnerable to extinction. Reservoir construction, stream channelization, accelerated erosion and sedimentation, nutrient enrichment, and introduction of potential predators are threats to the Niangua darter. The final rule will provide the protection of the Endangered Species Act to this species. The Service will initiate recovery efforts for the Niangua darter.

EFFECTIVE DATE: July 12, 1985.

ADDRESSES: The complete file for this rule is available for inspection during business hours (7:00 a.m.-4:30 p.m.) at the Endangered Species Office, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

FOR FURTHER INFORMATION CONTACT: Mr. James M. Engel (see **ADDRESSES** section) (612/725-3276 or FTS 725-3276).

SUPPLEMENTARY INFORMATION:

Background

The Niangua darter, a percid fish, was first described by Gibert and Meek in 1888 (Gilbert, 1888). Pflieger (1975) described the fish as a slender darter with about eight dark cross-bars on the back, readily distinguished from other Missouri darters by the presence of two small jet-black spots at the base of the caudal fin. Adults are 3 to 4 inches long. Life colors and other characteristics were given by Pflieger (1975). The only near-relative of the Niangua darter is the arrow darter (*Etheostoma sagitta*), which occurs in eastern Kentucky and northern Tennessee. The Niangua darter is known only from a few tributaries of the Osage River in Missouri (Pflieger, 1971). The species inhabits clear, medium-sized streams draining hilly areas underlain by chert, dolomitic bedrocks. It perfers the margins of shallow pools with silt-free gravelly or rocky bottoms. Spawning occurs on swift, gravel riffles. Nymphs of stoneflies and mayflies gleaned from crevices of the stream bottom comprise the diet of the Niangua darter.

Pflieger (1978) reported 8 populations of the Niangua darter along 128 miles of the Osage River Basin, Missouri. Specifically, these populations were located in the Maries River and lower Maries Creek, Osage County; Big Tavern Creek and upper Little Tavern Creek, Barren Fork, and Brushy Fork, Miller County; Niangua River and Greasy Creek, Dallas County; Little Niangua River, Starks Creek, Thomas Creek, and Cahoochie Creek, Camden, Hickory and Dallas Counties; Little Pomme de Terre River, Benton County; Pomme de Terre River, Greene and Webster Counties; Brush Creek, Cedar and St. Clair Counties; and the North Dry Sac River, Polk County. The Niangua darter is part of a diverse fish fauna of 107 species in the Osage Basin. Although historical numbers are unknown, it is believed that the Niangua darter population has declined at most sites in recent years. Pflieger (1978) searched extensively for the species in the Osage River Basin where it was found at 64 of 168 stations sampled. Intensive analyses of habitat, abundance, and life history were made at these 64 sites. The species is rare, localized in occurrence, and vulnerable to extinction.

In 1979, the American Fisheries Society's Endangered Species Committee expressed its opinion that the Niangua darter was a threatened species (Deacon *et al.*, 1979). On December 10, 1980, the Service received a petition from the Ozark Endangered Species Task Force to list the Niangua darter as a threatened species. The petition was based on the comprehensive report on the Niangua darter by William L. Pflieger (1978) of the Missouri Department of Conservation. The report by Pflieger was based on research carried out between 1974 and 1977. It included a thorough review of the literature, and information on the distribution and life history of the Niangua darter. It also recommended threatened status for the darter throughout its range. The Service accepted the petition on April 9, 1981, and indicated its intent to prepare a proposed rule to list the Niangua darter as a threatened species (46 FR 21208). The Niangua darter was also included in the Service's Notice of Review of Vertebrate Wildlife published December 30, 1982 (47 FR 58454–60).

On April 17, 1984, the Service published a proposed rule in the **Federal Register** (49 FR 15102–09) to list the Niangua darter as a threatened species with critical habitat. The proposal solicited comments from any interested parties concerning threats to this species, its distribution and range, whether or not critical habitat should be designated, and activities that might impact the species.

Summary of Comments and Recommendations

In the proposal of April 17, 1984, all interested parties were requested to submit information on the status of the Niangua darter that might contribute to the development of a final rule. Subsequently, letters were sent to appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties notifying them of the proposal and soliciting their comments and suggestions. Newspaper notices were published in three Missouri newspapers which invited general public comment. Three comments were received and are discussed below.

The Missouri Department of Conservation supported the proposed rule. Most of the data for the proposal are from the Missouri Department of Conservation. One public comment recommended endangered status but offered no supporting data. The U.S. Army Corps of Engineers recommended that the downstream limit of the proposed critical habitat on Brush Creek be reestablished at least 1,000 feet upstream from the currently proposed downstream limit at County Road J. The Corps reasoned that the operation of two Corps' projects, Harry S. Truman Reservoir and Stockton Lake, may affect brush Creek. Specifically, the hydrologic evaluation indicates that the maximum flood control pool of the reservior and lake may be exceeded on the average of once every 100 years. If the flood storage capacities of both the lake and reservoir are concurrently exceeded the water surface would extend approximately 1,000 feet upstream from county Road J, the current downstream limit of the Niangua darter's proposed critical habitat. The Service believes that deletion of the small area on the lower portion of this segment of the critical habitat would not reduce the protection of the Niangua darter and its habitat. The Service accepted the Corps's reason for this deletion and reestablished the critical habitat boundary for Brush Creek.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Niangua darter should be classified as a threatened 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 (50 CFR Part 424) were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the Niangua darter (*Etheostoma nianguae*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Reservoir construction, siltation, and stream channelization are threats to the Niangua darter. One of the eight populations of Niangua darters reported by Pflieger (1978) has been extirpated. the Truman Reservior has inundated all of the know distribution of the species in the Little Pomme de Terre River and repeated sampling has failed to collect any Niangua darters. The reservior also presents a barrier to the movement of the species between habitable tributary streams. Such movements are important to the long-term survival of the species. Stream channelization projects, often associated with highway and bridge construction, straighten and widen stream channels and frequently cause increased erosion and siltation. Landowners channelize streams to control local flooding. These practices, leading to sedimentation and pollution, are general and pervasive throughout the range of the Niangua darter and represent a major threat to the species. In addition to stream channelization, the practice of removing woody vegetation from stream channels causes increased

erosion, changes in the character of the stream substrate, elimination of pools, and the alteration of stream flow, all of which seriously disrupt the stream ecosystem.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* There is no indication that the Niangua darter is overutilized for any of these purposes.

C. *Disease or predation.* Although disease is not known to be a factor affecting the species, the introduction of piscivorous fishes could be detrimental to the Niangua darter. The spotted bass (*Micropterus punctulatus*) and rock bass (*Ambloplites rupestris*) were introduced into the Osage Basin before 1940 and are now widely distributed. Reservior habitat is ideal for these predators and serves as large population centers. The movement of these predatory fishes from reservoirs into tributary streams inhabited by the Niangua darter could further reduct the darter population.

D. *The inadequacy of existing regulatory mechanisms.* Current regulations protecting the Niangua darter are limited to the State of Missouri's collecting permit requirements for fishes. At present, there is no mechanism for habitat protection. The Endangered Species Act will provide protection for the species and its habitat through the requirements of sections 7 and 9.

E. *Other natural or manmade factors affecting its continued existence.* None are known.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by the Niangua darter in determining to make this rule final. Based on this evaluation, the preferred action is to list the Niangua darter as threatened with critical habitat. Threatened status is appropriate because, although not immediately in danger extinction, the species is likely to become endangered if trends in population decline and habitat alteration continue. Proper and adequate management could prevent the species from becoming endangered. Reasons for critical habitat designation are discussed in the "Critical Habitat" section of this rule.

Critical Habitat

Critical habitat, as defined by Section 3 of the Act, means: (i) The specific areas within the geographic area occupied by the 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 the 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, as amended, requires that critical habitat be designated to the maximum extent prudent and determinable concurrent with the determination that a species is endangered or threatened. Critical habitat is being designated for the Niangua darter to include 90 of the 128 miles of streams inhabited by the species plus a 50 foot riparian zone along each side of the 90 miles of stream. The critical habitat is located in Camden, Cedar, Dallas, Greene, Hickory, Miller, and St. Clair Counties, Missouri. The critical habitat is based primarily on the recommendation of the Missouri Department of Conservation.

In considering designation of critical habitat, 50 CFR 424.12(b) requires consideration of the biological or physical constituent elements within the defined area that are essential to the conservation of the species involved. With respect to the Niangua darter, the critical habitat satisfies all known criteria for the ecological, behavioral, and physiological requirements of the species. The streams are largely undisturbed and possess the habitat characteristics described for the Niangua darter by Pflieger (1978). The 50 foot riparian zone along each side of the stream is included in the critical habitat designation because this zone is helpful in preventing runoff pollutants from entering the stream and reduces siltation, and thereby protects the chemical and physical properties of the stream ecosystem. The vegetation in the riparian zone provides shading to the stream which helps stabilize the water temperature and dissolved oxygen levels. Populations of the fish survive and reproduce within the designated critical habitat.

Section 4(b)(8) of the Act requires, for any final regulation that determines critical habitat, a brief description and evaluation of those activities (public or private) which may adversely modify such habitat, if undertaken, or may be affected by such designation. In the case of the Niangua darter, such activities could include reservoir construction, stream channelization, removal of stream channel vegetation, erosion, sedimentation, nutrient enrichment from adjoining land, sewage discharge, and introduction of nonnative fishes that are predators or competitors of the species. Two Corps projects, the Harry S. Truman Reservoir and Stockton Lake, are located in the vicinity of the Brush Creek portion of the proposed critical habitat. A 100-year flood event would cause the waters of the reservoir and Stockton Lake to back up and inundate about 1,000 feet of Brush Creek. This inundation renders the habitat unsuitable for the Niangua darter. Consequently, the area affected by the inundation was removed from the critical habitat designation. For these reasons, the two Corps projects are not expected to affect or be affected by the designation of critical habitat.

Stream channelization projects, often associated with road and bridge construction and maintenance, may result in erosion and siltation and affect the proposed critical habitat. Currently, there are no known or planned road or bridge projects within or in the vicinity of the proposed critical habitat. In addition, there is no known involvement of Federal funds or permits for the activities occurring on private land within the proposed critical habitat area.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as critical habitat. To obtain this information the Service contacted Federal agencies that could possibly be involved in constructing, authorizing, or funding projects within the critical habitat. The Service has evaluated the critical habitat designation after considering all available information and concludes that no additional adjustments to the area proposed as critical habitat are warranted.

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 requires that recovery actions be carried out for all listed species and these are initiated by the Service following listing. The section 7 responsibilities of Federal agencies and the Act's general prohibitions 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, if any is being designated. 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 to 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. At present there are no known Federal actions which will be affected by this rule.

The Act and its implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of prohibitions and exceptions that generally apply to all threatened 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 was illegally taken. 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 17.32. 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. For threatened species there are also permits for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

The above discussion generally applies to threatened species of fish or wildlife. However, the Secretary has discretion under section 4(d) of the Act to issue such special regulations as are necessary and advisable for the conservation of a threatened species. The Niangua darter is threatened primarily by habitat disturbance or alteration, not by intentional, direct taking of the species for commercial purposes. Given this fact and the fact that the State effectively regulates direct taking of the species through the requirement of State collecting permits, the Service has concluded that the State regulation is adequate to protect the species from excessive taking, so long as taking is allowed only for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Endangered Species Act. A separate Federal permit system is not required to address the current threats to the species. Therefore, the Service issues a special rule allowing take for the above-stated purposes without the need for a Federal permit, if a valid collection permit is obtained and all other State wildlife conservation laws and regulations are satisfied. It should be recognized that any activities involving the taking of this species not otherwise enumerated in the special rule are prohibited. Without this special rule, all of the prohibitions under 50 CFR 17.31 would apply. The Service believes that this special rule will allow for more efficient management of the species, thereby facilitating its conservation. For these reasons, the Service has concluded that this special rule is necessary and advisable for the conservation of the Niangua darter.

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 areas are located entirely on private land. There is no known involvement of Federal funds or permits for these private lands. Consequently, no adverse effects on small entities within the area affected by the designation of critical habitat have been identified and none are expected. 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 address (see ADDRESSES section).

Literature Cited

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Gilbert, C.H. 1888. Descriptions of new and little known etheostomids. Proc. U.S. Nat. Mus. 10:47–64.

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Pflieger, W.L. 1971. A distributional study of Missouri fishes. Mus. Nat. Hist., Univ. Kansas, Publ. 20(3):229–570.

Pflieger, W.L. 1975. The fishes of Missouri. Missouri Dept. of Conservation. 342 pp.

Pflieger, W.L. 1978. Distribution, status, and life history of the Niangua darter, *Etheostoma nianguae*. Aquatic Ser. No. 16. Missouri Dept. of Conservation. 24 pp.

Author

The primary author of this final rule is Mr. John G. Sidle, Endangered Species Office, U.S. Fish and Wildlife Service, Federal Building, Ft. Snelling, Twin Cities, Minnesota 55111.

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: Common name	Species: Scientific name	Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
FISHES							
Darter, Niangua	*Etheostoma nianguae*	U.S.A. (MO)	Entire	T	184	17.95(e)	17.44(k)

3. Add the following as a special rule to § 17.44:

§ 17.44 Special rules—fishes.

* * * * *

(k) Niangua Darter, *Etheostoma nianguae.*

(1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (1) through (3) of this paragraph.

* * * * *

4. Amend § 17.95(e) by adding critical habitat for the Niangua darter, in the same sequence that it appears in § 17.11(h), as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

Niangua Darter

(Etheostoma nianguae)

Missouri. Big Tavern Creek, Miller County. Big Tavern Creek and 50 feet along each side of the creek from Highway 52 upstream to Highway 17.

NIANGUA DARTER

Miller County, MISSOURI

Missouri. Niangua River, Dallas County. Niangua River and 50 feet on each side of the river from county road K upstream to 1 mile beyond county road M to the Webster County line.

Missouri. Pomme de Terre River, Greene County. Pomme de Terre River and 50 feet on each side of the river from Highway 65 upstream to the Webster County line.

NIANGUA DARTER

Dallas and Greene Counties, MISSOURI

Missouri. Brush Creek, Cedar, and St. Clair Counties. Brush Creek and 50 feet on each side of the creek from 1000 feet upstream of county road J to the boundary of Sections 34 and 35, Township 38 N, Range 25 W.

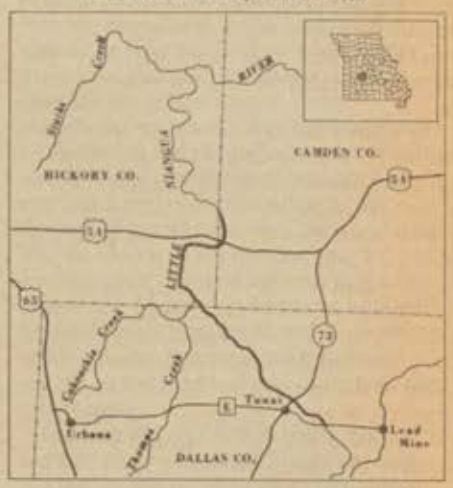
NIANGUA DARTER

Cedar and St. Clair Counties, MISSOURI

Missouri. Little Niangua River, Camden, Dallas, and Hickory Counties. Little Niangua River and 50 feet on each side of the river from 1 mile below (downstream of) Highway 54, Camden County, to county road E, Dallas County.

NIANGUA DARTER

Camden, Dallas and Hickory Counties, MISSOURI



Constituent elements, for all areas designated as critical habitat, consist of medium-sized creeks with silt-free pools and riffles and moderately clear water draining hilly areas underlain by chert and dolomite. Water ranges from 8 to 46 inches in depth over gravel with scattered rubble.

* * * * *

(Final: Niangua darter (*Etheostoma nianguae*)—threatened with critical habitat)

Dated: May 15, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-13993 Filed 6-11-85; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 50, No. 113
Wednesday, June 12, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-39]

Southern California Edison Co.; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of petition for rulemaking from Southern California Edison Company; correction.

SUMMARY: In the notice of receipt of petition for rulemaking PRM-50-39 filed by Southern California Edison Company and published in the **Federal Register** on May 20, 1985 (50 FR 20799), the 60 day comment expiration date for receiving comments was inadvertently omitted. The comment period expires July 22, 1985.

Dated at Washington, DC this 6th day of June 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 14176 Filed 6-11-85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[LR-10-83]

Administrative Summonses

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to administrative summonses. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. The regulations provide the public with the guidance needed to comply with that Act and affect persons who received summonses, third party recordkeepers who receive summonses, and persons with respect to whose tax liability a summons is issued.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 12, 1985. The regulations pertaining to section 7602 of the Code are proposed to be effective after September 3, 1982.

The regulations pertaining to section 7609 of the Code are proposed to be effective for summonses served after December 31, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T [LR-10-83], 1111 Constitution Avenue, NW, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Bruce H. Jurist of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, (Attention: CC:LR:T) 202-566-3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

These proposed regulations would amend the Regulations on Procedure and Administration (26 CFR Part 301) under sections 7602 and 7609 of the Internal Revenue Code of 1954. Changes to the applicable tax law were made by sections 331, 332, and 333 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) (96 Stat. 620). The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68 A Stat. 917; 26 U.S.C. 7805).

Administrative Summonses

Under prior law the Secretary could issue summonses allowing for the examination of books, records, or witnesses for the purpose of ascertaining the correctness of any return, making a return where none has been made, determining the liability of any person for any internal revenue tax, or collecting such liability. The Secretary could not issue an administrative summons once the Internal Revenue Service had referred the case to the Justice Department for criminal prosecution, or had made an institutional commitment to refer the case to the Justice Department for criminal prosecution. This judicially conceived limitation, articulated in the case of *United States* v. *Lasalle*, 437 U.S. 298 (1978), spawned protracted litigation.

In order to simplify the determination of when the power to issue an administrative summons exists and when it does not exist in cases with a criminal aspect, Congress promulgated section 333 of TEFRA. The Act expands the Secretary's authority by including the right to issue a summons for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws. Concurrently, the Act establishes a mechanical test for determining when the Secretary no longer has the power to issue a summons. The former test, based on institutional commitment, is abolished. Under the new test, the Secretary ceases to have authority to issue a summons once a case is referred to the Department of Justice.

These proposed regulations provide guidelines for determining when a referral to the Department of Justice is in effect.

Special Procedure for Third-Party Summonses

Generally, when a summons is served upon a third-part recordkeeper (recordkeeper) to examine records, section 7609(a) requires that notice be given of the service of the summons to the taxpayer and any other person who is identified in the description of the records contained in the body of the summons (the notified person). Under prior law, the notified person could prevent the recordkeeper from complying with a third-party summons by notifying the recordkeeper in writing not to comply with the summons and mailing a copy of this notice to the Secretary by registered or certified mail. The burden was on the Service to commence a proceeding to enforce the summons. These provisions were used frequently by taxpayers, solely to delay enforcement of summonses without regard to the merit of any objection they might have.

Section 331 of TEFRA shifts the burden of commencing litigation with respect to the validity of a third-party summons to the notified person. The notified person's right to stay compliance is replaced with the right to institute a proceeding to quash.

In addition, under prior law, there was no requirement that third-party

recordkeepers immediately proceed to assemble summoned records. Section 332 of TEFRA requires recordkeepers to assemble the summoned records within the time allotted on the face of the summons.

These regulations contain interpretative guidelines as to how a notified person may institute a proceeding to quash. They also contain guidelines setting forth the duty of recordkeepers to assemble records, and procedures by which recordkeepers may be relieved of liability for disclosing records under certain circumstances.

Comments and Request for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Special Analyses

The Commissioner of Internal Revenue has determined that these proposed regulations are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Anaylsis is not required. Although this document is a notice of proposed rulemaking that solicits public comments the Internal Revenue Service has concluded that these regulations are interpretive and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Therefore, a Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of these proposed regulations is Bruce H. Jurist of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subject in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 301 are as follows:

PART 301—[AMENDED]

Paragraph 1. The authority for Part 301 continues in part to read:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 301.7602-1 is amended by revising paragraphs (a) and (b) and adding new paragraphs (c) and (d). The amended section reads as follows:

§ 301.7602-1 Examination of books and witnesses.

(a) *In general.* For the purpose of ascertaining the correctness of any return, making a return where none has been made, determining the liability of any person for any internal revenue tax (including any interest, additional amount, addition to the tax, or civil penalty) or the liability at law or in equity of any transferee or fiduciary of any person in respect of any internal revenue tax, collecting any such liability, or inquiring into any offense connected with the administration or enforcement of the internal revenue laws, and any authorized officer or employee of the Internal Revenue Service may examine any books, papers, records or other data which may be relevant or material to such inquiry; and take such testimony of the person concerned, under oath, as may be relevant to such inquiry.

(b) *Summons.* For the purposes described in paragraph (a) of this section the Commissioner is authorized to summon the person liable for tax or required to perform the act, or any officer or employee of such person or any person having possession, custody, or care of books of accounts containing entries relating to the business of the person liable for tax or required to perform the act, or any other person deemed proper to appear before a designated officer or employee of the Internal Revenue Service at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry. This summons power may be utilized in an investigation of either civil or criminal tax-related liability. The Commissioner may designate any employee of the Internal Revenue Service as the individual before whom a person summoned pursuant to section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602 shall appear. Any such employee, when so designated in a summons, is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records, or other data produced in compliance with the summons.

(c) *Proscription on issuing of administrative summons when a Justice Department referral is in affect*—(1) *In general.* The Commission may neither issue a summons under this title nor initiate a proceeding to enforce a previously issued summons by way of section 7604 with respect to any person whose tax liability is in issue, if a Justice Department referral is in effect with respect to that person for that liability.

(2) *Justice Department referral in effect.* A Justice Department referral is in effect with respect to any person when:

(i) The Secretary recommends, within the meaning of this paragraph, that the Attorney General either commence a grand jury investigation of or criminal prosecution of such person for any alleged offense connected with the administration or enforcement of the internal revenue laws, or

(ii) The Attorney General (or Deputy Attorney General or Assistant Attorney General) under section 6103(h)(3)(B) requests in writing that the Secretary disclose a return of, or return information relating to, such person. The request must set forth that the need for disclosure is for tax administration purposes. The referral is effective at the time the document recommending criminal prosecution or grand jury investigation is signed by the Secretary or upon the Secretary's receipt of the section 6103(h)(3)(B) request.

(3) *Cessation of Justice Department referral.* A Justice Department referral ceases to be in effect with respect to a person:

(i) When the Secretary receives written notification from the Attorney General that the Justice Department:

(A) Will not prosecute that person for any offense connected with the administration or enforcement of the internal revenue laws that gave rise to the referral under paragraph (2)(i) of this section, or

(B) Will not authorize a grand jury investigation of that person with respect to such offense, or

(C) Will discontinue any grand jury investigation of that person with respect to such offense;

(ii) When a final disposition with respect to a criminal proceeding brought against that person has been made; or

(iii) When the Secretary receives written notification from the Attorney General, Deputy Attorney General, or an Assistant Attorney General, that the Justice Department will not prosecute such person for any offense connected with the administration or enforcement of the internal revenue laws, based upon a previous request for disclosure under section 6103(h)(3)(B).

(4) *Taxable years and taxes imposed by separate chapters of the Code treated separately*—(i) *In general.* For purposes of this section, each taxable period (or, if there is no taxable period, each taxable event) and each tax imposed by a separate chapter of the Code is treated separately.

(ii) Examples. The following examples illustrate the application of this paragraph (c)(4):

Example (1) A Justice Department referral is in effect for D's criminal evasion of income tax for the taxable year 1979. The Commissioner may issue a summons respecting D's 1980 criminal and/or civil tax liability. The Commissioner may not issue a summons respecting D's 1979 income tax liability.

Example (2) A referral has been made to the Department of Justice for the criminal proscecution of F with regard to F's income tax liability for the taxable year 1978. The Commissioner may issue a summons respecting F's gift tax liability for the taxable year 1978.

Example (3) A referral has been made to the Department of Justice for a grand jury investigation respecting G's 1980 income tax liability. The Commissioner may issue a summons related to an investigation of G's liability for Federal Insurance Contribution Act (FICA) taxes for the taxable year 1980.

Example (4) A referral has been made to the Department of Justice respecting J's criminal evasion of windfall profit tax for all quarters of the calendar year 1982. The Commissioner may issue a summons respecting J's liability for highway motor vehicle use tax covering the same periods.

(d) *Effective date.* This section is effective after September 3, 1982. For rules effective on or before September 3, 1982, see 26 CFR 301.7602–1 (revised as of April 1, 1984).

Par. 3. Section 301.7609–1 is amended by designating the original text as paragraph (a), revising redesignated paragraph (a), and adding a new paragraph (b). The amended section reads as follows:

§ 301.7609–1 Special procedures for third-party summonses.

(a) *In general.* Section 7609 requires the Internal Revenue Service to follow special procedures when summoning the records of persons defined by section 7609(a)(3) as "third'party recordkeepers." Under these special procedures, the person about whom information is being gathered must be notified in advance in many cases. If the person about whom information is being gathered has received a notice, that person has the right to institute, until and including the 20th day following the day such notice was served on or mailed to such notified persons, a proceeding to quash the summons. During the time the validity of the summons is being litigated, the statutes of limitations are suspended under section 7609(e). Section 7609 does not restrict the authority under section 7602 (or under any other provision of law) to examine records and witnesses without serving a summons and without giving notice of an examination. Sections 301.7609–1 through 301.7609–5 relate to section 7609; § 301.7609–2, discusses matters under sections 7609(a)(3) and 7609 (i) relating to third-party recordkeepers; § 301.7609–3 discusses matters under section 7609(b), relating to intervention rights; and the institution of a proceeding to quash; § 301.7609–4 discusses matters under section 7609(c), relating to summonses excepted from the section 7609 procedures; and § 301.7609–5 discusses matters under section 7609(e), relating to the suspension of the statute of limitations.

(b) *Effective dates.* This section applies to summonses served after December 31, 1982. For the rules applicable to summonses issued on or after March 1, 1977 and served before January 1, 1983, see 26 CFR 301.7609–1 (revised as of April 1, 1984).

Par. 4. Section 301.7609–2 is amended by adding new paragraphs (c) and (d). The amended section reads as follows:

§ 301.7609–2 Third-party recordkeepers.

* * * * *

(c) *Duty of third-party recordkeeper*—(1) *In general.* Upon receipt of a summons, the third-party recordkeeper ("recordkeeper") must begin to assemble the summoned records. The recordkeeper must be prepared to produce the summoned records on the date which the summons states the records are to be examined regardless of the institution or anticipated institution of a proceeding to quash or the recordkeeper's intervention (as allowed under section 7609(b)(2)(C)) into a proceeding to quash.

(2) *Disclosing recordkeepers not liable*—(1) *In general.* A recordkeeper, or an agent or employee thereof, who makes a disclosure of records as required by this section, in good faith reliance on the certificate of the Secretary (as defined in paragraph (c)(2)(ii) of this section) or an order of a court requiring production of records, will not be liable for such disclosure to any customer, or to any party with respect to whose tax liability the summons was issued, or to any other person.

(ii) *Certificate of the Secretary.* The Secretary may issue to the recordkeeper a certificate stating both:

(A) That the 20-day period, within which a notified person may institute a proceeding to quash the summons, has expired; and

(B) That no proceeding has been properly instituted within that period.

The Secretary may also issue a certificate to the recordkeeper if the taxpayer, with respect to whose tax liability the summons was issued, expressly consents to the examination of the records summoned.

(3) *Reimbursement of costs.* Recordkeepers may be entitled to reimbursement of their costs of assembling and preparing to produce summoned records, to the extent allowed by section 7610, even if the summons ultimately is not enforced.

(d) *Effective dates.* This section, with the exception of paragraph (c), applies generally to all summonses issued on or after March 1, 1977. Paragraph (c) applies only to summonses seved after December 31, 1982.

Par. 5. Section 301.7609–3 is amended by revising paragraphs (a), (b), (c), and by adding new paragraph (d). The amended section reads as follows:

§ 301.7609–3 Right to intervene; right to institute a proceeding to quash.

(a) *Notified person.* Under section 7609(a), the Internal Revenue Service must give notice of summons to any person, other than the person summoned, who is identified in the description of the books and records contained in the summons in order that such person may contest the right of the Service to examine the summoned records by instituting a proceeding to quash the summons. Thus, if the Service issues a summons to a bank requesting checking account records of more than one person all of whom are identified in the description of the records contained in the summons, then all such persons are notified persons entitled to notice under section 7609(a). Therefore, if the Service requests the records of a joint bank account of A and B both of whom are named in the summons, then both A and B are notified persons entitled to notice under section 7609(a).

(b) *Right to institute a proceeding to quash*—(1) *In general.* Section 7609(b) grants a notified person the right to institute a proceeding to quash the

summons in the United States district court for the district within which the person summoned resides or is found. Jurisdiction of the court is based on section 7609(h). The act of filing a petition in district court does not in and of itself institute a proceeding to quash under section 7609(b)(2). Rather, the filing of the petition must be coupled with notice as required by section 7609(b)(2)(B).

(2) *Elements of institution of a proceeding to quash.* In order to institute a proceeding to quash a summons the notified person (or the notified person's agent, nominee, of other person acting under the direction or control of the notified person) must, not later than the 20th day following the day the notice of the summons was served on or mailed to such notified person:

(i) File a petition to quash in a district court having jurisdiction,

(ii) Notify the Service by sending a copy of that petition by registered or certified mail to the Service employee and office designated to receive the copy in the notice of summons that was given to the notified person, and

(iii) Notify the recordkeeper by sending to that recordkeeper by registered or certified mail a copy of the petition. Failure to give timely notice to either the summoned party or the Service in the manner described in this paragraph means that the notified person has failed to institute a proceeding to quash and the district court has no jurisdiction to hear the proceeding. Thus, for example, if the notified person mails a copy of the petition to the summoned person but not to the designated Service employee and office, the notified person has failed to institute a proceeding to quash. Similarly, if the notified person mails a copy of such petition to the summoned person but, instead of sending a copy of the notice by registered or certified mail to the designated employee and office, the notified person gives the designated employee and office the petition by some other means, the notified person has failed to institute a proceeding to quash.

(3) *Failure to institute a proceeding to quash.* If the notified person fails to institute a proceeding to quash within 20 days following the day the notice of the summons was served on or mailed to such notified person, the Service may examine the summoned records following the 23rd day after notice of the summons was served on or mailed to the notified person (see section 7609(d)(1)).

(c) *Presumption no notice has been mailed.* Section 7609(b)(2)(B) permits a notified person to institute a proceeding to quash by filing a petition in district court and notifying both the Service and the summoned person. Unless the notified person has notified both the Service and the summoned person in the appropriate manner, the notified person has failed to institute a proceeding to quash. If the copy of the petition has not been delivered to the summoned person or the person and office designated to receive the notice on behalf of the Service within 3 days from the close of the 20-day period allowed to institute a proceeding to quash, it is presumed that the notification has not been timely mailed.

(d) *Effective date.* This section applies to summonses served after December 31, 1982. For the rules applicable to summonses issued on or after March 1, 1977 and served before January 1, 1983, see 26 CFR 301.7609-3 (revised as of April 1, 1984).

Par. 6. Section 301.7609-4 is amended by adding new paragraph (c). The amended section reads as follows:

§ 301.7609-4 Summons excepted from section 7609 procedures.

* * * * *

(c) *Effective date.* This section applies to all summonses issued after February 28, 1977.

Par. 6. Section 301.7609-5 is amended by revising paragraphs (b) and (c) and by adding new paragraph (d).

The amended section reads as follows.

§ 301.7609-5 Suspension of statutes of limitation.

* * * * *

(b) *Period during which a proceeding, etc., is pending.* Under section 7609(e), the statute of limitations may be suspended for the period during which a proceeding, and appeals therein, with respect to the enforcement of such summons is pending. This period begins on the date the petition to quash the summons is filed in District Court. The period continues until all appeals are disposed of, or until the expiration of the period in which an appeal may be taken or a request for a rehearing may be made. Full compliance, partial compliance, and noncompliance have no effect on the suspension provisions. Of course, if the notified person takes no action provided in subsection (b) of section 7609, no suspension of the statutes of limitations takes place. The periods of limitations which are suspended under section 7609(e) are those which apply to the taxable periods to which the summons relates.

(c) Taking of action as provided in section 7609(b). Section 7609(b) allows intervention by a notified person as a matter of right upon compliance with the Federal Rules of Civil Procedure. The phrase "takes any action as provided in subsection (b)", found in section 7609(e), includes any intervention, whether or not section 7609(b) is specifically mentioned in the order of the court allowing intervention. The phrase also includes the fulfilling of only part of the requirements of section 7609(b)(2), relating to the right of a person to institute a proceeding to quash. Thus, for instance, if a notified person notifies a person who has been summoned by sending a copy of the petition by registered or certified mail but does not mail a copy of that notice to the appropriate person and office under section 7609(b)(2)(B), the notified person has taken an action under section 7609(e).

(d) *Effective dates.* This section applies to summonses served after December 13, 1982. For the rules applicable to summonses issued on or after March 1, 1977 and before January 1, 1983, see 26 CFR 301.7609-5 (revised as of April 1, 1984).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 85-13957 Filed 6-11-85; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-2849-7]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Correction

AGENCY: Environmental Protection Agency [EPA].

ACTION: Proposed rule; correction.

SUMMARY: The Environmental Protection Agency [EPA] today is correcting several typographical errors and omissions in a proposed rule that was published in the **Federal Register** on June 5, 1985 [50 FR 23721-23726]. That rule proposed to exclude solid wastes generated by EPA's Mobile Incineration System at the Denney Farm Site in McDowell, Missouri.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346 or at (202) 382-3000. For technical information, contact Dr. Doreen Sterling, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M

Street SW., Washington, D.C. 20460, (202) 475-6775.

SUPPLEMENTARY INFORMATION: The following corrections and additions are made in FR Doc. 85-2845-7 appearing on 23721 in the issue of June 5, 1985.

1. On page 23722, column 1, line 3, insert after "[POHCs] which are", the word, "as".

2. On page 23722, column 2, line 22, delete the comma between "hazardous" and "waste".

3. On page 23722, column 2, line 2 under heading Petitioner, change "involes" to "involves".

4. On page 23724, column 2, line 33, insert a period after the word "capacity" and change "if" to "If".

5. On page 23725, Table 4, delete vertical lines between columns "wastewater" and "Detection Limit"; between columns "kiln ash" and "Detection Limit"; and between columns "CHEAP" and "Detection Limit". Delete leaders in column 3, Detection Limit and column 5, Detection Limit.

6. On page 23725, Table 4, parameter 17, Polychlorinated Biphenyls (commercial Alochlor), second column (wastewater) Detection Limit, change "1 ppb" to "1 ppm".

7. On page 23725, Table 4, parameter 21, change "Dibenzo(a,h)anathracene" to "Dibenzo(a,h)anthracene"; parameter 22, change "Indo(1,2,3-c,d) pyrene" to "Indeno(1,2,3-c,d) pyrene".

8. On page 23726, Table 5, parameter 21, change "tetrachloroethlene" to "tetrachloroethylene".

9. On page 23726, Table 6, parameter 1, change "AS" to "As"; parameter 6, change "SE" to "Se".

10. On page 23726, column 2, footnote 10, change "(See Footnote 2)" to "(See Footnote 3)".

11. On page 23728, column 1, insert between last complete paragraph, ending with the words "Agency will drop these conditions." and the paragraph beginning with the words "This regulation" the following paragraphs:

Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposal to grant an exclusion is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at a specific facility from EPA's list of hazardous wastes, thereby enabling the facility to treat its waste as non-hazardous.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. §§ 601-612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impant on a substantial number of small entities.

This amendment will not have an adverse economic impact on small entities since its effect will be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this proposed regulation will not have a signficant economic impact on a substantial number of small entities."

12. On page 23728, Table 1 under column labeled "waste description", change "[Insert date of publication in the **Federal Register**]" to "June 5, 1985".

Dated: June 6, 1985.

Stephen R. Wassersug,
Acting Assistant Administrator.

[FR Doc. 85-14083 Filed 6-12-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-158; RM-4868]

FM Broadcast Stations in Falmouth, MA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Channel 266A for Channel 265A, and modification of the permit for Station WFAL at Falmouth, Massachusetts, to specify operation on Channel 266A, in response to a petition filed by Schooner Broadcasting, Inc.

DATES: Comments must be filed on or before July 26, 1985, and reply comments must be filed on or before August 12, 1985.

ADDRESS: Federal Communications Commission, Washingtn, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read:

Authority: Secs. 4 and 303, 48 Stat. 1066, as amended 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U.S.C. 301, 303, 307. Other statutory and executive order provisions authorizing or interpreted or applied by specific sections are cited to text.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Falmouth, Massachusetts); MM Docket No. 85-158, RM-4868.

Adopted: May 8, 1985.

Released: June 4, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rule making filed by Schooner Broadcasting, Inc. ("petitioner"), permittee of FM Station WFAL, Channel 265a, Falmouth, Massachusetts, requesting the substitution of FM Channel 266A for Channel 265A and modification of its permit to specify operation on Channel 266A. Channel 266A can be assigned to Falmouth in compliance with the Commission's minimum distance separation requirements, provided there is a site restriction of 4.7 miles northeast of Falmouth to prevent a short spacing to Station WKKT, Boston, Massachusetts.

2. Petitioner states that the substitution of channels is necessary to alleviate current siting problems for Channel 265A at Falmouth. Petitioner relates that adjacent channel Station WKKT (Channel 264) Boston, Massachusetts, was previously permitted to move its transmitter site approximately 7 miles closer to Falmouth. According to petitioner, this move has created 6 miles of short spacing with respect to the WFAL site and precludes the use of any area in Falmouth as a site for Channel 265A on a fully spaced basis.[1] Moreover, petitioner states that the owner of the property on which WFAL inteneded to place its transmitting tower has indicated that he is no longer willing to have radio tower constructed on his property. Petitioner asserts that it is unable to find an alternate site without

[1] In the rule making proceeding which allotted Channel 265A to Falmouth, Station WKKT had represented that it had an application pending to move its transmitter to a site 6 miles short spaced to the Falmouth proposal. Station WKKT stated that it was willing to provide equivalent protection to the 60 dbu service contour to the proposed Falmouth station.

creating additional short spacing and unacceptable interference. We are told that substitution of Channel 266A for 265A would remedy this situation by providing an adequate area of site selection. Petitioner alleges that grant of the proposed channel change will serve the public interest by allowing Schooner Broadcasting to expeditiously construct the station, providing a second broadcast service to Falmouth.

3. We believe the petitioner's proposal warrants consideration. The channel can be assigned in compliance with the Commission's minimum distance separation requirements. In addition, we shall propose to modify the permit of Station WFAL, Channel 265A, as requested by petitioner, to specify operation on Channel 266A.

PART 73—[AMENDED]

§ 73.202 [Amended]

4. In view of the above, the Commission proposes to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Falmouth, MA	265A and 270	266A, and 270

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 26, 1985, and reply comments on or before August 12, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Linda R. Bains, Vice President & Treasurer, Schooner Broadcasting, Inc., P.O. Box. 671, Pocasset, MA 02559

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. A comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i) 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, section 73.202(b) of the Commission's Rules and Regulations as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85-14156 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 50, No. 113
Wednesday, June 12, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement with USDA Forest Service; Implementation of Small Tracts Act

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement under § 800.8 of its regulations (36 CFR Part 800) with the USDA Forest Service and the National Conference of State Historic Preservation Officers regarding the protection of historic properties during implementation of the Small Tracts Act Pub. L. 97-465; 2535). The Act provides for the transfer of public lands administrated by the Forest Service to private parties whose buildings and other improvements have through inadvertence been placed on such lands. The Programmatic Agreement will provide for the identification of any historic values potentially affected by such conveyances, and establish mechanisms for their protection. Comments are solicited on approaches to this matter that will afford adequate protection to historic values without unnecessarily encumbering the Forest Service's administration of the Act's provisions. Working drafts of the Programmatic Agreement are available at the address given below.

Comments Due: July 12, 1985.

Dated: June 6, 1985.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 85-14001 Filed 6-11-85; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

June 7, 1985.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collectin; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, D.C. 20250, (202)447-2118.

Comments on any of the items listed should be sumitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer of USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Revision

• Farmers Home Administration
7 CFR 1930-C, Management and Supervision of Multiple Family Housing
Borrowers and Grant Recipients
FmHA 444-27A, 1944-8, -25, -27, -29, 1930-5, -6, -7, -8
On occasion; Monthly
Individuals or households; State or local governments; Farms; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 1,694,385 responses; 1,972,734 hours; not applicable under 3504(h)
Jack Holston (202) 382-9736

• Food and Nutrition Service
Intergated Quality Control Review-Worksheet
FNS 380
On occasion, Recordkeeping
Individuals or households; State or local governments; 68,700 responses; 619,921 hours; not applicable under 3504(h) Joe Bonelli (703) 756-3431

• Food and Nutrition Service
Report of School Program Operations
FNS-10
Monthly, Annually
State or local governments; 2,976 responses; 110,112 hours; not applicable under 3504(h)
Alan Rich (703) 756-3100

• Food Nutrition Service
Report of the Child Care Food Program
FNS 44
Monthly, Quarterly, Annually
State or local governments; 1,584 responses; 4,752 hours; not applicable under 3504(h)
Alan Rich (703) 756-3100

Extension

• Food and Nutrition Service
Report of Coupon Issuance and Commodity Distribution for Disaster Relief
FNS 292
On occasion
State or local governments; 100 responses; 42 hours; not applicable under 3504(h)
Alan Rich (703) 756-3100

Jane A. Benoit,

Departmental Clearance Officer.

[FR Doc. 85-14204 Filed 6-11-85; 8:45 am]

BILLING CODE 3410-01-M

Forest Service

Bridger-Teton National Forest Grazing Advisory Board; Meeting

The Bridger-Teton National Forest Grazing Advisory Board will meet at 1:00 PM, July 2, 1985 in the US Forest Service Office in Big Piney, Wyoming. The purpose of this meeting is to discuss utilization of range betterment funds

and the development of allotment management plans.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor Reid Jackson, Box 1888, Jackson, Wyoming 83001, telephone (307) 733-2752. Written statements may be filed with the board before or after the meeting.

The board has established the following rules for public participation:

1. If a group wishes to be heard at the meeting, they are required to select a chairman to voice their ideas.

2. Persons or groups may send written statements to the Forest Supervisor for presentation at the meeting.

3. The Chairman of the Forest Grazing Advisory Board will set aside a time period on the agenda for public comment.

Reid Jackson,

Forest Supervisor.

[FR Doc. 85-14190 Filed 6-11-85; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Cumberland Head Critical Area Treatment RC&D Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guideline (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cumberland Head Critical Area Treatment RC&D Measure, Clinton County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423-5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul A. Dodd, State Conservationist, has determined that the preparation of an environmental impact statement is not needed for this project.

The measure concerns of plan for reducing critical erosion along a 90 foot reach of shoreline of Lake Champlain in the Town of Plattsburgh which results from wave action and periodic ice action. The integrity of the adjacent roadbank will be maintained and the annual cost of maintenance will be reduced through the installation of project measures. The planned works of improvement include the construction of a wall consisting of pre-cast, jack-type structures which interlock to preclude movement. The structures will be placed beyond the toe of the existing bank with rock rip-rap placed between the structures and the bank.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul A. Dodd.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 3, 1985.

Paul A. Dodd,

State Conservationist.

[FR Doc. 85-14199 Filed 11-6-85; 8:45 am]

BILLING CODE 3410-16-M

Otisco Lake Watershed, NY; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Otisco Lake Watershed, Onondaga County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, James M. Hanley Federal Building, Room 771, 100 S. Clinton Street, Syracuse, New York 13260, telephone (315) 423-5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul A. Dodd, State Conservationist, has determined that the preparation of an environmental impact statement is not needed for this project.

The project concerns a plan for accelerated application of conservation land treatment measures to control ongoing erosion, sustain long-term soil productivity, reduce sediment and phosphorus delivered to Otisco Lake, thereby improving the overall quality of the lake. Planned works of improvement include the use of conservation tillage systems (minimum and no-till), stripcropping systems, diversions, grass and stone centered waterways, fencing, agricultural waste storage facilities, critical area seedings, and agricultural waste management systems.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul A. Dodd.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Paul A. Dodd,

State Conservationist.

[FR Doc. 85-14200 Filed 6-11-85; 8:45 am]

BILLING CODE 3410-16-M

COMMISSION ON CIVIL RIGHTS

Illinois Advisory Committee; Agenda for Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee to the Commission will convene at 10:00 a.m. and adjourn at 3:30 p.m. on July 1, 1985, in the

Midwestern Regional Office Conference Room, 230 South Dearborn Street, Room 3280, Chicago, Illinois. The purpose of the meeting is to discuss plans for future Committee projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Clark G. Roberts, Director of the Midwestern Regional Office at (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 5, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-14067 Filed 6-11-85; 8:45 am]

BILLING CODE 6335-01-M

Montana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene at 10:00 a.m. and will adjourn at 1:00 p.m. on July 13, 1985, at the Sheraton Great Falls, 400 10th Avenue South, Board Room, Great Falls, Montana. The purpose of the meeting is to provide an orientation for new members and develop plans for future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Lawrence D. Huss or William Muldrow, Acting Director of the Rocky Mountain Regional Office at (303) 844-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 5, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-14065 Filed 6-11-85; 8:45 am]

BILLING CODE 6335-01-M

Montana Advisory Committee; Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Montana Advisory Committee to the Commission originally scheduled for June 22, 1985, at the Sheraton Great Falls Board Room, 400 10th Avenue, South, Great Falls, Montana, has been cancelled.

Dated at Washington, D.C., June 5, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-14064 Filed 6-11-85; 8:45 am]

BILLING CODE 6335-01-M

New York Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 4:00 p.m. and will adjourn at 6:00 p.m. on July 2, 1985, at the Summit Hotel, 51st Street and Lexington Avenue, New York, New York. The purpose of the meeting is to discuss and select program activities for the coming year.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Arch Puddington or Ruth J. Cubero, Director of the Eastern Regional Office at (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 6, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-14063 Filed 6-11-85; 8:45 am]

BILLING CODE 6335-01-M

South Dakota Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Dakota Advisory Committee to the Commission will convene at 9:00 a.m. and will adjourn at 1:00 p.m., on July 19, 1985, at the South Dakota State Capitol Building, Conference Room, Pierre, South Dakota. The purpose of the meeting is to hold an orientation session for new members and discuss current projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Francis Whitebird or William Muldrow, Acting Director of the Rocky Mountain Regional Office, at (303) 844-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 5, 1985

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-14066 Filed 6-11-85; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 304]

Resolution and Order Approving the Application of the Ogdensburg Bridge and Port Authority, for a Foreign-Trade Zone in Ogdensburg, NY

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Ogdensburg Bridge and Port Authority, filed with the Foreign-Trade Zones Board (the Board) on April 17, 1984, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Ogdensburg, New York, within the Ogdensburg Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone in Ogdensburg, New York

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation,

and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Ogdensburg Bridge and Port Authority (the Grantee), has made application (filed April 17, 1984, Docket No. 14–84, 49 FR 17060) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Ogdensburg, New York, within the Ogdensburg Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 118 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 3rd day of June 1985, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

[FR Doc. 85–14114 Filed 6–11–85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council will convene a public meeting, June 17–20, 1985, in Kill Devil Hills, NC, to discuss the Billfish, Mackerel, Snapper-Grouper, and Swordfish Fishery Management Plans, as well as discuss other fishery management business. A detailed agenda will be made available to the public around June 10. For further information, contact David H.G. Gould, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803) 571–4366.

Dated: June 6, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85–14100 Filed 6–11–85; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 1 to Permit No. 445 (P67A)]

Marine Mammals Permit Modification; Marineland, Inc.

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 445 issued to Marineland, Inc., Route 1, Box 122, St. Augustine, Florida on December 28, 1983, (49 FR 653), is modified as follows:

Section A–1 is deleted and replaced by:

"A–1 Two (2) short-finned pilot whales (*Globicephala macrorhynchus*) may be taken from Florida waters or may taken and imported from the Bahamas."

Section B–5 is deleted and replaced by:

"B–5 This Permit is valid with respect to the taking authorized until December 31, 1987."

This modification became effective on June 5, 1985.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: June 5, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85–14102 Filed 6–11–85; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; Mystic Marinelife Aquarium (P13R)

On November 9, 1984, notice was published in the **Federal Register** (49 FR 44781) that an application had been filed by Mystic Marinelife Aquarium, Mystic, Connecticut 06355 for a permit to take and import two (2) Beluga Whales (*Delphinaterus leucas*) for the purpose of public display.

Notice is hereby given that on June 5, 1985 and as authorized by the provisions of the Marine Mammal protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking and importing subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930

Dated: June 6, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-14101 Filed 6-11-85; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Technical Information Service

NTIS Shipping and Handling Charges

Effective on Orders received June 1, 1985, the following NTIS shipping and handling charges apply:

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Thomas P. Bold, Jr.,

Director, Office of Administrative Management.

[FR Doc. 85-14191 Filed 6-11-85; 8:45 am]

BILLING CODE 3510-04-M

Intent to Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grants to Cetus Corporation, having a place of business in Emeryville, California, an exclusive right to manufacture, use and sell products embodied on the invention entitled "Pseudomonas Exotoxins Conjugate Immunotoxin" U.S. Patent Application SN 6-574,173. The patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed license will be royalty-bearing and will comply with the terms and condition of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 85-14189 Filed 6-11-85; 8:45 am]

BILLING CODE 3510-04-M

Patent and Trademark Office

Interim Protection for Mask Works of Nationals, Domiciliaries and Sovereign Authorities of Australia

AGENCY: Patent and Trademerk Office, Commerce.

ACTION: Proceeding for issuance of interim order.

SUMMARY: The Secretary of Commerce has delegated to the Assistant Secretary and Commissioner of Patents and Trademarks by Amendment 1 to Department Organization Order 10-14, the authority to make findings and issue orders for the interim protection of mask works.

Chapter 9 of 17 U.S.C., the Semiconductor Chip Portection Act (SCPA), established a system to encourage the development of international regime for the protection of mask works, through the provisions of section 914, dealing with the establishment of interim or transitional protection, and section 902 providing for the recognition of long-term bilateral or multilateral relations among states. The Government of Australia has submitted an diplomatic note requesting that they be accorded protection under section 902 by a Presidential proclamation that the Australian copyright law affords protection for mask works and that, by virtue of their membership along with the United Statees in the Universial Copywright Convention (UCC), this protection is available to mask works of United states national s and domicilliaries. In the event that this request cannot be honored before July 1, 1985, they have alternatively requested the issuance of an order under section 914 of the SCPA. Because of the divergent approach in Australia to chip protection from that of the SCPA and the complexity of the issues arising from this fact, the impracticability of fully evaluating before July 1, 1985, these factors in light of the Congressional intent embodied in the SCPA to develop an international regime assuring generally similar protection for mask works, and the desire to promote international comity by taking effective action to assure the full benefit of the SCPA to Australia, a proceeding under § 914 has been initiated. Comments are requested.

DATES: Comments must be submitted on or before June 18, 1985.

ADDRESS: Address written comments to: Commission of Patents and Trademarks, attention Assistant Commission for External Affairs, Box 4, Washington, D.C. 20231.

FOR FURTHER INFORMATION CONTACT: Michael K. Kirk, Assistant Commissioner for External Affairs, by telephone at (703) 557-3065 or by mail marked to his attention and addressed to Commissioner of Patents and Trademarks, Box 4, Washington, D.C. 20231

SUPPLEMENTARY INFORMATION: Chapter 9 of 17 U.S.C. establishes an entirely new form of intellectual property protection for mask works that are fixed in semiconductor chip products. Mask works are defined in 17 U.S.C. 901(a)(2) as:

> A series of related images, however, fixed or encoded—
>
> (A) Having or representing the predetermined, three-dimensional pattern of metallic, insulating or semiconductor material present or removed from the layers of a semiconductor chip product; and
>
> (B) In which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.

Chapter 9 further provides for a 10-year term of protection for original mask works measured from their date of registration in the U.S. Copyright Office, or their first commercial exploitation anywhere in the world. Mask works must be registered within 2 years of their first commercial exploitation to maintain this protection. Section 913(d)(1) provides that mask works first commercially exploited on or after July 1, 1983, are eligible for protection provided that they are registered in the U.S. Copyright Office Before July 1, 1985.

Foreign mask works are eligible for protection under this Chapter under basic criteria set out in section 902; first, that the owner of the mask works is a national, domiciliary, or sovereign authority of a foreign nation that is a party to a treaty providing for the protection of the mask works to which the United States is also a party, or a stateless person wherever domiciled; second that the mask work is first commercially exploited in the United States; or that the mask work comes within the scope of a Presidential proclamation. Section 902(a)(2) provides that the President may issue a proclamation upon a finding that:

A foreign nation extends to mask works of owners who are nationals or domiciliaries of the United States protection (A) on substantially the same basis as that on which the foreign nation extends protection to mask works of its own nationals and domiciliaries and mask works first commercially exploited in that nation, or (B) or substantially the same basis as provided under this chapter, the President may by proclamation extend protection under chapter to mask works (i) or owners who are, on the date on which the mask works are registered under section 908, or the date on which the mask works are first commercially exploited anywhere in the world, whichever occurs first, nationals, domiciliaries, or sovereign authorities of the nation, or (ii) which are first commercially exploited in that nation.

Although this chapter generally does not provide protection to foreign owners of mask work unless the works are first commerceally exploited in the United States, it is contemplated that foreign nationals, domiciliaries and sovereign authorities may obtain full protection if their nation enters into an appropriate treaty or enacts mask works protection legislation. In order to encourage steps toward a regime of international comity in mask works protection, section 914(a) provides that the Secretary of Commerce may extend the privilege of obtaining interim protection under chapter 9 to nationals, domiciliaries and sovereign authorities of foreign nations if the Secretary finds:

(1) That the foreign nation is making good faith efforts and reasonable progress toward—

(A) entering into a treaty described in section 902(a)(1)(A), or

(B) enacting legislation that would be in compliance with subparagraph (A) or (B) of section 902(a)(2); and (2) that the nationals, domiciliaries, and sovereign authorities of the foreign nation, and persons controlled by them, are not engaged in the misappropriation, or unauthorized distribution or commercial exploitation of mask works; and

(3) that issuing the order would promote the purposes of this chapter and international comity with respect to the protection of mask works.

In remarks in the *Congressional Record* of October 3, 1984, at page S12919, and of October 10, 1984, at page E4434, both Senator Mathias and Representative Kastenmeier suggest that "[i]n making determinations of good faith efforts and progress . . ., the Secretary should take into account the attitudes and efforts of the foreign nation's private sector, as well as its government. If the private sector encourages and supports action toward chip protection, that progress is much more likely to continue . . . With respect to the participation of foreign nationals and those controlled by them in chip piracy, the Secretary should consider whether any chip designs, not simply those provided full protection under the Act, are subjected to misappropriation. The degree to which a foreign concern that distributes products containing misappropriated chips knows or should have known that it is selling infringing chips is a relevant factor in making a finding under section 914(a)(2). Finally, under section 914(a)(3), the Secretary should bear in mind the role that issuance of the order itself may have in promoting the purposes of this chapter and international comity." Further they both acknowledge that for the issuance of an interim order for "those countries already having a system allowing mask work protection . . . expedited action may be particularly appropriate to encourage and facilitate international comity."

Unlike the United States, the Government of Australia states that the Australian copyright legislation is applicable to the protection of mask works, and that this protection is available to U.S. nationals and domiciliaries because of their obligation under the UCC to provide national treatment for the copyrighted work of U.S. citizens. This approach raises a number of concerns relating to international as well as domestic U.S. law and policy.

In enacting the SCPA, Congress specifically concluded that mask works *per se* were not subject to copyright protection under the U.S. copyright law because of its prohibition of the protection of the utilitarian aspects of pictoral, graphic and sculptural works. Congress further concluded that, since mask works were not subject to copyright protection, they were not subject matter protectable under the UCC. The issues raised by the divergent positions of the Government of the United States and the Government of Australia require careful evaluation and study both in the U.S. context and in appropriate international fora.

While the Government of Australia has stated that the Australian copyright law protects mask works and that the reproduction of a mask work in three-dimensional form in a semiconductor chip product would constitute an infringement of copyright, the statutes do not expressly deal with mask works and no cases on mask work protection have been decided in the courts. However, Australian case law has established that utilitarian works, in appropriate circumstances are protectable by copyright. *See, Ancher Mortlock, Murray and Woolley Pty Ltd. and Others* v. *Hooker Homes Pty Limited*, (1971) 2 NSWLR 278; *L.A. Randell Pty Ltd.* v. *Millman Services Pty Limited*, (1977) 17 ALR 140; *Concrete Systems Pty Limited* v. *Devon Symonds Holdings Ltd.*, (1978) 20 S.A.S.R. 79; *Ogden Industries Pty Ltd. and Others* v. *Kis (Australia) Pty Ltd.*, (1982 45 ALR 129); *Timbs* v. *Miller*, (1983) 1 I.P.R. 128; and *Edwards Hot Water Systems* v. *S.W. Hart and Co., Pty Ltd.*, (1983) 49 ALR 605. However section 71 of the Australian Copyright Act of 1968 provides that:

(a) The making of an object of any kind that is in three dimensions does not infringe the copyright in an artistic work that is in two dimensions; and

(2) The making of an object of any kind that is in two dimensions does not infringe the copyright in an artistic work that is in three dimensions.

If the object would not appear to persons who are not experts in relation to objects of that kind to be a reproduction of the artistic work.

Further study of these features of the Australian law is appropriate. No incidents of misappropriation, unauthorized distribution or commercial exploitation of mask works in Australia have been reported to the Department of Commerce. In addition, we would not wish, in any way, by the issuance of a Presidential proclamation, to limit a foreign government's policy options that may be more available under a section 914 order with its great flexibility.

Consequently, I am considering issuing on my own motion an interim order extending the protection of the SCPA to the nationals, domiciliaries and sovereign authorities of Australia, in accordance with the suggestion that such expedited action would be appropriate in instances where a nation has "a system allowing mask work protection." Public comment on this action will be considered if received in the Office of the Commission of Patents and Trademarks on or before 5:00 p.m., June 18, 1985.

Dated: June 5, 1985.

Donald J. Quigg,

Acting Commissioner of Patents and Trademarks.

[FR Doc. 85-14133-Filed 6-11-85; 8:45 am]

BILLING CODE 3510-16-M

Interim Protection for Mask Works of Nationals, Domiciliaries and Sovereign Authorities of the United Kingdom of Great Britain and Northern Ireland

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proceeding for insurance of interim order.

SUMMARY: The Secretary of Commerce has delegated to the Assistant Secretary and Commissioner of Patents and Trademarks by Amendment 1 to Department Organization Order 10-14, the authority to make findings and issue orders for the interim protection of mask works.

Chapter 9 of 17 U.S.C. the Semiconductor Chip Protection Act (SCPA), established a system to encourage the development of an international regime for the protection of mask works, through the provisions of section 914, dealing with the establishment of interim or transitional protection, and section 902 providing for the recognition of long-term bilateral or multilateral relations among states. The Government of the United Kingdom of Great Britain and Northern Ireland (UK) has submitted a diplomatic note requesting that they be accorded protection under Section 902 by a Presidential proclamation that UK copyright law affords protection for mask works and that, by virtue of the membership of the UK and the United States in the Universal Copyright Convention (UCC), this protection is available to mask works of U.S. nationals and domiciliaries. Because of the divergent approach to chip protection from that of the SCPA in the UK and the complexity of the issues arising from this fact, the impracticability of fully evaluating before July 1, 1985, these factors in light of the Congressional intent embodied in the SCAP to develop an international regime assuring generally similar protection for mask works, and the desire to promote international comity by taking effective action to assure the full benefits of the SCPA to the UK, a proceeding under section 914 has been initiated. Comments are requested.

DATES: Comments must be submitted on or before June 18, 1985.

ADDRESS: Address written comments to: Commissioner of Patents and Trademarks, attention Assistant Commission for External Affairs, Box 4, Washington, D.C. 20231.

FOR FURTHER INFORMATION CONTACT: Michael K. Kirk, Assistant Commissioner for External Affairs, by telephone at (703) 557-3065 or by mail marked to his attention and addressed to Commissioner of Patents and Trademarks, Box 4, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: Chapter 9 of 17 U.S.C. establishes an entirely new form of intellectual property protection for mask works that are fixed in semiconductor chip products. Mask works are defined in 17 U.S.C. 901(a)(2) as:

> A series of related images, however, fixed or encoded—
>
> (A) Having or representing the predetermined, three-dimensional pattern of metallic, insulating or semiconductor material present or removed from the layers of a semiconductor chip product; and
>
> (B) In which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.

Chapter 9 further provides for a 10 year term of protection for original mask works measured from their date of registration in the U.S. Copyright Office, or their first commercial exploitation anywhere in the world. Mask works must be registered within 2 years of their first commercial exploitation to maintain this protection. Section 913(d)(1) provides that mask works first commercially exploited on or after July 1, 1983, are eligible for protection provided that they are registered in the U.S. Copyright Office before July 1, 1985.

Foreign mask works are eligible for protection under this Chapter under basic criteria set out in section 902: first, that the owner of the mask works is a national, domiciliary, or sovereign authority of a foreign nation that is a party to a treaty providing for the protection of the mask works to which the United States is also a party, or a stateless person wherever domiciled; second that the mask work is first commercially exploited in the United States; or that the mask work comes within the scope of a Presidential proclamation. Section 902(a)(2) provides that the President may issue such a proclamation upon a finding that:

> A foreign nation extends to mask works of owners who are nationals or domiciliaries of the United States protection (A) on substantially the same basis as that on which the foreign nation extends protection to mask works of its own nationals and domiciliaries and mask works first commercially exploited in that nation, or (B) on substantially the same basis as provided under this chapter, the President may by proclamation extend protection under this chapter to mask works (i) of owners who are, on the date on which the mask works are registered under section 908, or the date on which the mask works are first commercially exploited anywhere in the world, whichever occurs first, nationals, domiciliaries, or sovereign authorities of that nation, or (ii) which are first commercially exploited in that nation.

Although this chapter generally does not provide protection to foreign owners of mask works unless the works are first commercially exploited in the United States, it is contemplated that foreign nationals, domiciliaries and sovereign authorities may obtain full protection if their nation enters into an appropriate treaty or enacts mask works protection legislation. In order to encourage steps toward a regime of international comity in mask works protection, section 914(a) provides that the Secretary of Commerce may extend the privilege of obtaining interim protection under chapter 9 to nationals, domiciliaries and sovereign authorities of foreign nations if the Secretary finds:

> (1) That the foreign nation is making good faith efforts and reasonable progress toward—
>
> (A) Entering into a treaty described in section 902(a)(1)(A), or
>
> (B) enacting legislation that would be in compliance with subparagraph (A) or (B) of section 902(a)(2); and
>
> (2) that the nationals, domiciliaries, and sovereign authorities of the foreign nation, and persons controlled by them, are not engaged in the misappropriation, or unauthorized distribution or commercial exploitation of mask works; and
>
> (3) that issuing the order would promote the purposes of this chapter and international comity with respect to the protection of mask works.

In remarks in the *Congressional Record* of October 3, 1984, at page S12919, and of October 10, 1984, at page E4434, both Senator Mathias and Representative Kastenmeier suggest that "[i]n making determinations of good faith efforts and progress . . ., the Secretary should take into account the attitudes and efforts of the foreign nation's private sector, as well as its government. If the private sector encourages and supports action toward chip protection, that progress is much more likely to continue . . . With respect to the participation of foreign nationals and those controlled by them in chip piracy, the Secretary should consider whether any chip designs, not simply those provided full protection under the Act, are subjected to misappropriation. The degree to which a foreign concern that distributes products containing misappropriated chips knows or should have known that it is selling infringing chips is a relevant factor in making a finding under section 914(a)(2). Finally, under section 914(a)(3), the Secretary should bear in mind the role that issuance of the order itself may have in promoting the purposes of this chapter and international comity." Further they both acknowledge that for the issuance of an interim order for "those countries already having a system allowing mask work protection . . . expedited action may be particularly appropiate to encourage and facilitate international comity."

Unlike the United States, the Government of the UK states that the

UK copyright legislation is applicable to the protection of mask works, and that this protection is available to U.S. nationals and domiciliaries because of the UK's obligation under the UCC to provide national treatment for the copyrighted works of U.S. citizens. Over 20 years of case law supports the conclusion that mask works are protected under the UK copyright law because of its provisions extending protection to drawings, engravings, and photographs irrespective of their esthetic appeal and that this protection includes reproducing the work in three-dimensional form. *See, Dorling* v. *Honnor Marine Ltd.*, 1964 RPC 160; *Amp* v. *Utilux*, 1972 RPC 103; *British Northrup* v. *Texteam Blackburn Ltd.*, 1974 RPC 57; *Solar Thomson Engineering Co. Ltd.* v. *Barton*, 1977 RPC 537; *LB (Plastics) Ltd.* v. *Swish Products*, 1979 FRC 551; and *Hoover PLC* v. *George Hulme (Stockport) Ltd.*, 1982 FSR 565; and *British Leyland Motor Corporation Ltd.*, v. *Armstrong Patents Company Ltd.*, [1984] 3 C.M.L.R. 102. This approach raises a number of concerns relating to international as well as domestic U.S. law and policy.

In enacting the SCPA, Congress specifically concluded that mask works *per se* were not subject to copyright protection under the U.S. copyright law because of its prohibition of the protection of the utilitarian aspects of pictoral, graphic and sculptural works. Congress further concluded that, since mask works were not subject to copyright protection, they were not subject matter protectable under the UCC. The issues raised by the divergent positions of the Government of the United States and the Government of the UK require careful evaluation and study both in the U.S. context and in appropriate international fora.

While the Government of the UK has stated that the UK copyright law protect mask works and that the reproduction of a mask work in three-dimensional form in a semiconductor chip product would constitute an infringement of copyright, the statutes do not expressly deal with mask works and no cases on mask work protection have been decided in the courts. Further study of these features of the UK law is appropriate. No incidents of misappropriation, unauthorized distribution or commercial exploitation of mask works in the UK have been reported to the Department of Commerce. In addition, we would not wish, in any way, by the issuance of a Presidential proclamation, to limit a foreign government's policy options that may be more available under a section 914 order with its great flexibility.

Consequently, I am considering issuing on my own motion an interim order extending the protection of the SCPA to the nationals, domiciliaries and sovereign authorities of the UK in accordance with the suggestion that such expedited action would be appropriate in instances where a nation has "a system allowing mask work protection." Public comment on this action will be considered if received in the Office of the Commissioner of Patents and Trademarks by 5:00 p.m., June 18, 1985.

Dated: June 5, 1985.

Donald J. Quigg,

Acting Commissioner of Patents and Trademarks.

[FR Doc. 85-14132 Filed 6-11-85; 8:45 am]

BILLING CODE 3510-16-M

Interim Protection for Mask Works of Japanese Nationals Domiciliaries and Sovereign Authorities

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Issuance of interim order.

SUMMARY: The Secretary of Commerce has delegated to the Assistant Secretary and Commissioner of Patents and Trademarks, by Amendment 1 to Department Organization Order 10-14, the authority under section 914 of 17 U.S.C. (the copyright law) to make findings and issue orders for the interim protection of mask works.

On October 22, 1984, prior to the November 8, 1984, effective date of Pub. L. 98-620 which added Chapter 9 to 17 U.S.C., the Electronic Industries Association of Japan (EIAJ) through its attorneys submitted to the Secretary of Commerce a request for the issuance of an interim order. Guidelines for the submission of petitions for the issuance of interim orders were published on November 7, 1984 in the **Federal Register** 49 FR 44517-9, and on November 13, 1984, in the *Official Gazette*, of the PTO, 1048 O.G. 30. The original EIAJ request was supplemented by additional information from the Government of Japan sufficient to bring it into compliance with the guidelines.

Comments on the EIAJ petition were requested on or before April 23, 1985, and a hearing was set for May 8, 1985. Comments were submitted by the Semiconductor Industry Association (SIA) and AT&T Technologies; requests to testify were received from the SIA and the EIAJ.

At the May 8, 1985, hearing both SIA and EIAJ testified in support of the issuance of an interim order; the major point of dispute was in regard to the duration of the order. SIA urged that, in view of their continuing areas of concern, and the importance of the implementing regulations to be promulgated by the Ministry of International Trade and Industry (MITI), any order issued should be limited to 6 months in duration. The EIAJ position was that the order should issue for the full term of the Commissioner's authority. The commissioner has determined that Japan has demonstrated good faith efforts and reasonable progress in respect to providing protection for mask works of U.S. nationals and domiciliaries, and has determined that an order should issue for one year from this date.

EFFECTIVE DATE: The effective date of this order shall be November 8, 1984.

TERMINATION DATE: This order shall terminate on June 6, 1986, one year from its date of signature.

FOR FURTHER INFORMATION CONTACT: Michael K. Kirk, Assistant Commissioner for External Affairs, by telephone at (703) 557-3065, or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Box 4, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: Chapter 9 of 17 U.S.C. establishes an entirely new form of intellectual property protection for mask works that are fixed in semiconductor chip products. Maskworks are defined in 17 U.S.C. 901(a)(2) as:

> A series of related images, however, fixed or encoded—
>
> (A) Having or representing the predetermined, three dimensional pattern of metallic, insulating or semiconductor material present or removed from the layers of a semiconductor chip product; and
>
> (B) In which series the relation of the images to one another is that each image has the pattern of the surface of one form of the semiconductor chip product.

Chapter 9 provides for a 10 year term of protection for original mask works, measured from the earlier of their date of registration in the U.S. Copyright Office, or their first commercial exploitation anywhere in the world. Mask works must be registered within 2 years of their first commercial exploitation to maintain this protection. Section 913(d)(1) provides that mask works first commercially exploited on or after July 1, 1983 are eligible for protection provided that they are registered in the U.S. Copyright Office before July 1, 1985.

Foreign mask works are eligible for protection under basic criteria set out in 17 U.S.C. 902. First, the owner of the

mask works must be a national, domiciliary, or sovereign authority of a foreign nation that is a party to a treaty providing for the protection of a mask work to which the United States is also a party, or a stateless person wherever domiciled; second, the mask work must be first commercially exploited in the United States; or that the mask work comes within the scope of a Presidential Proclamation. Section 902(a)(2) provides that the President may issue such a proclamation upon a finding that:

A foreign nation extends to mask works of owners who are nationals or domiciliaries of the United States protection (A) on substantially the same basis as that on which the foreign nation extends protection to mask works of its own nationals and domiciliaries and mask works first commercially exploited in that nation, or (B) on substantially the same basis as provided under this chapter, the President may by proclamation extend protection under this chapter to mask works (i) of owners who are, on the date on which the mask works are registered under section 908, or the date on which the mask works are first commercially exploited anywhere in the world, whichever occurs first, nationals, domiciliaries, or soverign authorities of that nation, or (ii) which are first commercially exploited in that nation.

In order to encourage steps toward a regime of international comity in mask works protection, section 914(a) provides that the Secretary of Commerce may extend the privilege of obtaining interim protection under chapter 9 to nationals, domiciliaries and sovereign authorities of foreign nations if the Secretary finds:

(1) That the foreign nation is making good faith efforts and reasonable progress toward—

(A) Entering into a treaty described in section 902(a)(1)(A), or

(B) enacting legislation that would be in compliance with subparagraph (A) or (B) of section 902(a)(2); and

(2) that the nationals, domiciliaries; and sovereign authorities of the foreign nation, and persons controlled by them, are not engaged in the misappropriation, or unauthorized distribution or commercial exploitation of mask works; and

(3) that issuing the order would promote the purposes of this chapter and international comity with respect to the protection of mask work.

On October 22, 1984, prior to the November 8, 1984 effective date of Pub. L. 98-620 which added Chapter 9 to 17 U.S.C., the Electronic Industries Association of Japan (EIAJ) through its attorneys, submitted a request for the issuance of an interim order to Secretary Baldrige. The Secretary informed EIAJ's attorneys that the request had been referred to the Patent and Trademark Office, and that the Commissioner would advise them if additional information were required. On November 15, 1984, Commissioner Mossinghoff met with Japanese officials to discuss a letter from Mr. Yuji Tanahashi of the Japanese Ministry of International Trade and Industry, and what additional information might be required to complete the EIAJ submission. The results of this meeting were confirmed on November 30, 1984, in a letter to Mr. Tanahashi. No response was received from Mr. Tanahashi. On January 22, 1985, Acting Commissioner Quigg wrote Mr. Taizo Yokayama pointing out what additional information would be required. On March 4, 1985, Mr. Tanahashi wrote to Mr. Quigg supplementing the original request with sufficient information to permit the commencement of proceedings under the guidelines. The original petition and the supplemental information were reproduced in the **Federal Register**, 49 FR 12355 on March 28, 1985 as part of the notice announcing the commencement of proceedings with respect to Japan, by requesting comments on the EIAJ petition and scheduling a hearing for May 8, 1985.

On April 22, 1985, Mr. Ronald Pump of AT&T Technologies commented on the Japanese petition opposing the issuance of an interim order "on the assumption that such relief will delay passage of the legislation Japan is required to enact in order to protect U.S. chips in that country." The Semiconductor Industry Association (SIA) also commented on April 22 raising several questions regarding specific features of the Japanese legislation which were discussed in the written submissions and the oral statement at the May 8, 1985 hearing.

At the hearing, SIA presented its testimony and clearly stated that they "believe that Japan has demonstrated its good faith legislation." However, SIA urged that because "there are sufficient remaining questions regarding the legislation now under consideration in the Japanese Diet that an interim order designating Japan" should be granted for a period not be exceed 6 months. They argued that this would permit a review of the manner in which the law is being implemented, and how the Japanese law will function in a manner that provides protection equivalent to that under U.S. law.

The EIAJ asserted its belief that the proposed Japanese law provides protection for U.S. mask works on substantially the same basis as it protects the works of Japanese nationals, and that it also offers protection on substantially the same basis as Chapter 9 of 17 U.S.C. EIAJ specifically interprets section 902 as providing two sources of eligibility of protection. The first is the principle of national treatment—that U.S. mask work owners receive exactly the same protection as domestic Japanese mask work owners. The second is that reciprocal protection of substantially the same level as that provided under the U.S. law be provided to U.S. mask work owners in Japan. EIAJ asserts that the Japanese bill meets both tests, and that passage of the bill will not be delayed by the issuance of this order.

In his oral statement Mr. R. Michael Gadbaw, attorney for the SIA expressed his view that something more than simple national treatment was required to qualify a country under section 902(a)1)(B). That is to say, that there is a "threshold that has to be passed in order to provide effective protection." (transcript of hearing, p. 4). Mr. Schwartz, representing EIAJ, asserted that satisfaction of either criterion would be sufficient.

The record supports the conclusion that the Japanese bill satisfies both tests at its present stage of development. However, we also recognize that, in some respects, the Japanese bill is not as specific as is the U.S. legislation, and that the implementing regulations to be drafted by MITI will be important in determining how the law will work in Japan. We have determined that, as urged by SIA, a review of progress would be appropriate, but that as surged by EIAJ the order should be long enough in duration to permit MITI to develop its regulations. Accordingly, this order will endure one year from its date of issuance. This will permit a review of progress on a timely bais without unduly burdening either the parties to this proceeding or the government. The record supports the EIAJ contention that Japan, since the enactment of the U.S. legislation, has been making good faith efforts toward enacting legislation, consequently, the effective date of this order shall be November 8, 1984, the effective date of the Act.

Order Extending Interim Protection Under Chapter 9, Title 17, United States Code to Nationals, Domiciliaries and Sovereign Authorities of Japan

In accordance with the authority vested in me by Amendment 1 to Department Organization Order 10-14 regarding 17 U.S.C. 914, and based upon the materials submitted by the parties to the proceeding commenced on March 28, 1985, as supplemented by information provided by the Government of Japan and made part of the record of this proceeding I find that: Japan is and has, since November 8, 1984, been making

good faith efforts toward enacting legislation that will be in compliance with 17 U.S.C. 902(a)(2); Japanese nationals, domiciliaries, and sovereign authorities and persons controlled by them are not engaged in the misappropriation or unauthorized distribution or commercial exploitation of mask works; and, the issuance of this order will promote international comity with respect to the protection of mask works.

Accordingly, nationals, domiciliaries and sovereign authorities of Japan are entitled to protection under Chapter 9 of 17 U.S.C. subject to compliance with all formalities specified therein.

The effective date of this order shall be November 8, 1984 and this order shall terminate, on June 6, 1986, one year from its date of signature.

Dated: June 6, 1985.

Donald J. Quigg,

Acting Commissioner of Patent and Trademarks.

[FR Doc. 85-14131 Filed 6-11-85; 8:45 am]

BILLING CODE 3510-16-M

CONSUMER PRODUCT SAFETY COMMISSION

Technical Advisory Panel on Allergic Sensitization; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: The Technical Advisory Panel on Allergic Sensitization will meet on Monday, June 24, 1985, to discuss Commission staff documents concerning allergic sensitivity to cobalt, nickel, chromium, and formaldehyde.

DATE: The meeting will begin at 8:30 a.m. on Monday, June 24, 1985.

ADDRESS: The meeting will be in Room 456 of the Commission's offices at 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Virginia White, Directorate for Health Science, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6957.

SUPPLEMENTARY INFORMATION: Provisions of the Federal Hazardous Substances Act codified at 15 U.S.C. 1261(f) 1 (A) and (K) authorize the Consumer Product Safety Commission to regulate household substances which contain or consist of "strong sensitizers." The Commission has established the Technical Advisory Panel on Allergic Sensitization to provide advice and recommendations on refining terms and criteria for defining strong sensitizers for purposes of the Federal Hazardous Substances Act; ranking by magnitude of risk a list of sensitizers found in consumer products; and labeling sensitizers in consumer products.

This meeting will be open to observation by members of the public. Participation will be limited to members of the technical advisory panel and the Commission's staff.

Dated: June 6, 1985.

Sheldon D. Butts,

Acting Secretary,

Consumer Product Safety Commission.

[FR Doc. 85-14061 Filed 6-11-85; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on On-Site Inspection; Advisory Committee Meetings

SUMMARY: The Defense Science Board Task Force on On-Site Inspection will meet in closed session on 28 July 1985 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will continue to examine concepts for on-site inspection technical sensor systems which could verify possible arms control limits.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

June 7, 1985.

[FR Doc. 85-14123 Filed 6-11-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Soviet Imprecisely Located Targets for Strategic Systems; Advisory Committee Meetings

SUMMARY: The Defense Science Board Task Force on Soviet Imprecisely Located Targets for Strategic Systems will meet in closed session on 11-12 July and 21-22 August 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will continue their study on how to hold Soviet imprecisely located targets at risk.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

June 7, 1985.

[FR Doc. 85-14124 Filed 6-11-85; 8:45 am]

BILLING CODE 3810-01-M

Department of Defense Education Benefits Board of Actuaries; Past Meeting

SUMMARY: A meeting of the Board was scheduled to execute the provisions of Chapter 101, title 10, United States Code (10 U.S.C. 2006(e) et. seq.). The Board reviewed the interest assumption to be used in the FY85 Valuation of the GI Bill. Due to the unavailability of Board members in June and the time constraints of implementing per capita FY85 costs the meeting had to be held without prior notice. Anyone desiring formal minutes of the meeting should notify Ms. Kathy Greenstreet at 696-5793. They will be available under the Federal Advisory Committee Act.

DATE: May 31, 1985, 2:00 p.m. to 3:30 p.m.

ADDRESS: Room 201, Hilton Inn, Columbia, Maryland.

FOR FURTHER INFORMATION CONTACT: Toni Hustead, Executive Secretary, Defense Manpower Data Center, 4th floor, 1600 Wilson Boulevard, Arlington, VA 22209 (202) 696-5869.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

June 7, 1985.

[FR Doc. 85-14125 Filed 6-11-85; 8:45 am]

BILLING CODE 3810-01-M

Membership of OSD Performance Review Board

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the

OSD DoD Field Activities, the Organization of the Joint Chiefs of Staff, DoD Inspector General, the U.S. Court of Military Appeals, and the U.S. Mission to NATO. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4). The Performance Review Board provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards to the Secretary of Defense.

DATE: Effective date is June 1, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Sharon Bobb, Chief, Senior Executive Service & Classification Division, Directorate for Personnel and Security, WHS, Office of the Secretary of Defense, Department of Defense, The Pentagon, Washington, D.C. 20301, telephone (202) 697-8304.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following is a standing register of executives appointed to the OSD PRB; specific PRB panels will be constituted from this standing register. Executives listed will serve a one-year renewable term, effective June 1, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

June 7, 1985.

OSD Performance Review Board Membership

Adams, Benson D.
Adams, Mac C.
Agnew, Ann C.
Alderman, Craig (NMN)
Alderman, Karen A.
Alewine, Ralph W., III
Anderson, David L.
Anderson, Maynard C.
Atkins, Allen R.
Austin, Charles L.
Bachkosky, John M.
Bader, George W.
Bain, James D.
Barringer, Philip E.
Batjer, Marybel
Beach, John W.
Berenson, Paul J.
Berg, Roland E.
Bergmann, Walter B., II
Bernard, Charles W.
Bertapelle, Arthur H.
Bialick, Irving
Blackstead, Joseph H.
Blaker, James R.
Bloom, Harold (NMN)
Brandenstein, Albert E.
Brannan, James T.
Briskin, Manuel (NMN)
Bryen, Stephen D.
Buck, Kathleen A.
Buffalano, August C.
Buzalski, Ernest A.
Calhoun, Jerry Lee
Campbell, Leonard G.
Campbell, Thomas P.
Campen, Alan D.
Carabello, John M.
Cavallini, Nathaniel
Cavaney, William T.
Cevasco, Francis M., Jr.
Charles, Sandra L.
Christie, Deborah
Christie, Thomas P.
Christle, Gaylord E.
Chu, David S. C.
Cipolla, Charles L.
Cipolla, Frank P.
Cittadino, John C.
Coakley, William F.
Colocotronis, Gregory L.
Compton, James M.
Conroy, Matthew J.
Conte, Albert V.
Cooke, David O.
Coonce, William C.
Cratch, Geoffrey A.
Crossman, George R.
Croteau, Robert J.
Crouch, Horace J.
Culosi, Salvatore J.
Curry, James H.
Daniel, Robert W., Jr.
Dashiell, Thomas R.
Davidson, Ronald A.
Decarli, Raymond J.
Delaney, Robert P.
Denning, Daniel B.
Dexter, John E.
Dix, Donald M.
Dominguez, Raymond
Donnelly, John F.
Donnelly, Richard E.
Douglas, Terrence Richard
Dube, Lawrence P.
Earich, Douglas R.
Eaton, Nelson W.
Eberhardt, Michael C.
Ehlers, Arthur H., Jr.
Ellison, Bobby
Ely, Gerald L.
Engel, Roger K.
Entzminger, John N., Jr.
Facey, Albert G., Jr.
Fair, Harry D.
Farbrother, Douglas D.
Fawsett, John
Feith, Douglas J.
Fields, Craig I.
Finsterle, James C.
Fisher, Herbert L.
Fites, Jeanne B.
Flinn, John A.
Frederick, Wiliam C. D.
Freeman, Linus Walter, Jr.
Funk, Kennerly W.
Gaffney, Frank J., Jr.
Gaffney, Henry H., Jr.
Gardner, John L.
Garnett, Thomas F.
Genalis, Paris
Gentzel, Charles R.
Gilleece, Mary Ann
Gilliat, Robert L.
Glaister, Clyde O.
Goldberg, Alfred (NMN)
Goldstein, Donald J.
Gontarek, Stanley J.
Goodwyn, James C.
Goodyear, William G.
Granahan, Thomas F.
Granato, Dennis J.
Gray, Anthony W., Jr.
Greenlee, Donald R.
Groover, Charles W.
Hanmer, Stephen R.
Hansen, John W.
Haughton, Clariborne D., Jr.
Hawkes, Teresa A.
Hawkins, Charles A., Jr.
Heaston, Robert J.
Hessler, David J.
Hinds, Jim E.
Hinman, Kenneth R.
Hoffman, Fred
Hoffman, George
Holaday, Duncan A.
Horn, Sally K.
Horton, Cyril F.
Howe, Richard G.
Ioffredo, Michael L.
Ionson, James A.
Jefferson, Ralph H.
Johnson, Darel S.
Jones, Billy M.
Jones, Jeffery
Jones, Thomas K.
Kahn, Robert E.
Kammerer, Joseph T.
Kapper, Francis B.
Karp, Sherman
Kauvar, Gerald Bluestone
Keesee, William K.
Kelly, Clinton W., III
Kelly, James A.
Kendall, Cynthia
Kendig, John L.
Killin, Edward C.
Kloske, Dennis E.
Kniaz, Leon
Koch, Noel C.
Kopscak, George C.
Kraft, Herbert
Kupelian, Vahey S.
Lane, John
Lanoue, Robert J.
Lauder, Ronald S.
Laughlin, John L.
Leary, William H., III
Lebo, Jerry A.
Leftwich, Norman B.
Legere, Laurence J.
Lehman, Ronald F.
Lelli, Thomas J.
Leonard, Michael (NMN)
Lese, William G., Jr.
Leyden, Donovan K.
Lieberman, Richard D.
Lieberman, Robert
Lieblien, Edward
Linstrom, Talbot S.
Lipton, Maurice
Lomacky, Oles
Lose, Graydon I.
Loveland, Trafton J.
Lubarsky, Albert R.
Lynch, John E.
Lynn, Verne L.
Maccallum, John M., Jr.
Major, Philip L.
Makris, Anthony S.
Maldonado, Joe P.
Margolis, Milton A.
Marquet, Louis C.
Marquitz, William T.
Marshall, Andrew W.
Martin, C. Joseph

Martin, John David
Maynard, Egbert
McCarty, Thomas F.
McDonald, William M.
McNeill, John H.
McNicol, David L.
McQuality, James A.
Meehan, Patrick J.
Melburn, Michael J.
Melchner, John W.
Michael, Louis G.
Michel, Werner E.
Miller, Franklin
Miller, James H.
Minichiello, Lee P.
Minneman, Milton J.
Mintz, Jeanne S.
Mittino, John A.
Mobbs, Michael H.
Moesser, Alba I.
Montgomery, Jack L.
Moody, Kevin C.
Moore, Robert H.
Moore, Robert J.
Morgan, John D., Jr.
Morris, Herbert K.
Morrison, James W.
Murrell, Billy C.
Newhall, David, III
Nicholas, George
Niederlehner, Leonard (NMN)
Oplinger, Gerald
Pallas, Spiros G.
Pantuso, Francis P.
Pennington, Arthur W.
Persh, Jerome
Phillips, Gary R.
Pillsbury, Michael P.
Quetsch, John R.
Quinn, Thomas P.
Rauner, Robert M.
Reay, James H.
Reynolds, Richard A.
Richardson, William A.
Rizer, Jordon E.
Robertson, William B.
Roll, Charles R., Jr.
Rona, Thomas P.
Roosild, Sven A.
Rudd, Glenn A.
Ruffine, Richard S.
Russ, John M.
Russ, Richard T.
Rydzewski, James C.
Sanchez, Nestor D.
Schafer, Carl J., Jr.
Schmidt, Raymond E.
Sellman, Wayne S.
Sharkey, William J., Jr.
Shaw, Dennis R.
Sheils, Marylou
Shilling, David M.
Shorey, Russel R.
Shriber, Maurice N.
Siebert, George W.
Siewert, Raymond F., Jr.
Smith, John E.
Snider, Britt L.
Spector, Eleanor Ruth
Springett, John P.
St. John, Adrian, II
Stephens, W. Beth
Stimson, Richard A.
Stivers, Ronald H.
Stone, Robert A.
Sullivan, Gerald D.
Sungenis, Joseph R.
Tapparo, Frank A.
Tegnelia, James A.
Tether, Anthony J.
Thomas, Ronald D.
Thomas, William F.
Tillson, John C.
Toulme, Clarence V.
Townley, Richard W.
Trodden, Stephen A.
Trosch, Dennis H.
Truxell, Bertrand G.
Tucker, Alvin
Turley, Gerald H.
Tyler, John T.
Van Wagenen, James S.
Vander Schaaf, Derek J.
Verhey, Carl T.
Warren, Raymond A.
Watt, Charles K.
Welch, Thomas J.
Wilcox, Benjamin A.
Wolthuis, Robert K.
Wood, Theodore D.
Woods, James L.
Woodworth, John A.
Young, Leo (NMN)
Young, Roscoe C., II
Yurcisin, Peter
Zakheim, Dov S.
Macpherson, J. Randolph (DCA)
Whealen, John T. (DCA)
Starrett, Charles O., Jr. (DCAA)
Newton, Fred J. (DCAA)
Quill, John J. (DCAA)
O'Brien, Thomas J. (DIS)
Dinan, Daniel J. (DIS)
Ewald, Thomas E. (DIS)
Maclin, James F., Jr. (DLA)
Kabeiseman, Karl W. (DLA)
Atkins, Marvin C. (DNA)

[FR Doc. 85-14126 Filed 6-11-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Privacy Act of 1974; Alteration to an Air Force System of Records

AGENCY: Department of the Air Force (DAF), DOD.

ACTION: An alteration of an Air Force system or records.

SUMMARY: The Air Force is altering an existing system of records subject to the Privacy Act of 1974.

DATES: The proposed action will be effective without further notice on or before July 12, 1985, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to Mr. Jon Updike, HQ USAF/DAQD, The Pentagon, Washington, D.C. 20310-5024. Telephone: 202-694-3431.

SUPPLEMENTARY INFORMATION: The Department of the Air Force notices for system of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a) have been previously published in the **Federal Register** as follows: FR Doc. 85-10237 (50 FR 22332) May 29, 1985.

The record system identified as F120 AF IG B entitled: Inspector General Records, was previously published at 50 FR 22487 on May 29, 1985. This system is being altered to partially automate record keeping and analysis. An altered system report, as required by 5 U.S.C. 552a(o), was submitted on May 9, 1985 as required by OMB Circular A-108, Transmittal Memorandum No. 1, dated September 30, 1975.

Dated: June 7, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

F120 AF IG B

SYSTEM NAME:

120 AF IG B Inspector General Records.

SYSTEM LOCATION:

Office of the Inspectors General, Headquarters United States Air Force, Washington DC 20330 and all levels down to Air Force bases. Official mailing addresses are contained in the Department of Defense directory in the appendix to the Air Force system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All those who have registered a complaint or query with the Inspector General or Base Inspector on matters related to the Department of the Air Force or are subjects of a significant contract fraud or corruption investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms, letters, messages, reports, surveys, photographs, medical, finance, personnel, administrative and technical reports, witness statements and statistical data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: Powers and duties: delegation by.

PURPOSE(S):

Used to insure just, through, and timely resolution and response to complaints or queries, and a means of improving morale, welfare, and efficiency of organizations, units, and personnel by providing an outlet for redress. Used by the Inspectors General and Base Inspectors in the resolution of complaints and responding to queries involving matters concerning the Department of the Air Force and in some instances the Department of

Defense. Used to monitor and coordinate remedies in significant cases of contract fraud or corruption.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records from this system of records may be disclosed for any of the blanket routine uses published by the Air Force.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer and computer output products.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN) and year and office where complaint was filed.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in safes and in locked cabinets or rooms, controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for two years after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Inspector General, Headquarters United States Air Force, Washington DC 20330.

NOTIFICATION PROCEDURE:

See Exemption.

RECORD ACCESS PROCEDURE:

See Exemption.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager and published in Air Force Regulation 12-35.

RECORD SOURCE CATEGORIES:

See Exemption.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a (k)(2). For additional information, contact the System Manager.

[FR Doc. 85-14122 Filed 6-11-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app), notice is hereby given that the Naval Research, 800 North Quincy Street Arlington, VA. The meeting will commence at 8:30 a.m. and terminate at 5:00 p.m. on June 27. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to provide update briefings for the Committee members on various topics of current interest. The agenda for the meeting will consist of briefings on the latest information available concerning Soviet submarine threat, SSN-21, and ASW appraisal. These briefings will contain classfied information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Dated: June 7, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85-14115 Filed 6-11-85; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Change in Meeting Times

SUMMARY: This document is intended to notify the general public of the change of time for the meetings of the Executive Committee, Civil Rights Committee, WEEA Program Committee and Federal Policies, Practices and Programs Committee of the National Advisory Council on Women's Educational Programs as published in FR/Vol. 50, No. 104/ Thursday, May 30, 1985. All other dates, times and locations remain the same.

The Executive Committee will meet from 7:00 p.m. to 9:00 p.m. on June 12. The Civil Rights Committee, WEEA Program Committee and Federal Policies, Practices and Programs Committee will meet from 9:00 a.m. to 10:00 a.m. on June 13, 1985.

For further information contact: Patricia A. Weber, Deputy Director, National Advisory Council on Women's Educational Programs, 2000 "L" Street NW., Suite 568, Washington, D.C. 20036, (202) 634-6105.

Signed at Washington, D.C. on June 3, 1985.

Sally A. Todd,

Executive Director.

[FR Doc. 85-14103 Filed 6-11-85; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education

Special Needs Program; Application for New Awards in Fiscal Year 1985 and Special Eligibility Announcement

Applications are invited for new development grants under the Special Needs Program from institutions that have established eligibility to participate in the Special Needs Program for Fiscal Year 1985.

Authority for the Special Needs Program in contained in sections 321-324 and 341-347 of Title III of the Higher Education Act of 1965, as amended (HEA), (20 U.S.C. 1060-1063, and 1066-1069c).

The Special Needs Program assists eligible institutions of higher education to become self-sufficient by providing funds to improve their academic quality and the strengthen their planning, management, and fiscal capabilities. To this end, the Secretary awards planning grants and non-renewable development grant to eligible two-year and four-year, public and private institutions of higher education. The purpose of a planning grant is to assist an institution to develop its long-range plan; however, *no planning grants will be awarded under this announcement.*

The purpose of a development grant is to assist an institution to implement portions of its long-range plan, thereby becoming self-sufficient.

Closing date for Transmittal of Applications for New Awards: An application for a development grant must be mailed or hand-delivered by August 1, 1985.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.031B, 400 Maryland Avenue SW., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legibly 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 its application will not be considered.

Application delivered by hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:00 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:00 p.m. on the closing date.

Program Information

1. *Available Funds:* The Department of Education Appropriation Act, 1985 (Pub. L. 98-619) appropriated $141,208,000 for the Institutional Aid Programs of which $45,741,000 must be awarded to "historically Black institutions." Of the $141,208,000 appropriation, $65,804,000 is available for the Special Needs Program. In accordance with section 347(f) of the HEA, $11,600,000 of the Special Needs Program appropriation has been transferred to the Endowment Grant Program, and to the Challenge Grant Program to continue non-competing Challenge Grants awarded in prior fiscal years. It is estimated that approximately $39,000,000 of the funds will be awarded to non-competing continuation Special Needs projects.

For the FY 1985 Special Needs Program competition for new grants, it is estimated that approximately $15,000,000 will be available for new awards. In accordance with section 347 of the HEA, priority in the selection of grantees may be given to historically Black and two-year institutions to satisfy those statutory set-aside requirements. The Secretary considers "historically Black institutions" as those institutions listed in the 1978 publication by the National Center for Education Statistics entitled *Traditionally Black Institutions of Higher Education: Their Identification and Selected Characteristics.* (34 CFR 626.31(b))

In accordance with § 626.31(c)(2) of the Special Needs Program regulations, the Secretary is limiting the maximum award for new non-renewable grants to $800,000 per year. Accordingly, applicants should not submit budget requests in excess of this amount. *The Secretary will not accept any application containing a request in excess of this maximum; such applications will be returned by the Application Control Center.*

These estimates do not bind the U.S. Department of Education to a specific number of grants, or to the amount of any grant, unless that amount is otherwise specified by statute or regulation.

2. *New Awards:* The Secretary will accept an application for a development grant from any institution that is eligible to participate in the Special Needs Program. However, under §§ 626.10 and 626.20 of the regulations an applicant may not receive a Special Needs Grant under this competition if it previousy received a Special Needs Program development grant or previously received a non-renewable Strengthening Program development grant.

3. *Special Eligibility Announcement:* To receive a grant under this notice, an institution must have been designated as an eligible institution *for the Special Needs Program* under one of the following notices:

(a) The notice extending the closing date for designation as an eligible institution for the Endowment Grant Program that was published in the **Federal Register** of June 20, 1984, 49 FR 25272-25282;

(b) The notice establishing the closing date for designation as an eligible institution for the Strengthening, Special Needs and Endowment Grant Programs for FY 1985 that was published in the **Federal Register** of September 28, 1984, 49 FR 38331-38341;

(c) The notice extending the closing date for the Strengthening, Special Needs and Endowment Grant Programs for FY 1985 that was published in the **Federal Register** of November 30, 1984, 49 FR 47084-47094; or

(d) The notice establishing the closing date for designation as an eligible institution for the Strengthening, Special Needs and Endowment Grant Program for FY 1986 that was published in the **Federal Register** of May 16, 1985, 50 FR 20477-88. Applicants establishing eligibility under this May 16, 1985 notice should specify in the cover letter of their eligibility request that their eligibility designation should include the FY 1985 Special Needs Program competition announced by this notice. Previous applicants that responded to above-cited notices (a), (b), or (c) but failed to include sufficient data to calculate eligibility under the Special Needs Program should respond to the Notice published on May 16, 1985. Those institutions that responded only to the June 20, 1984 notice, (a), must provide certification of the Fall 1984 FTE enrollment at the institution.

4. *Budget and Activity Requests:* Applicants are reminded that if they have received a prior Title III grant that *they may not receive funds for an activity previously supported under the Strengthening Developing Institutions Program (SDIP) or the current Institutional Aid Programs.*

Applicants should note that budget requests for the second through fifth years of multi-year non-renewable development grants will be limited in future years to the amounts *projected* for these years in the original application for funds, minus any amounts which have been projected for *disallowed* activities. In order to plan accurate funding requests for future years of the grant, institutions receiving awards under this competition will be notified of any disallowed activities at the time their award is negotiated. Applicants are reminded that if they have received a planning grant under the Special Needs Program, the maximum length of a development grant is four years.

Grantees must pay a portion of the costs of a Special Needs Program grant during the third through fifth years of the grant in accordance with the requirements of section 324 of the statute. The portion paid by the grantee is 10, 20 and 30 percent respectively, and is included in the maximum annual grant award of $800,000, thereby limiting the maximum federal grant in those years to $720,000, $640,000 and $560,000, respectively. In providing information on the grantee's share of the costs of allowable development activities, applicants are reminded that all institutional costs must be for *developmental purposes* and *delineated in the budget notes accompanying each proposed activity.* Grant funds may not

supplant regular operating expenditures at the institution.

In general, administrative costs for non-renewable development grants should not exceed 20 percent of the total amount of funds requested, or $75,000 annually, whichever sum is less. Applications containing requests in excess of this amount must include a thorough justification of the need for additional administrative funds.

Application forms: Application forms and program information packages for new awards are expected to be ready for mailing by June 20, 1985. They may be obtained by writing the Division of Institutional Development, U.S. Department of Education, Room 3045, Regional Office Building #3, 400 Maryland Avenue SW., 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 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 by the statute and regulations.

Applicable regulations: Regulations applicable to this program include the following:

(a) The regulations in 34 CFR Part 624.

(b) The reguations in 34 CFR Part 626.

(c) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78, except under the provisions of 34 CFR 624.34(c), the provisions under 34 CFR 75.128(a)(2) and 34 CFR 75.129(a) do not apply to cooperative arrangements.

FOR FURTHER INFORMATION CONTACT: Dr. Caroline J. Gillin, Director, Division of Institutional Development, U.S. Department of Education, (Room 3042, Regional Office Building #3), 400 Maryland Avenue SW, Washington, D.C. 20202. Telephone: (202) 245-9077 or 245-9094.

(U.S.C. 1060-1063 and 1068-1069c.)

Dated: June 6, 1985.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

(Catalog of Federal Domestic Assistance no. 84.031B—Special Needs Program).

[FR Doc. 85-14134 Filed 6-11-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 85-08-NG]

N-REN Corporation; Order Authorizing Import of Natural Gas

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of issuance of opinion and order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that on June 3, 1985, the ERA Administrator issued an opinion and order authorizing N-REN Corporation (N-REN) to import up to 35,000 Mcf of Canadian natural gas per day for its fertilizer manufacturing plant in East Dubuque, Illinois. The gas will be imported over a two-year period, on a best-efforts, interruptible basis at $2.76 (U.S.) per MMBtu, commencing on the date of first delivery. The maximum obligation for the period ending November 1, 1986, is 21.90 Bcf with deliveries in any given year not to exceed 10.95 Bcf.

The text of the opinion and order follows:

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Forrestal Building, Room GA-007, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9622.

Diane J. Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), U.S. Department of Energy Forrestal Building, Room 6E-042, 1000 Independence Avenue SW., Washington, D.C. 20585.

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

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

Order Granting Authorization To Import Natural Gas From Canada

[DOE/ERA Opinion and Order No. 83]

June 3, 1985.

I. Background

On April 4, 1985, N-REN Corporation (N-REN) filed an application with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE), pursuant to Section 3 of the Natural Gas Act, for an authorization to import up to 35 MMcf of Canadian natural gas per day. N-REN has entered into an agreement with Northridge Petroleum Marketing, Inc. (Northridge), a Canadian corporation with control over natural gas reserves in the Province of Alberta, Canada, to obtain the gas on a best-efforts basis at $2.87 (U.S.) per Mcf. This price was changed to $2.76 (U.S.) per MMBtu by an amending agreement filed with the ERA on May 8, 1984.

N-REN, a Delaware corporation, whose principal place of business is in Cincinnati, Ohio, intends to use the gas at a plant it owns and operates in East Dubuque, Illinois. This plant uses natural gas as a process fuel and feedstock in the manufacture of anhydrous ammonia and by-products primarily for essential agricultural purposes. The agreement with Northridge has an initial term which begins on the date of first delivery and ends on November 1, 1986. Following the initial term, the agreement could be automatically extended for a two-year term and then could be automatically extended for successive one-year terms unless terminated by written notice by either party at least 60 days prior to the expiration of the initial term or any subsequent term. Notwithstanding the automatic extension of terms in its agreement with Northridge, N-REN notified the ERA by a letter dated and filed on May 1, 1985, that the authorization it is seeking is for a two-year period commencing on the date of first delivery. The maximum obligation during the initial term of the agreement, ending November 1, 1986, is 21.90 Bcf with deliveries in any given year not to exceed 10.95 Bcf.

The price of the gas may be renegotiated upon 30 days written notice by either party subject to regulatory approvals. If negotiations fail, the agreement will terminate 30 days following cessation of negotiations. The agreement also provides for immediate renegotiation of the price if changes in the U.S./Canadian exchange rate or increases in transportation costs in Canada result in a price netback to Alberta lower than the Alberta border price. The agreement contains no minimum purchase obligation or take-or-pay requirement and allows N-REN to revert totally to domestic supplies without penalty if the Canadian supply becomes uncompetitive. However, N-REN has agreed to take the gas "to the best of its efforts" up to an average daily quantity of 30 MMcf but may restrict the flow or discontinue the taking of gas for any reason and to any extent, and may commingle the gas with other higher or lower priced gas.

Under the proposed import arrangement, the gas will be delivered by Northridge at the interconnection of the facilities of TransCanada PipeLines

Limited and Great Lakes Gas Transmission Company (Great Lakes) at the international border between Canada and the United States in the vicinity of Noyes, Minnesota. Great Lakes will transport the gas over existing facilities to its interconnection with Northern Natural Gas Company (Northern) at either Carlton or Fortune Lake, Minnesota. Northern will then transport the gas over its existing facilities to Northern Illinois Gas Company (NI-Gas), N-REN's current distributor, which will then deliver the gas to N-REN's plant at East Dubuque, Illinois. N-REN will bear the cost of transporting the gas from the Canadian border to its plant. This cost has been projected to be no more than $.34 (U.S.) per MMBtu.

II. Interventions and Comments

A notice of N-REN's application was issued on April 15, 1985, inviting protests and motions to intervene to be filed by May 23, 1985.[1] Two motions to intervene were filed. A joint motion was filed by Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin) and Lake Superior District Power Company (collectively referred to as the NSP Companies). The other motion to intervene was filed by Natural Gas Pipeline Company of America (Natural).

The NSP Companies, the second largest jurisdictional distribution customer on Northern's system, intervened in their own direct interest but made no other comment and did not request further proceedings. Natural, a major pipeline supplier to NI-Gas, intervened and protested the application on the grounds that unfair competition would result from the proposed import, but did not request further proceedings. This order grants intervention to all movants.

III. Decision

N-REN's application has been evaluated in accordance with the Administrator's authority to determine if the proposed import arrangement meets the public interest requirements of Section 3 of the Natural Gas Act. Under Section 3, an import is to be authorized unless there is a finding that it "will not be consistent with the public interest."[2] The Administrator is guided by the DOE's policy relating to the regulation of natural gas imports.[3] Under the policy guidelines, the competitiveness of an import arrangement in the markets served is the primary consideration for meeting the public interest test.

In its motion to intervene and protest, Natural stated that unfair competition would result if N-REN's application were approved. Natural asserted that the price to N-REN is significantly lower than that available to Natural from its Canadian suppliers because the proposed import was not subjected to the same Canadian floor price limitations as its arrangement was. Natural expressed concern that N-REN's import could have the anomalous effect of backing out firm sales of Canadian gas. Natural asserted that such action could undermine negotiations completed by long-term purchasers to bring prices more in line with market forces. Natural urged that the ERA give careful consideration to the effect of spot sales on long-term supplies.

The ERA believes that the competitiveness of an import is of prime concern. The policy of this agency is to promote competition, and the applicant's import brings new and positive competitive forces to its marketplace. Purchasers will avail themselves of short-term arrangements when they are competitive with available long-term arrangements. The ERA has ruled in numerous import cases that it does not intend to protect long-term import arrangements from competition.[4] Natural has options available to it to meet competition, as do other pipelines. Natural has indicated that the new price under its contracts were the result of direct negotiations to bring prices more in line with market forces. Natural may continue to pursue such options.

Natural alleged that the proposed import could undermine negotiations completed by long-term purchasers to bring prices more in line with market forces. The ERA is not persuaded by this argument. The Canadian government and gas industry are moving to correct price disparities that have existed for the past several years between U.S. and Canadian supplies serving U.S. markets. There has been no sign of reluctance by Canadian exporters to negotiate in response to competition, and it is unlikely that the competition from the N-REN/Northridge arrangement will change this.

Natural claimed that unfair competition woud result if the proposed import is approved because the price N-REN will pay is significantly lower than that available to Natural because of differing floor prices imposed by Canada on Natural's and N-REN's contracts. While the DOE has urged that the Canadian government remove floors from its export prices, the ERA does not intend to disapprove import arrangements which are competitive and that put pressure on other arrangements to become more competitive.

The N-REN arrangement for the import of Canadian gas, as set forth in the application, is wholly consistent with the DOE policy guidelines. The agreement with Northridge contains no minimum purchase obligation or take-or-pay reguirement, and the price may be renegotiated upon 30 days notice with automatic termination if negotiations fail. The volumes will be imported on a best-efforts, interruptible basis under a two-year authorization which N-REN may seek to have extended prior to its termination. The flexibility of the arrangement, which also allows N-REN to revert to domestic supplies without penalty, ensures that the gas will only be imported when it is fully competitive.

The gas import policy guidelines recognize that the need for an import is a function of competitiveness. Under the competitive arrangement described above, N-REN will purchase the gas only to the extend it needs the volumes for its fertilizer manufacturing operations. The security of the import supply is not a major issue because the gas is to be purchased on a best-efforts, interruptible basis.

After taking into consideration all information in the record of this proceeding, I find that the authorization requested by N-REN is not inconsistent with the public interest and thus should be granted.[5]

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[1] 50 FR 15060, April 23, 1985.

[2] 15 U.S.C. § 717b.

[3] 49 FR 6684, February 22, 1984

[4] *See Northwest Natural Gas Company*, DOE/ERA Opinion and Order No. 65, issued December 10, 1984 (1 ERA ¶ 70,577); *Cascade Natural Gas Corporation*, DOE/ERA Opinion and Order No. 66, issued December 10, 1984 (1 ERA ¶ 70,578); *Southwest Gas Corporation*, DOE/ERA Opinion and Order No. 69, issued December 18, 1984 (1 ERA ¶ 70,581); *Cabot Energy Supply Corporation*, DOE/ERA Opinion and Order No. 72, issued February 26, 1985 (1 ERA ¶ 70,124); *Northwest Alaskan Pipeline Company*, DOE/ERA Opinion and Order No. 73, issued February 26, 1985 (1 ERA ¶ 70,585); and *Tenngasco Exchange Corporation and LHC Pipeline Company*, DOE/ERA Opinion and Order No. 80, issued May 6, 1985 (unpublished).

[5] Because the proposed importation of gas will use existing pipeline facilities, DOE has determined that granting this application clearly is not a Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (42 U.S.C. 4321, *et seq*), and therefore an environmental impact statement or environmental assessment is not required.

Order

For the reasons set forth above, pursuant to Section 3 of the Natural Gas Act, it is ordered that:

A. N-REN Corporation (N-REN) is authorized to import up to 35 MMcf of Canadian natural gas per day during the 24-month period beginning on the date of first delivery in accordance with the provisions established in the agreement, as amended, submitted as part of the application in this docket.

B. N-REN shall notify the ERA in writing of the date of first delivery within two weeks after deliveries begin.

C. N-REN shall file with the ERA in the month following each calendar quarter, quarterly reports showing by month, the quantities of natural gas imported under this authorization, and the price per MMBtu paid for those volumes.

D. The motions to intervene as set forth in this Opinion and Order, are hereby granted, subject to the administrative procedures in 10 CFR Part 590, provided that participation of the intervenors shall be limited to matters specifically set forth in their motions to intervene and not herein specifically denied, and that the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order issued in these proceedings.

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

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 85-14104 Filed 6-11-85; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 85-09-NG]

Natural Gas Imports; Bethlehem Steel Corp.

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of issuance of opinion and order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that on June 3, 1985, the ERA Administrator issued an opinion and order approving Bethlehem Steel Corporation's (Bethlehem) application to import Canadian natural gas from Northridge Petroleum Marketing, Inc. The approval authorizes Bethlehem to import at a price of $2.87 (U.S.) up to 25 MMcf per day and a total volume of up to 12 Bcf of natural gas on a best-efforts basis for a period beginning on the date of issue and ending November 1, 1986.

The text of the opinion and order follows.

FOR FURTHER INFORMATION CONTACT:

Chuck Boehl (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Forrestal Building, Room GA-007, 1000 Independence Avenue, SW., Washington, D.C. 20585

Diane Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6667

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

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

Order Granting Authorization To Import Natural Gas From Canada

[DOE/ERA Opinion and Order No. 84]

June 3, 1985.

I. Background

On April 4, 1985, Bethlehem Steel Corporation (Bethlehem) filed an application with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE), pursuant to Section 3 of the Natural Gas Act, for authorization to import up to 12 Bcf of Canadian gas over a period ending November 1, 1986. Bethlehem and Northridge Petroleum Marketing, Inc. (Northridge) entered into a gas sales agreement dated February 22, 1985. Under the agreement, Northridge would make available on a best-efforts, interruptible basis up to 25 MMcf of gas per day and 6 Bcf per year, up to 12 Bcf for the period ending November 1, 1986. Bethlehem would attempt to take an average of 15 MMcf of gas per day on a best-efforts basis, although it may take all the gas Northridge has available up to 25 MMcf per day. Although the primary term of the contract extends through November 1, 1986, it is automatically extended for successive two-year terms unless terminated by either party giving 60-day notice prior to the expiration of a term.

Deliveries under the contract will begin on the first day of the month following the month in which all necessary approvals are received unless this occurs during the last five days of the month. In that case, deliveries would commence on the first day of the second month following the month in which approvals are received.

The price at the point of importation initially will be $2.87 (U.S.) per Mcf and will be subject to renegotiation at any time by either party giving the other 30-days notice. The contract also provides for renegotiation at any time if the price netted back to Express, Alberta, is lower than the Alberta border price set monthly by the Alberta Petroleum Marketing Commission. There is no minimum purchase obligation and the only take-or-pay requirement relates to volumes nominated by Bethlehem and actually delivered by Northridge to the intervening transporters at the time of contract termination. Sales and deliveries will be on a best-efforts basis by Northridge, as requested by Bethlehem in monthly volume nominations. Bethlehem retains the right to restrict or cease taking the imported supplies at any time and for so long as it deems it expedient to do so.

Bethlehem maintains that the importation will be in the public interest. It asserts that the importation will place downward pressure on high-cost domestic suppliers. Bethlehem alleges that this downward price pressure ultimately benefits the residential, commercial and industrial customers of the local distributing companies which purchase from such domestic suppliers by fostering lower-priced natural gas supplies. Also, there is nothing in its contract to prevent Bethlehem from switching to alternate lower-priced gas supplies or to other alternate fuels.

According to Bethlehem's application, the Canadian gas will come from reserves owned or controlled by producers in the Province of Alberta, Canada, or from such other sources as may be required from time to time. No new facilities will be required to implement the proposed importation. The imported volumes will be transported for Northridge by NOVA, an Alberta Corporation, to the Alberta border and thereafter will be transported to the international boundary at Emerson, Manitoba, by TransCanada PipeLine Limited. Bethlehem states that there are five potential transporters within the United States that have indicated a willingness to transport the gas for Bethlehem through existing pipeline facilities—ANR Pipeline Company, Great Lakes Transmission Company, Northern Natural Gas Company, Natural Gas Pipeline Company of America (Natural) and Midwestern Gas Transmission Company. No final transportation agreements had been reached at the date of the applicant's filing. The gas would ultimately be delivered to the Northern Indiana Public Service Company (NIPSCO), the existing utility supplier of Bethlehem's Burns Harbor,

Indiana, plant, for redelivery to Bethlehem.

The gas to be imported would initially displace a portion of the gas being purchased from MidCon Ventures, Inc. (MidCon), an affiliate of Natural. Under the MidCon arrangement, Bethlehem is currently purchasing up to 25 MMcf per day delivered to the Burns Harbor plant by Natural and NIPSCO. The MidCon gas began flowing on September 1, 1984, according to Bethlehem.

II. Interventions and Comments

A notice of Bethlehem's application was issued on April 10, 1985, inviting protests and motions to intervene to be filed by May 23, 1985.[1] Motions to intervene were filed by Natural, NIPSCO, and Northern Natural Gas Company, Division of Internorth, Inc. (Northern).

Northern, an interstate pipeline company serving the midwestern région of the United States and a potential transporter of the proposed import, intervened in its own direct interest but made no other comment. NIPSCO stated that, while it did not oppose Bethlehem's application, it strongly disagreed with Bethlehem's assertion that the import is needed to improve its reliability of supply and to exert pressure on NIPSCO to acquire lower-priced supplies to remain competitive. NIPSCO asserted that it has been supplying reliable service to Bethlehem for many years, will continue to do so, and that its industrial rates are already highly competitive. Natural, a major pipeline supplier to NIPSCO, intervened and protested the application on the grounds that unfair competition would result from the proposed import, but did not request further proceedings. This order grants intervention to all movants.

III. Decision

Bethlehem's application has been reviewed to determine if it conforms with Section 3 of the Natural Gas Act. Under Section 3, an import is to be authorized unless there has been a finding that the import "will not be consistent with the public interest."[2] In making this finding, the Administrator of the ERA is guided by the statement of policy issued by the DOE relating to the regulation of natural gas imports.[3] Under this policy, the competitiveness of an import arrangement in the markets served is the primary consideration for meeting the public interest test.

In its motion to intervene and protest, Natural stated that unfair competition would result if Bethlehem's application were approved. Natural asserted that Bethlehem's price of $2.87 (U.S.) per Mcf is significantly lower than that available to Natural from its Canadian suppliers because the proposed import was not subjected to the same Canadian floor price limitations as its arrangement was. Natural expressed concern that Bethlehem's import could have the anomalous effect of backing out firm sales of Canadian gas. Natural asserted that such action could undermine negotiations completed by long-term purchasers to bring prices more in line with market forces. Natural urged that the ERA give careful consideration to the effect of spot sales on long-term supplies.

The ERA believes that the competitiveness of an import is of prime concern. The policy of this agency is to promote competition, and the applicant's import brings new and positive competitive forces to its marketplace. Purchasers will avail themselves of short-term arrangements when they are competitive with available long-term arrangements. The ERA has ruled in numerous import cases that it does not intend to protect long-term import arrangements from competition.[4] Natural has options available to it to meet competition, as do other pipelines. Natural has indicated that the new prices under its contracts were the result of direct negotiations to bring prices more in line with market forces. Natural may continue to pursue such options.

Natural alleged that the proposed import could undermine negotiations completed by long-term purchasers to bring prices more in line with market forces. The ERA is not persuaded by this argument. The Canadian government and gas industry are moving to correct price disparities that have existed for the past several years between U.S. and Canadian supplies serving U.S. markets. There has been no sign of reluctance by Canadian exporters to negotiate in response to competition, and it is unlikely that the competition from the Bethlehem/Northridge arrangement will change this.

Natural claimed that unfair competition would result if the proposed import is approved because the $2.87 (U.S.) per Mcf price Bethlehem will pay is significantly lower than that available to Natural because of differing floor prices imposed by Canada on Natural's and Bethlehem's contracts. While the DOE has urged the Canadian government remove floors from its export prices, the ERA does not intend to disapprove import arrangements that are competitive and that put pressure on other arrangements to become more competitive.

The Bethlehem arrangement for the import of Canadian gas, as set forth in the application, is wholly consistent with the DOE policy guidelines. The volumes will be imported on a short-term, interruptible basis. No minimum purchase provisions or take-or-pay obligations are included in the contracts. There are renegotiation provisions and adjustments as necessary to enable response to market changes over the term of the arrangement. These components of the arrangement, taken together, provide sufficient flexibility to ensure that the gas will only be imported when it is fully competitive.

The gas import policy guidelines recognize that the need for an import is a function of competitiveness. Under this best-efforts, interruptible arrangement, Bethlehem will opt to purchase gas only to the extent it is competitive with other fuels at its plant. The security of this import supply is not an issue here because of the short-term, interruptible nature of the contract.

After taking into consideration all of the information in the record of this proceeding, I find that the authorization requested by Bethlehem is not inconsistent with the public interest and should be granted.[5]

Order

For the reasons set forth above, pursuant to Section 3 of the Natural Gas Act, it is ordered that:

A. Bethlehem Steel Corporation is authorized to import up to 25 MMcf per day and up to 12 Bcf of Canadian gas during the period beginning on the date

[1] 50 FR 15958, April 23, 1985.

[2] 15 U.S.C. § 717b.

[3] 49 FR 6684, February 22, 1984.

[4] See *Northwest Natural Gas Company*, DOE/ERA Opinion and Order No. 65, issued December 10, 1984 (1 ERA ¶ 70.577 *Cascade Natural Gas Corporation*, DOE/ERA Opinion and Order No. 66, issued December 10, 1984 (1 ERA ¶ 70.578); *Southwest Gas Corporation*, DOE/ERA Opinion and Order No. 69, issued December 18, 1984 (1 ERA ¶ 70.581); *Cabot Energy Supply Corporation*, (DOE/ERA Opinion and Order No. 72, issued February 26, 1985 (1 ERA ¶ 70.124); *Northwest Alaskan Pipeline Company, DOE/ERA Opinion and Order No. 73, issued February 28, 1985 (1 ERA* ¶ 70.585); and *Tennessee Exchange Corporation and LHC Pipeline Company*, DOE/ERA Opinion and Order No. 80, issued May 6, 1985 (1 ERA ¶ 70.596).

[5] The DOE has determined that because existing pipeline facilities will be used and no new construction is being undertaken specifically for this import, granting this application clearly is not a Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*) and therefore an environmental impact statement or environmental assessment is not required.

of issuance, and ending November 1, 1986, in accordance with the provisions of the contract submitted as part of the application.

B. Bethlehem shall notify the ERA in writing of the date of the first delivery of gas authorized in ordering paragraph A within two weeks after deliveries begin.

C. Bethlehem shall file with the ERA in the month following each calendar quarter, quarterly reports showing, by month, the quantities of natural gas imported under this authorization, and the price per Mcf paid for those volumes.

D. The motions to intervene as set forth in this Opinion and Order, are hereby granted, subject to the administrative procedures in 10 CFR Part 590, provided that participation of the intervenors shall be limited to matters specifically set forth in their motions to intervene and not herein specifically denied, and that the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order issued in these proceedings.

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

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 85-14105 Filed 6-11-85; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board, International R&D Panel; Open Meeting

Notice is hereby given of the following meeting:

Name: International R&D Panel of the Energy Research Advisory Board (ERAB).

Date & Time: June 26, 1985—9:00 a.m.–5:00 p.m.

Place: Department of Energy, 1000 Independence Avenue, SW., Room 4A-110, Washington, DC 20585.

Contact: William L. Woodard, Department of Energy, Office of Energy Research, 1000 Independence Avenue, SW., Washington, DC 20585.

Purpose of the Parent Board

To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department. The purpose of the Panel is to report to the parent Board on international energy R&D and specifically on international collaboration on large scale scientific and technology programs involving longtime horizons for energy research and development.

Tentative Agenda

- Review of Draft Report.
- Administrative Items.
- Future Meeting Schedule.

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William Woodard at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on May 23, 1985.

Charles E. Cathey,

Deputy Director, Science and Technology Affairs Staff, Office of Energy Research.

[FR Doc. 85-14215 Filed 6-11-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER85-527-000]

Centel Corp.; Filing

June 6, 1985.

The filing Company submits the following:

Take notice that on May 20, 1985, Centel Corporation (Centel) tendered for filing Appendix No. 1 to Service Schedule P (Participation Power Service), as a part of the Electronic Interconnection and Interchange Agreement dated June 27, 1963 between Centel Corporation, formerly Western Light & Telephone Company, Inc., and Midwest Energy, Inc., formerly Central Kansas Electric Cooperative, Inc. Centel states that this Appendix contains the rate determination calculations for the contract year beginning June 1, 1985 and ending May 31, 1986.

Centel requests an effective date of June 1, 1985, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy 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 14, 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. 85-14209 Filed 6-11-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER85-529-000, et al.]

Electric Rate and Corporate Regulation Filings; Cliffs Electric Service Company et al.

June 7, 1985.

Take notice that the following filings have been made with the Commission:

1. Cliffs Electric Service Company

[Docket No. ER85-529-000]

Take notice that on May 22, 1985, Cliffs Electric Service Company (Service Company) tendered for filing a three year Power Sales Agreement with Wisconsin Public Power Incorporated System. The Agreement provides for the sale of up to 30,000 kilowatts of firm power and associated energy.

Service Company requests an effective date of June 1, 1985, and therefore requests waiver of the Commission's notice requirements.

Comment date: June 17, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. The Washington Water Power Company

[Docket No. ER85-536-000]

Take notice that the Washington Water Power Company (Washington) on May 24, 1985, tendered for filing FERC Electric Tariff Original Volume No. 1 of the Washington Water Power Company.

Washington's Rate Schedule W-1 is available to all electric utilities as Purchasers of Washington's nonfirm energy. The rate schedules apply to energy delivered from purchased power, thermal resources, noncontrollable and controllable hydroelectric resources. Two additional schedules include share-savings and provisional energy.

Washington requests an effective date of June 1, 1985 and therefore requests a waiver of the Commission's notice requirements.

Comment date: June 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Southwestern Electric Power Company

[Docket No. ER85-534-000]

Take notice that on May 23, 1985, Southwestern Electric Power Company ("SWEPCO") tendered for filing rates applicable to the City of Bentonville, Arkansas ("Bentonville") for the period February 1, 1985 to December 31, 1985. Such rates were calculated pursuant to the Amendment, dated September 28, 1982, to the Contract for Electric Service, dated July 31, 1983, between SWEPCO and Bentonville, FERC Rate Schedule No. 69. SWEPCO asks that the rates be made effective as of February 1, 1985 and, accordingly, requests waiver of the notice requirements under the Federal Power Act. Copies of the filing have been served on Bentonville and on the Arkansas Public Service Commission.

Comment date: June 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Florida Power Corporation

[Docket No. ER85-539-000]

Take notice that on May 28, 1985, Florida Power Corporation (Florida Power) tendered for filing Service Schedules A, B, F and X providing for emergency, short term firm, assured capacity and energy, and extended economy interchange services with the City of Homestead, Florida. Florida Power states that Service Schedules A, B, F and X are executed pursuant to the Contract for Interchange Service dated October 14, 1977 between Florida Power and the City of Homestead, which contract is designated as Florida Power's Rate Schedule FERC No. 82. Service Schedules A, B, F and X are submitted for inclusion as supplements to that rate schedule. Florida Power also tendered for filing revised pages 5, 5a and 5b of the Contract for Interchange Services to reflect the addition of new service schedules.

Florida Power requests that Service Schedules A, B, F and X and revised pages 5, 5a and 5b of the Contract for Interchange Service be permitted to become effective June 1, 1985, and therefore, requests waiver of the sixty day notice requirement. Copies of this filing have been served upon the City of Homestead and the Florida Public Service Commission.

Comment date: June 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power & Light Company

[Docket No. ER85-541-000]

Take notice that Florida Power & Light Company (FPL), on May 28, 1985, tendered for filing a document entitled Amendment Number Fifteen to Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Homestead, Florida (Rate Schedule FERC No. 55).

FPL states that under Amendment Number Fifteen, FPL will transmit power and energy for City of Homestead, Florida as is required in the implementation of its interchange agreement with Florida Power Corporation for Service Schedule A—Emergency Interchange Service, Schedule B—Short Term Firm Interchange Service, and Service Schedule D—Firm Interchange Service.

FPL requests that waiver of Section 35.3 of the Commission Regulations be granted and that the proposed Amendment be made effective immediately. FPL states that copies of the filing were served on the Director of Utilities, City of Homestead, Florida.

Comment date: June 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Montaup Electric Company

[Docket No. ER85-537-000]

Take notice that on May 24, 1985, Montaup Electric Company ("Montaup") tendered for filing an amended Exhibit A to Article 2.3 of the contract demand agreement between Montaup and the Town of Middleborough, Massachusetts ("Middleborough"). The agreement is Supplement No. 3 of Montaup's Rate Schedule FERC No. 75. The amended Exhibit A provides the charge for radial transmission service to Middleborough for calendar year 1985 and is based on year-end 1984 investment and capitalization. As shown in Exhibit A, that charge is increased by $1,824 above the charges in effect for 1984, which is based on year-end 1983 investment and capitalization.

According to Montaup copies of the filing have been served upon the Massachusetts Department of Public Utilities and the Town of Middleborough.

Comment date: June 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. Duke Power Company

[Docket No. ER85-530-000]

Take notice that on May 22, 1985, Duke Power Company (Duke Power) tendered for filing a supplement to the Company's Electric Power Contract with Lockhart Power Company. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 252.

Duke Power further states that the Company's contract supplement, made at the request of the customer and the agreement obtained from the customer, provides the following increases in contract demand: Delivery Point No. 1 from 8,000 KW to 9,000 KW and Delivery Point No. 3 from 33,000 KW to 44,000 KW.

Duke Power indicates that this supplement also includes an estimate of sale and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of July 19, 1985.

According to Duke Power copies of this filing were mailed to Lockhart Power Company and the South Carolina Public Service Commission.

Comment date: June 17, 1985, in accordance with Standard Paragraph E at the end of this notice.

8. Pacific Gas and Electric Company

[Docket No. ER85-540-000]

Take notice that on May 28, 1985, Pacific Gas and Electric Company ("PG and E") tendered for filing changes to the rate schedules under the Interconnection Agreement between PGandE and Northern California Power Agency (the "NCPA Agreement").

The NCPA Agreement provides for firm transmission service between Points of Receipt and Points of Delivery. Northern California Power Agency ("NCPA") wishes to include a new Point of Receipt and Delivery at PGandE's Tesla Substation ("Tesla"). The new Point of Receipt at Tesla will allow NCPA to import power over the existing Pacific Northwest-Southwest Intertie pursuant to the assignment by the Sacarmento Municipal Utility District ("SMUD") of transmission service under its EVH Contract (FERC Docket No. ER85-342).

PGandE states that since the contractual arrangements have just concluded, PGandE must request a waiver of the Commission's notice requirements. PGandE requests an effective date of May 1, 1985.

PG and E requests that the new Point of Receipt and Delivery at Tesla should

be effective only until the earliest of the following:

(1) May 1, 1986; or

(2) The date when the California-Oregon Transmission Project (the "Project") becomes operational; or

(3) The date when the participation of PG and E in the Project is terminated because the approvals required under Section 11.4 of the Project's Memorandum of Understanding (the "MOU") cannot be obtained or because those approvals are unsatisfactory to PG and E; or

(4) The date when the Project is terminated prior to its operations, such termination to be deemed to have occurred on January 1, 1983, if no work has been on the Project for three years prior to that date.

Comment date: June 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

9. Wisconsin Public Service Corporation

[Docket NO. ER85-535-000]

Take notice that Wisconsin Public Service Corporation (WPS) on May 23, 1985, tendered for filing revisions to the Participation Capacity and Contract Energy, Emergency Energy, Short Term Power, Maintenance Energy, and General Purpose Energy service schedules of the following WPS rate schedules:

FPC No. 17—Interconnection Agreement with Wisconsin Power and Light Co.

FPC No. 26—Interconnection Agreement with Northern States Power Co.

FPC No. 30—Interconnection Agreement with Wisconsin Electric Power Co.

FPC No. 33—Power Pool Agreement with Wisconsin Power and Light Company and Madision Gas and Electric Co.

WPS states that the proposed service schedule revisions are unilateral and provide for a more appropriate transmission use charge for third party transactions of 1.51 mills/Kwh instead of the existing 0.58 mills/Kwh. The proposed charge is based on commonly accepted FERC methodology and more current costs. No other revisions are proposed to the currently effective wording of these service schedules.

WPS proposes an effective date of August 1, 1985 for the revision of these service schedules.

WPS says that copies of this filing have been served upon Madison Gas and Electric Company, Northern States Power Company, Wisconsin Electric Power Company, Wisconsin Power and Light Company, and the Public Service Commission of Wisconsin.

Comment date: June 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

10. Niagara Mohawk Power Corporation

[Docket No. ER85-532-000]

Take notice that Niagara Mohawk Power Corporation (Niagara), on May 23, 1985 tendered for filing as a rate schedule, an agreement between Niagara and Central Hudson Gas and Electric Corporation (Central Hudson) dated March 14, 1985.

Niagara presently has on file an agreement with Central Hudson dated November 1, 1983. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 128. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the rate for providing transmission service for Central Hudson for the delivery of pumping and generating energy in connection with pumped storage power service provided to Central Hudson by the Power Authority of the State of New York (PASNY) from PASNY's Blenheim-Gilboa Pumped Storage Project. Niagara requests an effective date of July 1, 1984.

copies of the filing were served upon the followng:

Central Hudson Gas and Electric Corporation, 284 South Avenue, Poughkeepsie, NY 12602

Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, NY 12223.

Comment date: June 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

11. Niagara Mohawk Power Corporation

[Docket No. ER85-533-000]

Take notice that Niagara Mohawk Power Corporation (Niagara), on May 23, 1985 tendered for filing as a rate schedule, an agreement between Niagara and Central Hudson Gas and Electric Corporation (Central Hudson) dated October 1, 1984.

Niagara presently has on file an agreement with Central Hudson dated February 14, 1975. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 88. This new agreement is being transmitted as a supplement to the existing agreement.

This supplement revises the transmission rate for transmitting FitzPatrick power and energy from the Power Authority of the State of New York to Central Hudson as provided for in the terms of the original agreement. Niagara requests the Commission to allow said agreement to become effective as of September 1, 1984.

Copies of the filing were served upon the following:

Central Hudson Gas and Electric Corporation, 284 South Avenue, Poughkeepsie, NY 12602

Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, NY 12223.

Comments date: June 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14211 Filed 6-11-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-94-001 et al.]

Natural Gas Certificate Filings; Columbia Gas Transmission Corporation et al.

Take notice that the following filings have been made with the commission:

1. Columbia Gas Transmission Corporation

[Docket No. CP85-94-001]

June 5, 1985.

Take notice that on May 29, 1985, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP85-94-001 an amendment to its pending application filed with the Commission on November 7, 1984 in Docket No.CP85-94-000 pursuant to section 7(c) of the Natural Gas Act to reflect alternative levels of service to a new wholesale customer, Eastern Shore Natural Gas Company (Eastern Shore), all as more fully set forth in the

amendment which is on file with the Commission and open to public inspection.

It is indicated that in the application Applicant requested authorization for:

(1) Initiation of service to Eastern Shore under Rate Schedule CDS providing for a contract demand of up to 3,000 dt equivalent of gas per day, and under Rate Schedule WS providing for a maximum daily quantity of 1,300 dt equivalent per day, and a winter contract quantity of 65,000 dt equivalent, to be effective November 1, 1984 or such later date as the Commission may authorize.

(2) An increase in contract demand under Rate Schedule CDS of 425 dt equivalent of gas per day, from 3,000 to 3,425 dt equivalent per day, and an increase in maximum daily quantity an Rate Schedule WS of 700 dt equivalent of gas per day, from 1,300 to 2,000 dt equivalent per day, and an increase in winter contract quantity of 35,000 dt equivalent of gass from 65,000 to 100,000 dt equivalent, all to be effective November 1, 1985.

Pursuant to an April 15, 1985 precedent agreement between Eastern Shore and Applicant, Applicant now requests authorization for the following alternative service levels:

1(A) Initiation of servce to Eastern Shore under Rate Schedule CDS providing for a contract demand of up to 750 dt equivalent of gas per day, and under Rate Schedule WS providing for a maximum daily quantity of 1,360 dt equivalent of gas per day, and a winter contract quantity of 68,000 dt equivalent of gas, to be effective November 1, 1984 or such later date as the Commission my authorize.

2(A) An increase in contract demand under Rate Schedule CDS of 425 dt equivalent of gas per day, from 750 to 1,175 dt equivalent per day, and an increase in maximum daily quantity under Rate Schedule WS of 750 dt equivalent of gas per day, from 1,360 to 2,110 dt equivalent per day, and an increase in winter contract quantity of 37,500 dt equivalent of gas, from 68,000 to 105,000 dt equivalent, all to be effective November 1, 1985.

Applicant states that its existing pipeline system has adequate capacity to provide the alternative service levels requested by Eastern Shore without the construction of any additional facilities. Applicant indicates that in all respects, other than the proposed levels of service, Applicant's application in Docket No. CP85-94-000 remains unchanged.

Comment date: June 19, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. United Gas Pipe Line Company

[Docket No. CP85-528-000]

June 7, 1985.

Take notice that on May 20, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-538-000 a request pursuant to § 157.205 of the Regulations (18 CFR 157.205) for permission and approval to abandon service and a farm tap located on United's Iowa-Marksville 6-inch line in Bunkie, Avoyelles Parish, Louisiana, under the authorization issued in Docket No. CP82-430-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that the subject farm tap was constructed in 1931 and was authorized in Docket No. CP71-89. United further states the farm tap has been used to provide natural gas service to the residence of Flora Randolph and to the Second Union Baptist Church through Entex, Inc. (Entex), the local distribution company and the only customer United serves through the tap. United avers the tap has been rendered unnecessary since Entex has connected its distribution system directly to the residence and the church. United advises that the proposed abandonment would be achieved without detriment or disadvantage to United's other customers.

Comment date: July 22, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP85-512-000]

June 7, 1985.

Take notice that on May 16, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-512-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of a qualified end-user under the certificate issued in Docket No. CP82-401-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

The proposed transportation service would be performed in accordance with the terms and conditions of a transportation agreement dated March 15, 1985, between Northern and Armour-Dail, Inc. (Armour), for a term not to extend beyond June 30, 1985, or such date as the Commission may extend the current end-user transportation program, whichever is later. Northern states that the agreement provides for the transportation of up to 5,000 Mcf of natural gas per day on an interruptible basis. It is explained that Armour would have gas delivered to Northern at an existing interconnection with Funk Fuels Corporation located in Beaver County, Oklahoma, and that Northern would transport equivalent volumes to Northern Illinois Gas Company at an existing interconnection located near East Dubuque, Illinois, for ultimate delivery to Armour. It is stated that Northern would charge Armour 34.2 cents per Mcf of gas transported. It is explained that the gas would be used as boiler fuel to produce steam at Armour's soap plant at Montgomery, Illinois.

Northern also requests authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Northern will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quanities herein and not to increase those quantities.

Comment date: July 22, 1985, in accordance with Standard Paragraph G at the end of this notice.

4. Natural Gas Pipeline Company, of America

[Docket No. CP85-521-000]

June 7, 1985.

Take notice that on May 20, 1985, Northern Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP85-521-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Phillips Petroleum Company (Phillips), an industrial end-user, under the certificate issued in Docket No. CP82-402-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with

the Commission and open to public inspection.

Natural proposes to transport up to 20 billion Btu of natural gas per day on an interruptible basis for Phillips for a term to end no later than March 11, 1987, should the Commission extend the end-user transportation program beyond June 30, 1985. Natural indicates that the gas to be transported would, in part, be gas owned and developed by Phillips and, in part, gas purchased from numerous independent produces in first sales and that such volumes were not dedicated to interstate commerce on November 8, 1978.

Natural stated it would receive said volumes of natural gas from the gathering systems of two of Phillips affilates located on the tailgate of the Amoco Old Ocean processing plant, in Brazoria County, Texas, and redeliver thermally equivalent volumes of natural gas to Phillips at an existing interconnection between Natural's and Phillips' facilities also located in Brazoria County. Natural states it would deliver said volumes to Phillips at its Sweeny refinery for boiler fuel and process fuel use. No distributor or intrastate pipeline would be involved in this transaction, it is asserted.

Natural indicated that it would intitially charge Phillips 1.0 cent for each million Btu of natural gas transported, stating this rate is based on its settlement cost of onshore transmission in Docket No. RP83-68 and that such rate is consistent with its Rate Schedule EUT-1. In addition, Phillips would pay a Gas Research Institute surcharge, if applicable.

Natural also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by Phillips and the numerous producers involved in this proposal. The flexible authority requested is to apply only to points related to sources of gas supply not to delivery points in the market area. Natural will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quanities herein and not increase those quantities.

Comment date: July 22, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or made any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14212 Filed 6-11-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2457-002 et al.]

Hydroelectric Applications (Public Service Co., of New Hampshire et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspections.

a. Type of Applicantion: New Major License.

b. Project No.: 2457-002.

c. Date Filed: December 10, 1984.

d. Applicant: Public Service Company of New Hampshire.

e. Name of Project: Eastman Falls.

f. Location: On the Pemigewasset River in Merrimack and Belknap Counties, New Hampshire.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Roy Barbour, Vice President, Public Service Company of New Hampshire, 1000 Elm Street, P.O. Box 330, Manchester, New Hampshire 03105.

i. Comment Date: July 31, 1985.

j. Description of Project: The existing operating project commenced operation in 1910 and was issued an initial license in 1969, which will expire in 1987. The Licensee has filed for a new liocense for the continued operation of the project. The existing project consists of: (1) A reinforced concrete gravity dam, 341 feet long and 31 feet high with a crest elevation of 301 feet USGS; (2) f-foot-high hinged steel flashboards extending to elevation 307 feet USGS; (3) a 16-foot-high, 30-foot-wide steel wastegate located at the west and of the dam; (4) a powerhouse divided into two sections; (a) the western section contains a 4,600-KW unit and; (b) the eastern section contains a 1,800-KW unit for a total installed capacity of 6,400 KW; (5) a transmission line, 100 feet long; and (6) appurtenant facilities. The project generates an average of 26,600 HWh annually. The dam ius owned by the Public Service Company of New Hampshire. The existing project would be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. The cost of the existing project is $22,074,000.

k. Purpose of Project: Project power would continue to be solid to the customers of the Public Service Company of New Hampshire.

l. This notice also consists of the following standard paragraphs: B and C.

2 a. Type of Application: Exemption 5 MW or Less.

b. Project No.: P-8999-000.

c. Date Filed: March 4, 1985.

d. Applicant: White's Bridge Hydro Company.

e. Name of Project: White's Bridge.

f. Location: On the Flat River in Ionia County, Michigan.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2709.

h. Contact Person: Victor D. Leabu, White's Bridge Hydro Company, 6023 Winans Drive, Brighton, MI 48116.

i. Comment Date: July 10, 1985.

j. Description of Project: The proposed project would consist of: (1) an existing dam 24-feet-high and 120-feet-long including spillway at elevation 732 m.s.l. owned by the Applicant; (2) an existing 300-acre reservoir with a storage capacity of 1500 acre-feet at elevation 732 m.s.l.; (3) a rehabilitated powerhouse to contain a generating unit with a capacity of 775 kW which would discharge flows back into the Flat River; (4) an existing 3-phase transmission line 300 feet long; and (5) appurtenant facilities. The estimated average annual energy produced by the project would be 3 million kWh operating under a net hydraulic head of 17 feet. Project power will be sold to Consumers Power Company.

k. This notice also consists of the following standard paragraphs: A1, A9, B, C, D3a.

l. Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

3 a. Type of Application: Preliminary Permit.

b. Project No.: 9065–000.

c. Date Filed: March 28, 1985.

d. Applicant: Burlington Energy Development Associates..

e. Name of Project: Risingdale Pond.

f. Location: Housatonic River in Berkshire County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(A)–825(r).

h. Contact Person: Mr. John R. Anderson, Burlington Energy Development Associates, 64 Blanchard Road, Burlington, MA 01803.

i. Comment Date: July 31, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing 20-foot-high, 120-foot-long concrete dam owned by the Rising Paper Company; (2) an existing reservoir with a surface area of 2 million square feet and a storage capacity of 15 million cubic feet at water surface elevation 712 feet msl; (3) an existing 8-foot-high, 40-foot-wide, 500-foot-long canal; (4) an existing powerhouse containing a generating unit with a rated capacity of 800 kW; and (5) a proposed 200-foot-long transmission line tying into the existing Western Massachusetts Electric Company System. The Applicant estimates a 3.5 million kWh average annual energy production.

k. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $24,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

4 a. Type of Application: Preliminary Permit.

b. Project No: 9082–000.

c. Date Filed: April 1, 1985.

d. Applicant: Burlington Energy Development Associates.

e. Name of Project: Dalton Dam No. 1.

f. Location: East Branch Housatonic River in Berkshire County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mr. John R. Anderson, Burlington Energy Development Associates, 64 Blanchard Road, Burlington, MA 01803.

i. Comment Date: July 31, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing 13-foot-high, 200-foot-long fitted stone dam owned by Crane and Co., Inc.; (2) an existing reservoir with a surface area of 200,000 square feet and a storage capacity of 1 million cubic feet at water surface elevation 1,010 feet msl; (3) a proposed powerhouse at the base of the dam containing a generating unit with a rated capacity of 100 kw; and (4) a proposed 60-foot-long transmission line tying into the existing Western Massachusetts Electric Company System. The Applicant estimates a 440,000 kWh average annual energy production.

k. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $8,500.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

5 a. Type of Application: Preliminary Permit.

b. Project No: 9081–000.

c. Date Filed: April 1, 1985.

d. Applicant: Burlington Energy Development Associates.

e. Name of Project: Center Pond.

f. Location: East Branch Housatonic River in Berkshire County, Massachusetts.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a) 825(r).

h. Contact Person: Mr. John R. Anderson, Burlington Energy Development Associates, 64 Blanchard Road, Burlington, MA 01803.

i. Comment Date: July 31, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing 19-foot-high, 120-foot-long concrete dam owned by Byron Weston Co., Inc.; (2) an existing reservoir with a surface area of 1 million square feet and a storage capacity of 5 million cubic feet at water surface elevation 1,135 feet msl; (3) a proposed powerhouse at the base of the dam containing a generating unit with a rated capacity of 130 kw; and (4) a proposed 50-foot-long transmission line tying into the existing Western Massachusetts Electric Company system. The Applicant estimates a 570,000 kWh average annual energy production.

k. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $8,500.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

6 a. Type of Application: Preliminary Permit.

b. Project No: 8891–000.

c. Date Filed: January 28, 1985.

d. Applicant: Trenton Falls Hydroelectric Company.

e. Name of Project: Morgan Dam Project.

f. Location: On the West Canada Creek in the Village of Barnerald, Oneida and Herkimer Counties, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Fred T. Samel, Trenton Falls Hydroelectric Company, P.O. Box 169, Prospect, NY 13435.

i. Comment Date: July 31, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing 175-foot-long, 8-foot-high overflow dam; (2) an impoundment having a surface area of 1-acre with negligible storage and a normal water surface elevation of 752 feet m.s.l.; (3) a new 120-foot-long, 10-foot-diameter steel penstock; (4) a new powerhouse containing a generating unit with an installed capacity of 250 kW; (5) a new tailrace; (6) a new 1000-foot-long, 46-kV transmission line; and (7) appurtenant facilities. The Applicant estimates the average annual generation would be 1,824,000 kWh. The dam is owned by the New York State Department of Transportation.

k. Purpose of Project: All project energy would be sold to the Niagara Mohawk Power Corporation.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time the Applicant would perform studies to determine the feasibility of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be $46,500.

7 a. Type of Application: Small Conduit Exemption.

b. Project No.: P–9087–000.

c. Date Filed: April 3, 1985.

d. Applicant: City of Boulder, Colorado.

e. Name of Project: Sunshine Hydroelectric Facility.

f. Location: In Boulder County, Colorado.

g. Filed Pursuant to: Section 30 of the Federal Power Act, 16 U.S.C. 823(a).

h. Contact Person: Mr. Bill Mitzelfeld, City of Boulder, Utilities Division, P.O. Box 791, Boulder, CO 80306.

i. Comment Date: July 10, 1985.

j. Description of Project: The proposed project would utilize the City of Boulder's existing 30-inch water distribution system and would consist of: (1) A proposed reinforced concrete powerhouse which will house two turbine/generator units for an installed capacity of 750 kW; and; (2) appurenant facilities. The estimated average annual energy produced by the project would be 3,100,000 kWh operating under a net hydraulic head of 495 feet. Project power will be used for the City's domestic energy needs.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, D3b.

l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

8 a. Type of Application: Constructed Major License (Over 5MW).

b. Project No.: 8243–000.

c. Date Filed: March 30, 1984.

d. Applicant: Wisconsin Public Power Incorporated System.

e. Name of Project: Grandfather Falls.

f. Location: On the Wisconsin River in Lincoln County, Wisconsin.

g. Filed pursuant to: Federal Power Act 16, U.S.C. 791(a)–825(r).

h. Contact Person: Mr. Michael P. May, Boardman, Suhr, Curry and Field, One South Pinckney Street, P. O. Box 927, Madison, WI 53701.

i. Comment Date: July 10, 1985.

j. Competing Application: Project No. 1966, Date Filed: December 20, 1984, Due Date: July 5, 1985.

k. Description of Project: The existing project is owned by the Wisconsin Public Service Corporation and would consist of: (1) The 410–foot-long and 36–foot-high reinforced concrete dam; (2) the reservoir with a surface area of 200 acres and a storage capacity of 2,540 acre-feet at powerpool elevation of 1,396 feet m.s.l.; (3) the 4,000-foot-long by 11-foot-deep power canal; (4) the two 1,400-foot-long, 13.5-foot and 11-foot diameter wood stave penstocks which connect to two steel penstocks that are 61.5 feet and 68.75 feet long; (5) the powerhouse containing two generating units rated at 6,240 kW and 11,000 kW, respectively, for a total installed capacity of 17,240 kW; (6) the tailrace; (7) the 6.9–kV transmission line; and (8) appurtenant facilities. The average annual energy generation is estimated to be 102.4 GWh.

l. Purpose of Project: The energy generated at the project would be fed into the Applicant's electric system.

m. This notice also consists of the following standard paragraphs: A4, B and C.

9 a. Type of Application: Exemption (5 MW or Less).

b. Project No: 8235–001.

c. Date Filed: January 30, 1985.

d. Applicant: Hydroelectric Development, Inc.

e. Name of Project: Lower Robertson Dam.

f. Location: On the Ashuelot River in Cheshire County, New Hampshire.

g. Filed Pursuant to: Energy Security Act of 1980, section 408, 16 U.S.C. 2705 and 2708 *as amended.*

h. Contact Person: James C. Katsekas, River Engineering Corporation, 217 Rockingham Road, Londonderry, New Hampshire 03053.

i. Comment Date: July 10, 1985.

j. Description of Project: The proposed run-of-river project would consist of: (1) The existing 18-foot-high and 125-foot-long Lower Robertson Dam with a spillway crest elevation of 383.6 feet mean sea leval (msl) which would be raised 1 foot to elevation 384.6 feet msl; (2) new 1.5–foot-high flashboards to raise the normal maximum pool elevation to its historical elevation of 386.1 feet msl; (3) an impoundment with a surface area of 8.6 acres; (4) a new intake structure and powerhouse at the north end of the dam with 3 turbine-generator units with a total installed capacity of 840 kW; (5) a short tailrace; and (6) other appurtenances. Interconnection facilities are available at the site. Flashboards were last used in 1950 to create a maximum pool elevation of 386.1 feet msl. Applicant owns all existing facilities. Applicant estimates and average annual generation of 3,200,000 kWh. The Applicant filed this application within its preliminary permit term for Project No. 8235.

k. Purpose of Project: Project energy would be sold to the Public Service Company of New Hampshire.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

10 a. Type of Application: Exemption (5 MW or Less)

b. Project No: 8915–000.

c. Date Filed: January 30, 1985.

d. Applicant: Hydroelectric Development, Inc.

e. Name of Project: Upper Robertson Dam.

f. Location: On the Ashuelot River in Cheshire County, New Hampshire.

g. Filed Pursuant to: Energy Security act of 1980, section 408, 16 U.S.C. 2705 and 2708 *as amended*.

h. Contact Person: James C. Katsekas, Rivers Engineering Corporation, 217 Rockingham Road, Londonderry, New Hampshire 03053.

i. Comment Date: July 10, 1985.

j. Description of Project: The proposed run-of-river project would consist of: (1) Reconstruction of the now breached reinforced concrete Upper Robertson Dam to be 16 feet high and 208 feet long with a spillway crest elevation of 405.8 feet mean sea level (msl); (2) a small impoundment; (3) a new intake structure and powerhouse at the north end of the dam with 3 turbine-generator units with a total installed capacity of 810 kW; (4) an existing 300-foot-long tailrace; and (5) other appurtenances. Interconnection facilities are available at the site. The Upper Robertson Dam was a concrete capped timber crib structure with a spillway crest elevation of 404.3 feet msl until it was breached in 1978; 1.5-foot-high flashboards were utilized until 1950 for a normal maximum pool elevation of 405.8 feet msl. Applicant owns all existing facilities. Applicant estimates an average annual generation of 3,000,000 kWh. The application was filed during the Applicant's preliminary permit term for the Upper and Lower Robertson Dams Project No. 8235.

k. Purpose of Project: Project energy would be sold to the Public Service Company of New Hampshire.

l. This notice also consists of the following standard paragraphs: A1, A9, B, C, & D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

11 a. Type of Application: Preliminary Permit

b. Project No: 9068-000.

c. Date Filed: March 29, 1985.

d. Applicant: Colorado River Commission.

e. Name of Project: Las Vegas Wash Hydro Project.

f. Location: Las Vegas Wash in Clark County, Nevada.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Jack L. Stonehocker, Director, Colorado River Commission, 1515 East Tropicana, Suite 400, Las Vegas, NV 89109.

i. Comment Date: July 15, 1985.

j. Competing Application: Project No. 8344, Dated Filed June 4, 1984.

k. Description of Project: The proposed project would be located, in part, on National Recreation Area lands and would consist of: (1) a new diversion and intake structure within Las vegas Wash; (2) a new 11,000-foot-long, six-foot-diameter penstock; (3) a new powerhouse to contain a turbine-generator unit rated at 1,100 kW; (4) a tailrace returning flow to the Wash.; (5) a new 10-mile-long , 12-kV transmission line connecting to a Nevada Power Company substation; and (6) appurtenant facilities. the Applicant estimates that the average annual energy output would be 5,780,000 KWh.

l. Purpose of Project: Project energy would be utilized by the Applicant and/or sold to the Nevada Power Company.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $20,000.

12 a. Type of Application: Conduit Exemption.

b. Project No: 9032-000.

c. Date Filed: March 19, 1985.

d. Applicant: Swiss-American Company.

e. Name of Project: Bell Power Project.

f. Location: On Lower Fiddler Green Canal, part of Pacific Gas and Electric Company's (PG&E) water distribution system, in Placer County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Randolph C. Rowland, Associated Engineering Consultants, 124 Oakwood Drive, Suite D, Auburn, CA 95603.

i. Comment Date: July 15, 1985.

j. Description of Project: The proposed project would consist of: (1) a tap into PG&E's existing 48-inch-diameter pipe that carries water into Lower Fiddler Green Canal; (2) a 700-foot-long, 18-inch-diameter penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 100 kW to operate under a head of 80 feet; and (4) a 30-inch-diameter, 50-food-long pipe from the powerhouse to the Lower Fiddler Green Canal. A short tap will connect the powerhouse with an existing PG&E's 12-kV transmission line at the site.

k. Purpose of Project: The estimated annual generation of 280,000 kWh will be sold to PG&E.

This notice also consists of the following standard paragraphs: A3, A9, B, C and D3b.

13 a. Type of Application: Amendment to Exhibit R (Recreation Plan).

b. Project No.: P-405-019.

c. Dated Filed: April 8, 1985.

d. Applicant: Philadelphia Electric Power Company and Susquehanna Power Company.

e. Name of Project: Conowingo.

f. Location: On the Susquehanna River in Cecil and Harford Counties, Maryland; and York and Lancaster Counties, Pennsylvania.

g. Filed Pursuant to: License Articles 44 and 45.

h. Contact Person: Mr. Kurt Samuelson, Philadelphia Electric Power Company, 2301 Market Street, P.O. Box 8699, Philadelphia, PA 19101.

i. Comment Date: July 15, 1985.

j. Description of Project Amendment: The Susquehanna Power Company and the Philadelphia Electric Power Company, Licensees, for the Conowingo Dam Project FERC No. 405, filed on April 8, 1985, a report on compliance with the approved Exhibit R (recreation plan) for the project. Substantial improvements have been made by the Licensees to recreational use areas at the project.

The Licensees propose to make additional improvements to the Conowingo Boat Launch area and extend the date of its completion to 1988.

The Licensees have requested deletion of the license requirement to improve the Cold Cabin Boat Launch area.

k. This notice also consists of the following standard paragraphs: B, C and D2.

14 a. Type of Application: Exemption from Licensing.

b. Project No: 7878-000.

c. Date Filed: November 28, 1983.

d. Applicant: William A. Curtis.

e. Name of Project: Hidden Springs.

f. Location: On Hidden Springs, a tributary of Billingsley Creek in Gooding County, Idaho near the Town of Hagerman.

g. Filed Pursuant to: Energy Security Act (16 U.S.C. 2705, 2708 as amended).

h. Contact Person: Mr. Vernon F. Ravenscroft, Consulting Associates, Inc., P.O. Box 893, Boise, Idaho 83701.

i. Comment Date: July 15, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing diversion dam at an evalation of 3,105 feet; (2) an 18-inch-diameter, 288-foot-long buried penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 73 kW, operating under a head of 60 feet; and (4) a short transmission line which ties into an Idaho Power Company line.

The estimated average annual energy output would be 307,500 kWh.

Purpose of Exemption: An exemption, if issued, gives an Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. Purpose of Project: Project power will be sold to Idaho Power Company.

l. This notice also consist of the following standard paragraphs: A1, A9, B, C, and D3a.

15 a. Type of Application: Exemption (5 MW or Less).

b. Project No: 7791–001.

c. Date Filed: February 15, 1985.

d. Applicant: Hydroelectric Development, Inc.

e. Name of Project: Ashuelot Paper Company Dam.

f. Location: On the Ashuelot River in Cheshire County, New Hampshire.

g. Filed Pursuant to: Energy Security Act of 1980, Section 408, 16 U.S.C. 2705 and 2708 *as amended*.

h. Contact Person: James C. Katsekas, Rivers Engineering Corporation, 217 Rockingham Road, Londonderry, New Hampshire 03053.

i. Comment Date: July 10, 1985.

j. Description of Project: The proposed run-of-river project would consist of: (1) The existing 18-foot-high and 144.5-foot-long concrete-capped timber crib Ashuelot Paper Company Dam with a spillway crest elevation of 335.4 feet mean sea level (msl); (2) the reinstallation of 3.5-foot-high flashboards to raise the normal maximum pool elevation to 338.9 feet msl; (3) a small impoundment; (4) a new intake structure and powerhouse at the south end of the dam with 3 turbine-generator units with a total installed capacity of 870 kW; (5) a 100-foot-long tailrace; and (6) other appurtenances. Interconnection facilities are available at the site. Flashboards, 3.5 feet high, were utilized at the dam until 1963 creating a normal maximum pool elevation of 338.9 feet msl. Applicant owns all existing facilities. Applicant estimates an average annual generation of 3,300,000 kWh. The application was filed during the Applicant's preliminary permit term for the Ashuelot Paper Company Dam Project No. 7791.

k. Purpose of Project: Project energy would be sold to the Public Service Company of New Hampshire.

l. This notice also consist of the following standard paragraphs: A1, A9, B, C, & D3a.

m. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

16 a. Type of Application: Conduit Exemption.

b. Project No: 9071–000.

c. Date Filed: March 29, 1985.

d. Applicant: Calleguas Municipal Water District (CMWD).

e. Name of Project: Santa Rosa Valley.

f. Location: Pressure Reduction Station, at Santa Rosa Valley, near the City of Thousand Oaks, Los Angeles County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act, 16 U.S.C. 823(a).

h. Contact Person: Mrs. Frances B. Kimball, Manager, CMWD, 2100 Olsen Road, Thousand Oaks, CA 91362, (805) 526–9323.

i. Comment Date: July 22, 1985.

j. Description of Project: The proposed project would consist of a single turbine-generator unit with an installed capacity of 250 kW, producing an estimated average annual generation of 1.25 GWh, and located at the Oxnard-Santa Rosa Pressure Reducing Station No. 2. A 300-foot-long tap transmission line would connect the project to an existing 16-kV Southern California Edison (SCE) line. Project power would be sold to SCE.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C and D3b.

17 a. Type of Application: Major License (5 MW or Less).

b. Project No: P–8403–000.

c. Date Filed: July 2, 1984.

d. Applicant: McCallum Hydro Associates.

e. Name of Project: Windsor Locks Project.

f. Location: On the Connecticut River in the Towns of Suffield, Enfield and Windsor Locks, Hartford County, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: E.J. McCallum, McCallum Hydro Enterprises, P.O. Box 1780, Bridgeport, CT 06601–1780.

i. Comment Date: July 22, 1985.

j. Competing Application: Project No. 8404, Date Filed: July 2, 1984.

k. Description of Project: The proposed project would consist of: (1) The existing 1484-foot-long Enfield Dam which varies in height from 5 feet to 10 feet; (2) an existing 112-foot-long headworks which varies in height from 5 feet to 10 feet; (3) a proposed 900-foot-long breakwater structure which would vary in height from 7 feet to 12 feet; (4) a reservoir having a surface area of 2,470 acres, with negligible storage, and a normal water surface elevation of 38.8 feet m.s.l.; (5) an existing intake structure; (6) and existing 4.5-mile-long, 80-foot-wide, 10-foot-deep power canal; (7) a proposed powerhouse containing 2 generating units with a total installed capacity of 4,500 kW; (8) a proposed 100-foot-long, 60-foot-wide tailrace; (9) a proosed 1,500- foot-long, 23-kV transmission line; and (10) appurtenant facilities. The Applicant estimates the average annual generation would be 30,000,000 kWh. The existing dam and project facilities are owned by the Windsor Locks Canal Company.

The Applicant would also consider the following development alternative consisting of the same impoundment structures, reservoir, intake structure, and power canal as stated above, and (1) a proposed 30-foot-long, 12-foot-diameter steel penstock off the canal at the 2.5-mile point downstream; (2) a proposed powerhouse containing one generating unit with an installed capacity of 2,250 kW; (3) a proposed 40-foot-wide, 100-foot-long tailrace; (4) a 2.75-mile-long, 23-kV underground transmission line; (5) a second proposed 30-foot-long, 12-foot-diameter steel.

18 a. Type of Application: Preliminary Permit.

b. Project No.: 8762–000.

c. Date Filed: December 3, 1984.

d. Applicant: Allegheny County, Pennsylvania.

e. Name of Project: Monongahela River Locks and Dam #2.

f. Location: Monongahela River in Allegheny County, Pennsylvania.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C § 791(a)–825(r).

h. Contact Person: Mr. James W. Knox, Director, Allegheny County Hydropower Programs, 429 Forbes Avenue, Room 1307, Pittsburgh, Pennsylvania 15219.

i. Comment Date: July 15, 1985.

j. Competing Application: Project No. 8757. Date Filed: December 3, 1984.

k. Description of Project: The proposed project would utilize the existing Corps of Engineers Monongahela River L/D #2 and would consist of: (1) A new reinforced concrete intake structure; (2) a new powerhouse at the left dam abutment containing

three generating units with a capacity of 750 kW each for a total installed capacity of 2,250 kW; (3) a new 300-foot-long concrete tailrace; (4) a new transmission line, 2,640 feet long; and (5) apurtenant facilities. The Applicant estimates the average annual generation would be 13,140,000 kWh.

l. Purpose of Project: Project power would be sold to Duquesne Light Company.

m. This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.

n. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $45,000.

19 a. Type of Application: 5 MW Exemption.

b. Project No.: 9075–000.

c. Date Filed: April 1, 1985.

d. Applicant: Red Bluff Water Power Control District; PRODEK, Inc.

e. Name of Project: Red Bluff Water Power.

f. Location: On the Pecos River in Reeves and Loving Counties, Texas and Eddy County, New Mexico.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708, *as amended*).

h. Contact Person: Mr. David N. Raffel, PRODEK, Inc., P.O. Box 12608, El Paso, TX 79912.

i. Comment Date: July 15, 1985.

j. Description of Project: The proposed project would consist of: (1) An existing earth dam about 9,200 feet long and 102 high; (2) an existing emergency spillway about 790 feet long; (3) an existing service spillway, mounted by 12 Tainter gates, each 25 feet high by 15 feet wide; (4) a reservior with a water surface area of about 11,700 acres and storage capacity of about 310,000 acre-feet at maximum normal water surface elevation of 2841.7 NGVD; (5) two existing penstocks controlled by butterfly valves; (6) an existing concrete powerhouse, approximately 41.5 feet by 32 feet, which will house two rehabilitated turbine-generator units with a total installed capacity of 2,300 kW; (7) approximately 40 feet of existing underground transmission line at 22.5-kV; and (8) appurtenant facilities. Applicant estimates that the average annual energy would be 1,350,000.

k. Purpose of Project: The Applicant anticipates that project energy will be sold to the Texas Electric Service Company.

l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

m. This notice also consists of the following standard paragraphs: A1, A9, B, C, and D3a.

a. 20 Type of Application: Amendment of License.

b. Project No.: 632–001.

c. Date filed: October 19, 1984.

d. Applicant: Monroe City Corporation.

e. Name of Project: Lower Monroe Hydro Project.

f. Location: On Monroe Creek in Sevier County, Utah.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Mayor Myron Madsen, Monroe City, Monroe, UT 84654.

i. Comment Date: July 12, 1985.

j. Description of Projects: The project as relicensed on November 21, 1978, consisted of: (1) A 3-foot-high and 13-foot long concrete overflow-type diversion dam topped with 3-foot-high flashboards; (2) a concrete intake structure with a trash rack and a 21-inch diameter cast iron pipeline 100 feet long; (3) a 4,405-foot long welded steel penstock of which 24 feet is 20-inch diameter pipe and 4,381 feet is 16-inch diameter pipe; (4) a powerhouse containing a Pelton wheel connected to a generator rated at 100 kW; (5) a 2.4-kV 3-pphase generator lead and a transmission line approximately 3,570 feet long; and (6) appurtenant facilities.

The proposed amendment would abandon the exisiting powerplant site, would construct new facilities about 4,000 feet downstream, and would consist of: (1) a new penstock extension, 16 inches in diameter and about 4,000 feet long; (2) a new powerhouse to contain a new turbine-generator unit having a total rated capacity of 250 kW; (3) a tailrace returning flow to monroe Creek; (4) a new transmisson line connecting to an existing line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,275,456 kWh.

k. Purpose of Project: Project energy would be utilized by the Applicant.

l. This notice also consists of the following standard paragraphs: B, C and D1.

Competing Applications

A1. Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A2. Exemption for Small Hydroelectric Power Project under 5MW Capactiy—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric exemption will not be accepted in response to this notice.

A3. License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file competing application must submit to the Commission, on or before the specified comment data for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file

such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

A4. License or Conduit Exemption—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectic exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit: Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 CFR 4.33(a) and (d).

A6. Preliminary Permit: No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or where there are proposed major modifications, must submit to the Commission or or before, the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33(a) and (d).

A7. Preliminary Permit—Except as provided in the following paragraph, any qualified license, conduit exemption, or small hydroelectic exemption applicatant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectic exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) a preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33(a) and (d).

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) a preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectic exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33(a) and (d).

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§ 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower

Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coorination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: June 6, 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14213 Filed 6-11-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ID-1835-004 et al.]

Interlocking Directorate Applications, Brian A. Parent et al.

June 5, 1985.

Take notice that the following filings have been made with the Commission:

1. Brian A. Parent

[Docket No. ID-1835-004]

Take notice that on May 16, 1985, Brian A. Parent (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President-Planning and Rates—Atlantic City Electric Company
Director—Deepwater Operating Company

Comment date: June 17, 1985, in accordance with Standard Paragraph E at the end of this notice.

J. David McCann

[Docket No. ID-2178-000]

Take notice that on May 16, 1985, J. David McCann (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Assistant Treasurer, Assistant Secretary—Atlantic City Electric Company
Treasurer, Assistant Secretary—Deepwater Operating Company

Comment date: June 17, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14210 Filed 6-11-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST85-772-000, et al.]

United Gas Pipe Line Co. et al.; Self-Implementing Transactions

June 10, 1985.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to Section 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidential to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate under 18 CFR 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protests with reference to a transaction reflected in this notice should on or before June 27, 1985, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants 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. [1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date	Transportation rate (¢/MMBtu)
ST85-772	United Gas Pipe Line Co	Owens-Illinois, Inc	04-01-85	F(157)		
ST85-773	United Gas Pipe Line Co	Endevco Pipeline Co	04-01-85	B		
ST85-774	United Gas Pipe Line Co	Shreveport Intra. Gas Trans., Inc	04-01-85	B		
ST85-775	United Gas Pipe Line Co	L. E. Smith Glass Co	04-01-85	F(157)		
ST85-776	Lawrenceburg Gas Transmission Corp	Cincinnati Gas and Electric Co	04-01-85	B		
ST85-777	United Gas Pipe Line Co	Allied Corp	04-01-85	F(157)		
ST85-778	United Gas Pipe Line Co	Allied Corp	04-01-85	F(157)		
ST85-779	Panhandle Eastern Pipe Line Co	American Cyanamid Co	04-01-85	F(157)		
ST85-780	Panhandle Eastern Pipe Line Co	Decatur Public Schools	04-01-85	F(157)		
ST85-781	Panhandle Eastern Pipe Line Co	DeKalb Swine Breeders, Inc	04-02-85	F(157)		
ST85-782	Oklahoma Natural Gas Co	Michigan Consolidated Gas Co	04-03-85	C	08-31-85	24.32
ST85-783	Tennessee Gas Pipeline Co	Central Gas Co	04-02-85	B		
ST85-784	Florida Gas Transmission Co	American Distribution Co	04-02-85	B		
ST85-785	Oklahoma Natural Gas Co	Northern Indiana Public Service Co	04-02-85	C	08-30-85	24.32
ST85-786	Houston Pipe Line Co	Brooklyn Union Gas Co	04-03-85	C		
ST85-787	Kansas Power and Light Co	Sabine Gas Transmission Co	04-03-85	D		
ST85-788	Houston Pipe Line Co	Public Service Electric and Gas Co	04-03-85	C		
ST85-789	Mustang Fuel Corp	Midcon Ventures, Inc	04-03-85	C	08-31-85	23.90
ST85-790	Natural Gas Pipeline Co. of America	UGI Corp., et al	04-04-85	B/G		
ST85-791	Columbia Gulf Transmission Co	National Fuel Gas Supply Corp	04-04-85	G		
ST85-792	Columbia Gulf Transmission Co	Baltimore Steam Co	04-04-85	F(157)		
ST85-793	Columbia Gulf Transmission Co	Teledyne Ohio Steel	04-04-85	F(157)		
ST85-794	Columbia Gulf Transmission Co	Air Products and Chemicals, Inc	04-04-85	F(157)		
ST85-795	Columbia Gulf Transmission Co	Allied Corp	04-04-85	F(157)		
ST85-796	Columbia Gas Transmission Corp	National Fuel Gas Supply Corp	04-04-85	G		
ST85-797	Columbia Gas Transmission Corp	Teledyne Ohio Steel	04-04-85	F(157)		
ST85-798	Columbia Gas Transmission Corp	Brooke Glass Co., Inc	04-04-85	F(157)		
ST85-799	Columbia Gas Transmission Corp	Air Products and Chemicals, Inc	04-04-85	F(157)		
ST85-800	Columbia Gas Transmission Corp	Allied Corp	04-04-85	F(157)		
ST85-801	Columbia Gas Transmission Corp	Baltimore Steam Co	04-04-85	F(157)		
ST85-802	Panhandle Eastern Pipe Line Co	Archer-Daniels-Midland Co	04-04-85	F(157)		
ST85-803	Southern Natural Gas Co	Tennessee Gas Pipeline Co	04-03-85	G		
ST85-804	Tennessee Gas Pipeline Co	Columbia Gas of Virginia, et al	04-05-85	B		
ST85-810	Northern Natural Gas Co	Power-Tex Joint Venture	04-05-85	B		
ST85-811	Black Marlin Pipeline Co	Humble Gas Transmission Co	04-05-85	B		
ST85-812	Texas Gas Transmission Corp	A.E. Staley Manufacturing Co	04-08-85	F(157)		
ST85-813	Texas Eastern Transmission Corp	Public Service Electric and Gas Co	04-08-85	B		
ST85-814	Northwest Central Pipeline Corp	City of Coffeyville, KS	04-08-85	F(157)		
ST85-815	Producer's Gas Co	National Fuel Gas Supply Corp	04-09-85	D		
ST85-816	United Gas Pipe Line Co	Intrastate Gathering Corp	04-09-85	B		
ST85-817	Houston Pipe Line Co	Philadelphia Electric Co	04-10-85	C		
ST85-818	Southern Natural Gas Co	Florida Gas Transmission Co	04-11-85	G		
ST85-819	United Texas Transmission Co	United Gas Pipe Line Co	04-11-85	C		
ST85-820	Delhi Gas Pipeline Corp	Mississippi River Transmission Corp	04-11-85	C		
ST85-821	Intrastate Gathering Corp	Tennessee Gas Pipeline Co	04-11-85	C		
ST85-822	Oasis Pipe Line Co	Transwestern Pipeline Co	04-11-85	C		
ST85-823	Northern Natural Gas Co	Armour-Dial, Inc	04-10-85	F(157)		
ST85-824	Northern Natural Gas Co	Bethlehem Steel Corp	04-10-85	F(157)		
ST85-825	Houston Pipe Line Co	Transwestern Pipeline Co	04-11-85	C		
ST85-826	Natural Gas Pipeline Co of America	Phillips Petroleum Co	04-11-85	F(157)		
ST85-827	United Gas Pipeline Co	Texas Eastern Transmission Corp	04-11-85	G		
ST85-828	Tennessee Gas Pipeline Co	Dresser Clark Div., Dresser Ind	04-11-85	F(157)		
ST85-829	United Gas Pipe Line Co	Scott Paper Co	04-15-85	F(157)		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date	Transportation rate (¢/MMBtu)
ST85-830	Northwest Central Pipeline Corp	Petrolite Corp	04-15-85	F(157)		
ST85-831	ANR Pipeline Co	Bridgeline Gas Distribution Co	04-12-85	B		
ST85-832	Tennessee Gas Pipeline Co	Connecticut Natural Gas Corp	04-12-85	B		
ST85-833	ANR Pipeline Co	Baltimore Gas and Electric Co	04-12-85	B		
ST85-834	Northwest Central Pipeline Corp	Archer Daniels Midland Co	04-15-85	F(157)		
ST85-835	Oklahoma Natural Gas Co	ANR Pipeline Co	04-15-85	C	09-12-85	24.32
ST85-836	Panhandle Eastern Pipe Line Co	Dow Chemical Co	04-15-85	F(157)		
ST85-837	Texas Gas Transmission Corp	Owens-Corning Fiberglas Corp	04-12-85	F(157)		
ST85-838	Western Gas Supply Co	Mountain Fuel Resources, Inc	04-15-85	C		
ST85-839	Houston Pipe Line Co	Baltimore Gas and Electric Co	04-10-85	C		
ST85-841	ANR Pipeline Co	Creole Gas Pipeline Corp	04-15-85	B		
ST85-842	Texas Gas Transmission Corp	Buckeye Cellulose Corp	04-15-85	F(157)		
ST85-843	Texas Gas Transmission Corp	Consolidated Gas Transmission Corp	04-17-85	G		
ST85-844	Transwestern Pipeline Co	Pacific Lighting Service Co	04-17-85	B		
ST85-845	Northern Natural Gas Co	Northern Gas Products Pipeline Co	04-15-85	B		
ST85-846	Transcontinental Gas Pipe Line Corp	Alexandria City, AL	04-17-85	B		
ST85-847	Columbia Gulf Transmission Co	Union Light Heat and Power Co	04-16-85	B		
ST85-848	Columbia Gas Transmission Corp	Union Light Heat and Power Co	04-16-85	B		
ST85-849	Mountain Fuel Resources, Inc	Natural Gas Pipeline Co. of America	04-17-85	G		
ST85-850	Houston Pipe Line Co	Pacific Lighting Gas Supply Co	04-16-85	C		
ST85-851	Oasis Pipe Line Co	Pacific Lighting Gas Supply Co	04-16-85	C		
ST85-852	Columbia Gas Transmission Corp	Genstar Stone Products	04-16-85	F(157)		
ST85-853	United Gas Pipe Line Co	Allied Corp	04-16-85	F(157)		
ST85-854	United Gas Pipe Line Co	Baltimore Gas and Electric Co	04-16-85	B		
ST85-855	Southern Natural Gas Co	Northern Illinois Gas Co	04-15-85	B		
ST85-856	Superior Offshore Pipeline Co	Faustina Pipeline Co	04-15-85	B		
ST85-857	United Texas Transmission Co	United Gas Pipe Line Co	04-16-85	C		
ST85-858	Natural Gas Pipeline Co. of America	Northern Indiana Public Service Co	04-18-85	B		
ST85-859	United Gas Pipe Line Co	Industrial Pipeline Gas Co	04-18-85	B		
ST85-860	United Gas Pipe Line Co	Cincinnati Gas and Electric Co	04-18-85	B		
ST85-861	Michigan Gas Storage Co	Dow Chemical Co	04-19-85	F(157)		
ST85-862	Consolidated Gas Transmission Corp	Diamond Glass Vienna, Inc	04-19-85	F(157)		
ST85-863	ANR Pipeline Co	Mead Paperboard Products	04-19-85	F(157)		
ST85-864	ANR Pipeline Co	UGI Corp	04-19-85	B		
ST85-865	ANR Pipeline Co	Mountaineer Gas Co	04-19-85	B		
ST85-866	Truckline Gas Co	Libra Energies, Inc	04-23-85	B		
ST85-867	Texas Eastern Transmission Corp	Consolidated Edison Co. of NY, Inc	04-22-85	B		
ST85-868	Texas Eastern Transmission Corp	Consolidated Edison Co. of NY, Inc	04-22-85	B		
ST85-869	Texas Eastern Transmission Corp	Consolidated Edison Co. of NY, Inc	04-22-85	B		
ST85-870	Natural Gas Pipeline Co. of America	Owens Corning Fiberglas Corp	04-23-85	F(157)		
ST85-871	ANR Pipeline Co	Louisiana Indust. Gas Supply System	04-24-85	B		
ST85-872	Texas Gas Transmission Corp	Procter and Gamble Manufacturing Co	04-24-85	F(157)		
ST85-873	Transcontinental Gas Pipe Line Corp	Lynchburg Gas Co	04-25-85	B		
ST85-874	United Gas Pipe Line Co	THC Pipeline Co	04-25-85	B		
ST85-875	United Gas Pipe Line Co	A. E. Staley Co	04-25-85	F(157)		
ST85-876	United Gas Pipe Line Co	Delta Gas, Inc	04-25-85	B		
ST85-877	United Gas Pipe Line Co	Commonwealth Gas Pipeline Co	04-25-85	B		
ST85-878	Truckline Gas Co	Gulf -Coast Energy, Inc	04-24-85	B		
ST85-879	Northwest Central Pipeline Corp	Sissortail Natural Gas Co., *et al*	04-24-85	B		
ST85-880	Tennessee Gas Pipeline Co	Commonwealth Gas Pipeline Corp	04-25-85	B		
ST85-881	Transcontinental Gas Pipe Line Corp	Bridgeline Gas Distribution Co	04-25-85	B		
ST85-882	Transcontinental Gas Pipe Line Corp	Owens-Illinois, Inc	04-25-85	F(157)		
ST85-883	United Texas Transmission Co	Florida Gas Transmission Co	04-25-85	C		
ST85-884	Northern Natural Gas Co	Columbia Gas of Pennsylvania	04-26-85	B		
ST85-885	Northern Natural Gas Co	Columbia Gas of Virginia	04-26-85	B		
ST85-886	Northern Natural Gas Co	Columbia Gas of Kentucky	04-26-85	B		
ST85-887	Northern Natural Gas Co	Columbia Gas of Maryland	04-26-85	B		
ST85-888	Northern Natural Gas Co	Columbia Gas of Ohio	04-26-85	B		
ST85-889	Tennessee Gas Pipeline Co	Union Light Heat and Power Co	04-26-85	B		
ST85-890	United Gas Pipe Line Co	LGS Intrastate, Inc	04-26-85	B		
ST85-891	Northern Natural Gas Co	Mountain Fuel Resources, Inc	04-26-85	G		
ST85-892	Northern Natural Gas Co	Anheuser Busch, Inc	04-26-85	F(157)		
ST85-893	Northern Natural Gas Co	Columbia Gas of New York	04-26-85	B		
ST85-894	Delhi Gas Pipeline Corp	Spindletop Gas Distribution System	04-29-85	C		
ST85-895	Delhi Gas Pipeline Corp	Baltimore Gas and Electric Co	04-29-85	D		
ST85-896	Valero Transmission Co	NorVal Gas Co	04-29-85	C		
ST85-897	ANR Pipeline Co	Northern Gas Marketing, Inc	04-30-85	B		
ST85-898	ANR Pipeline Co	Consolidated Edison Co. of NY, Inc	04-30-85	B		
ST85-899	ANR Pipeline Co	Columbia Gas of Ohio	04-30-85	B		
ST85-900	Oklahoma Natural Gas Co	Natural Gas Pipeline Co. of America	04-30-85	C	09-27-85	24.32

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to Section 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 85-14206 Filed 6-11-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF85-518-000, et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; the Upjohn Manufacturing Company et. al.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. The Upjohn Manufacturing Company

[Docket No. QF85-518-000]

June 7, 1985.

On May 29, 1985, the Upjohn Manufacturing Company, P.O. Box 11307, Barceloneta, Puerto Rico 00617 (Applicant) submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Arecibo, Puerto Rico. The facility will consist of two identical diesel-engine generators,

each exhausing to a separate heat recovery boiler for the generation of steam for process use. The heat recovery steam generators will be equipped with duct burners for supplementary firing. The primary energy source will be No. 6 fuel oil. The electric power production capacity will be 17.4 megawatts. Installation of the facility is estimated to begin April 1, 1986.

2. LUZ Solar Partners II, Ltd.

[Docket No. QF85-504-000]

May 31, 1985.

On May 21, 1985, LUZ Solar Partners II, Ltd. (Applicant) a California Limited Partnership, c/o LUZ Engineering Corporation, General Partner, 924 Westwood Boulevard, Suite 1000, Westwood, California 90024 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located approximately two miles east of Daggett, California. The primary energy source will be solar energy. The facility will consist of a solar collector field, a solar-fired preheater/steam generator, a solar-fired superheater, a natural gas-fired superheater, a separate natural gas-fired auxiliary boiler, a natural gas-fired emergency heater and a dual inlet steam turbine generator. The net power production capacity of the facility will be 30 MW. At present, a subsidiary of CP National Corporation, an electric utility, is expected to acquire 12% of the equity ownership interest in the facility. No other small power production facilities owned by the Applicant and using solar energy as an energy source are located within one mile of the facility.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 85-14208 Filed 6-11-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP85-19-000]

State of Texas, NGPA Section 102 Determinations, Champlin Petroleum Company, Carthage Gas Unit Well Nos. 11-4, 12-2, 13-3, 11-2 and 21-2 FERC JD Nos. 83-20584, 83-41187, 83-20581, 83-20587, and 83-20582; Petition To Reopen and Vacate Final Well Category Determinations and Request for Withdrawal of Applications

June 10, 1985.

On February 13, 1985, Champlin Petroleum Company filed with the Federal Energy Regulatory Commission to petition to reopen and vacate final well category determinations under section 102 of the Natural Gas Policy Act of 1978 (NGPA) and to permit Champlin to withdraw its applications for the determinations.

The five wells involved are located in the Carthage Field, Panola County, Texas. In March 1982, the Texas Railroad Commission issued determinations that the wells qualified under section 102(c)(1)(B) of the NGPA. Notices of the determinations were filed with the Commission and became final pursuant to § 275.202(a) of the Commission's regulations. Each of the wells with the exception of No. 12-2 had previously qualified under section 103 of the NGPA.

Champlin states that subsequent to the well category determinations it discovered that the plats relied upon for the initial determinations contained inaccurate or incomplete information concerning wells which are now shown to be marker wells and that as a result the subject wells do not qualify under section 102.

Take notice that the question of whether refunds, plus interest as computed under § 154.102(c) of the Commission's regulations, will be required is a matter subject to review and final determination by the Commission.

Any person desiring to be heard or protest Champlin's petition should file a motion to intervene (18 CFR 385.214) or protest (18 CFR 385.211) with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426 within 30 days after this notice is published in the **Federal Register**. All protests filed will be considered by the Commission but will not make the protestant a party to the proceeding. Any person wishing to become a party must file a motion to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-14207 Filed 6-11-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-100024; PH-FRL 2849-3]

Transfer of Data to TRC Environmental Consultants, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA plans to transfer information submitted under sections 3, 6, and 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to TRC Environmental Consultants, Inc., of Englewood, Colorado, under Contract No. 68-02-3886. This contractor shall perform for the Air Management Division in EPA Region IX. Some of the information that will be made available to the contractor has been claimed to be confidential business information (CBI). Information will be made available to the contractor consistent with the requirements of 40 CFR 2.301(h). This action will enable the contractor to fulfill the obligations of the contract, and this notice serves to notify affected persons.

DATE: TRC Environmental Consultants, Inc., will be given access to these documents no sooner than June 17, 1985.

FOR FURTHER INFORMATION CONTACT: By mail: William C. Grosse, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Office location and telephone number: Room 222, CM#2, 1921 Jefferson Davis Highway, Arlington, Virginia (703-557-2613).

SUPPLEMENTARY INFORMATION: Under this contract, TRC Environmental

Consultants, Inc., will support the development of a program for gathering current herbicide emission inventory information for the Air Management Division in EPA Region IX.

Section 10(e) of FIFRA provides that information that is considered by the submitter to be trade secret or commercial or financial as described by FIFRA section 10(d) may be disclosed to an authorized contractor when such disclosure is necessary for the performance of the contract. EPA routinely receives such information as part of the data that are submitted by pesticide registrants and others as provided for in FIFRA sections 3, 6, and 7.

Contractors are authorized to receive such data if the EPA program office managing the contract makes the determinations specified in 40 CFR 2.301(h)(2) as referenced in § 2.307. Such determinations have been made converning the contract with TRC Environmental Consultants, Inc.

FIFRA section 10(f) provides a criminal penalty for wrongful disclosure of confidential business information, whether such disclosure is made by an EPA employee or an EPA contractor.

The contract with TRC Environmental Consultants, Inc. specifically prohibits disclosure of confidential business information to any third party in any form without written authorization from EPA, and personnel of this contractor will be required to sign a nondisclosure agreement before they are permitted access to such information.

Dated: May 28, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 85-13867 Filed 6-11-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100022; PH-FRL 2849-2]

Transfer of Data to Occupational Safety and Health Administration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA plans to transfer information submitted under sections 3, 6, and 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to the Occupational Safety and Health Administration (OSHA). Some of the information that will be made available to OSHA has been claimed to be confidential business information (CBI). Information will be transferred to OSHA consistent with the requirements of 40 CFR 2.209(c). This action will enable OSHA to fulfill its obligations, and this notice serves to notify affected persons.

DATE: OSHA will be given access to these documents no sooner than June 24, 1985.

FOR FURTHER INFORMATION CONTACT:

By mail: William C. Grosse, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Office location and telephone number: Rm. 222, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-2613).

SUPPLEMENTARY INFORMATION: OSHA wishes to review all information on 2-(2-methyl-4-chlorophenoxy)propionic acid (MCPP) to determine the possible short and long term health effects as a result of exposure to this herbicide. To perform this review, OSHA has requested access to information, which may include CBI, submitted to EPA under FIFRA.

Under 40 CFR 2.209(c), information that is considered by the submitter to be trade secret or commercial or financial as described by FIFRA section 10(d) may be disclosed to another Federal agency upon EPA's receipt of a written request that gives the official purpose for which the information is needed.

FIFRA section 10(f) sets a criminal penalty for wrongful disclosure of confidential information, whether such disclosure is made by an officer or employee of the United States.

EPA specifically prohibits disclosure of confidential business information to any third party in any form without written authorization from EPA, and OSHA personnel will be asked to sign a nondisclosure agreement.

Dated: May 24, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 85-13868 Filed 6-11-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-42066; FRL-2810-8]

Isopropyl Biphenyl/Diisopropyl Biphenyl Response to the Interagency Testing Committee

Correction

In FR Doc. 85-10794 beginning on page 18920 in the issue of Friday, May 3, 1985, make the following correction:

On page 18926, third column, paragraph (59), third line, "107(7)" should read" 102(7)".

BILLING CODE 1505-01-M

[OPTS-51569; FRL-2829-7]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 85-10797 beginning on page 18915 in the issue of Friday, May 3, 1985, make the following corrections:

1. On page 18918, second column, P 85-850, *Chemicals*, second line, "phenylbiphenyl" should read "pentylbiphenyl".

2. On the same page, third column, P 85-854, *Toxicity Data*, second line, "substance" should read "substannce."

BILLING CODE 1505-01-M

[OPTS-51573; TSH-FRL 2844-6]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 85-13055 beginning on page 23185 in the issue of Friday, May 31, 1985, make the following correction:

On page 23187, second column, P 85-997, *Environmental Release/Disposal*, fifth line, "10.0" should read "1.0".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 85-269]

Tonka Tools, Inc. and Southern Merchandise Corp.; Hearing Designation, Order

In the matter of petition for Declaratory Ruling of Tonka Tools, Inc. and Southern Merchandise Corp. regarding American Telephone and Telegraph Company provision of coinless pay telephones.

Adopted May 16, 1985.

Released May 22, 1985.

By the Commission:

I. Introduction

1. Before the Commission is a petition for declaratory ruling filed by Tonka Tools, Inc. (Tonka) and Southern Merchandise Corporation (Southern) asking the Commission to find that American Telephone and Telegraph Company (AT&T) has been providing its coinless pay telephones in violation of the separate subsidiary requirements established in the Commission's Computer II decisions.[1] In particular,

[1] Amendment of § 64.702 of the Commission's Rules and Regulations (Computer II), 77 F.C.C. 2d 384 (1980) (Final Decision), *reconsideration*, 84 F.C.C. 2d 50 (1980), *further reconsideration*, 88 F.C.C. 2d 512 (1981), *aff'd sub nom.* CCIA v. FCC, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied*, 103 S. Ct. 2109 (1983).

petitioners allege that the "Card Caller" and "Custom Caller" telephones now being provided by AT&T Communications (ATTCOM) as part of a tariffed service offering constitute customer premises equipment (CPE) which under the current rules of Computer II can be provided by AT&T only through an unregulated, fully separated subsidiary on an unbundled basis.[2] Petitioners request the Commission to issue a declaratory ruling to this effect and to direct ATTCOM to unbundle its current credit card telephone offerings and refrain from offering such devices in connection with its tariffed transmission services.

2. The petition was placed on public notice and comments and reply comments were received.[3] Although the Computer II issue raised in the Tonka-Southern petition focuses on AT&T's provision of non-coin telephones, the comments also addressed the Bell Operating Companies' (BOCs) provision of coin and non-coin pay telephones. For the reasons discussed below, we conclude that the coin and coinless public telephones provided by the BOCs and AT&T do not constitute CPE for Computer II purposes.

II. Background

3. In its Computer II decisions the Commission determined that carrier-provided customer premises equipment and enhanced services would not be regulated under Title II of the Communications Act.[4] The Commission concluded that since CPE was a competitively provided commodity which was severable from the carriers' associated transmission services, it was not in the public interest to permit carriers to continue to provide CPE under tariff. The Commission was concerned that if carriers were allowed to tariff and bundle this equipment with their basic services, consumer freedom of choice and marketplace competition in the developing non-carrier telecommunications equipment market would be hampered. The Commission recognized the potential that the regulated entity would use its control over network design and technical standards to favor its own equipment or services, or improperly shift costs and revenues between its unregulated activities provided in competition with others and its monopoly or other regulated activities. In order to allow common carriers to participate in the unregulated CPE markets while minimizing the potential for cross-subsidization and other anticompetitive conduct, the Computer II decisions provided that CPE should be detariffed and enhanced services remain untarriffed, and provided separately from regulated activities. In the case of AT&T and the BOCs[5] the Commission determined that enhanced services and CPE should be offered through a separate subsidiary.

4. Computer II defined CPE as "terminal equipment located at a subscriber's premises which is connected with the termination of a carrier's communication channel(s) at the network interface at that subscriber's premises." Final Decision, 77 F.C.C. 2d 384, 398, n. 10. Excluded from the definition of CPE was "over voltage protection equipment, inside wiring, *coin operated or pay telephones*, and multiplexing equipment to deliver multiple channels to the customer", as well as "CPE attached to residential party line service . . . ." *Id.* at 447, n. 57, (emphasis added). Thus, on its face, Computer II did not detariff the provision of coin or coinless telephones by AT&T or the BOCs.

5. As to the provision of pay telephones by entities other than AT&T and the BOCs, notably non-carriers, Part 68 of the Commission's Rules provides the technical and procedural standards under which all customer-provided telephone equipment may be connected to the nationwide telephone network, "for use in conjunction with all services other than party line service and coin service". 47 CFR 68.2(a)(1). Devices used in conjunction with coin service were excluded from Part 68 because, in the words of the *First Report and Order* in CC Docket No. 19528 establishing the Part 68 registration program,[6] "under present regulatory policies only telephone carriers may provide coin telephone service."[7] At that time, the only type of coin telephones available were those activated and controlled through the telephone company's central office, and they were used to provide a service which was the exclusive province of the telephone companies. Moreover, resale of both intrastate and interstate telecommunications services was at that time generally prohibited by telephone company tariffs.[8] Manufacturers or purchasers of coin telephone equipment therefore had no

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[2] There have been two Computer-II related decisions rendered since the comments were filed in this proceeding which bear on the issues discussed herein. First, in Report and Order in CC Docket No. 83-1375 (ATTIS Resale), 49 FR 28,835 (July 17, 1984), *recon. pending*, petition for stay denied, FCC 84-142 (released September 24, 1984), the Commission decided to allow AT&T to provide common carrier domestic services via resale through AT&T Information Services (ATTIS), its unregulated separate subsidiary, subject to the requirement that any ATTCOM offerings used by ATTIS be made available by ATTCOM through non-discriminatory tariffs, and that ATTIS use only unbundled, non-discriminatory offerings for its basic services. More recently, the Commission has proposed relieving AT&T from the Computer II requirement that it provide CPE pursuant to structional separation. It issued an NPRM soliciting suggestions on less restrictive alternatives to reduce the potential that AT&T will engage in anti-competitive conduct in the terminal equipment market. Memorandum Opinion and Order and Notice of Proposed Rulemaking, CC Docket No. 85-26, (FCC 85-56), released February 22, 1985 (Computer II NPRM).

[3] Comments on the Tonka-Southern petition for declaratory ruling were filed by the following parties: AT&T; Southwestern Bell Telephone Company (Southwestern Bell); Pacific Bell and Nevada Bell (Pacific Bell); New England Telephone and Telegraph Company, New York Telephone Company, South Central Bell Telephone Company, and Southern Bell Telephone and Telegraph Company (The NYNEX and Southern Bell Companies); Mountain States Telephone and Telegraph Company, Northwestern Bell Telephone Company, and Pacific Northwest Bell Telephone Company (The Mountain Bell Companies); GTE Service Corporation (GTE); and National Pay Telephone Corporation (NPTC). Reply comments were filed by petitioners; NPTC; Southwestern Bell; The Bell Telephone Company of Pennsylvania, The Four Chesapeake and Potomac Telephone Companies, the Diamond State Telephone Company, and New Jersey Bell Telephone Company (Bell Atlantic Companies); Illinois Bell Telephone Company, Indiana Bell Telephone Company, Inc., Michigan Bell Telephone Company, The Ohio Bell Telephone Company and Wisconsin Bell, Inc. (Ameritech Companies); The NYNEX and Southern Bell Companies; and AT&T.

[4] The Commission developed a regulatory structure classifying carrier service offerings as either "basic" or "enhanced". "Basic services"—services which involve no more than the simple transmission of information between two or more points—remain subject to Commission regulation; "enhanced services"—services which act on the format or content of the message being transmitted, provide the customer with additonal or restructured information, or allow the customer to interact with stored information—remain unregulated. *See* 47 CFR 64.702(a).

[5] *See supra* note 1; Furnishing of Customer Premises Equipment, Enhanced Services and Cellular Communications Services by the Bell Operating Companies, 95 F.C.C. 2d 1117 (1983), *reconsideration*, 49 FR 26056 (June 26, 1984), *aff'd sub nom.* Illinois Bell Tel. Co. v. FCC, 740 F.2d 465 (7th Cir., 1984), petition for rehearing pending, in which the Commission concluded that, with certain modifications, the structural separation requirements of Computer II would continue to be applicable to the BOCs after their divestiture from AT&T pursuant to the Modification of Final Judgment (MFJ). United States v. American Telephone & Telegraph Co., 552 F. Supp. 131 (D.D.C. 1982), *aff'd sub nom.* Maryland v. United States, 103 S. Ct. 1240 (1963).

[6] 56 F.C.C. 2d 593 (1975), Second Report and Order, 58 F.C.C. 2d 736 (1976), *aff'd sub nom.* North Carolina Utilities Commission v. FCC, 552 F.2d 1036 (4th Cir. 1977), *cert. denied*, 434 U.S. 874 (1977).

[7] 56 F.C.C. 2d at at 600, n. 7.

[8] The Commission subsequently found common carrier tariff restrictions on interstate resale to be unlawful in Resale and Shared Use of Common Carrier Services and Facilities, 60 F.C.C. 2d 261 (1976), *recon.*, 62 F.C.C. 2d 588 (1977), *aff'd sub nom.* AT&T v. FCC, 572 F.2d 17 (2d Cir.), *cert. denied*, 439 U.S. 875 (1978); Resale and Shared Use of Common Carrier Domestic Public Switched Network Services, 83 F.C.C. 2d 167 (1980).

authority under Part 68 to connect such equipment to the network. More recently, however, in response to an application seeking to register a coin-operated telephone device under Part 68, the Commission clarified the Part 68 status of coin operated telephones and interpreted the "coin service" exclusion contained in §68.2(a)(1) to extend only to "central office implemented" coin service, and not to "instrument-implemented" coin telephones.[9] By so doing, the Commission affirmed the registrability of instrument-implemented coin operated telephones, and the right of any person purchasing such a telephone to connect it to the network and use it to provide authorized interstate services and, to the extent consonant with state law and policy, intrastate services.[10] The Commission reached this result because it determined that Part 68's coin service exclusion was directed at the coin telephones designed for use in conjunction with the telephone companies' integrated coin telephone service and was not formulated in the context of the newly available breed of instrument-implemented coin devices that could be attached to regular telephone company subscriber lines. The Commission found there was no valid basis to exclude instrument implemented coin telephones from the registration program.[11]

III. Comments

6. The Commission now has before it a declaratory ruling petitions which asks the Commission to find that ATTCOM's provision of its coinless Card Caller and Customs Caller[12] pay telephones violates Computer II because these devices are CPE and are not being offered through the required, unregulated Computer II separate subsidiary. Petitioners argue that these coinless devices are not within the class of conventional telephone company-provided telephone used to provide traditional coin service excluded from the Computer II definition of CPE. They claim that Computer II found CPE to be a severable commodity and required that CPE be separately provided in order to promote competition between multiple vendors in the terminal equipment marketplace. Petitioners reasons that because at the time of Computer II no competition existed in the coin telephone service or equipment market, and the coin telephones provided by the local exchange companies operated in the conjunction with special coin service lines, coin telephones were excluded from the class of equipment to be deregulated. By contrast, today there are several registered coinless pay telephone models being competitively supplied.[13] and these devices do not require coin service lines or interaction with central office equipment, but may be connected to ordinary business lines.[14]

7. GTE and NPTC, the only parties supporting the petition, arge the Commission to find that the equipment used by carriers to provide pay telephone service constitutes CPE.[15] Like petitioners, NPTC argues that Computer II's CPE pay telephone exclusion was formulated in the context of the traditional telephone company-provided coin telephone service offered on a monopoly basis which depended on central office involvement and specialized coin circuits, and did not address the more recently available pay telephone devices which can operate with ordinary subscriber lines. They claim that, like ordinary CPE detariffed by Computer II, these newer devices are logically and technically severable from the underlying transmission service. NPTC Comments at 4–6. They furthermore contend that notwithstanding Computer II's CPE definition, the Bureau's March 13, 1984 registration of two credit card services, *supra* note 12, constitutes a determination that these registered devices are indeed CPE.[16] NPTC Comments at 5; GTE Comments at 2. NPTC argues that allowing a dominant service provider such as ATTCOM to continue bundling jeopardizes both the ability of those who wish to offer pay telephone service to obtain the service and equipment packages of their choice, and the development of a competitive market in this area that is fair to both carriers and non-carriers.[17] NPTC Comments at 6. In NPTC's view, these arguments apply with equal or greater force to the divested BOCs.

8. AT&T, Southern Bell, Pacific Bell, the NYNEX and Southern Bell Companies, the Mountain Bell Companies, Bell Atlantic, and the Ameritech Companies all oppose imposition of the Computer II constraints on BOC/AT&T provision of coin and credit card devices, and ask the Commission to reaffirm its prior determination in the Computer II decisions that coin and other pay telephones are not CPE.[18] In their view,

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[9] Memorandum Opinion and Order, FCC 84–270, released June 25, 1984, 49 FR 27,763 (July 6, 1984) (Coin Registration Order), *recon. denied*, Memorandum Opinion and Order, FCC 85–16, released January 22, 1985. That order defined "coin operated telephone" to encompass all telephones capable of accepting payment by specie or paper money; telephones capable of accepting payment solely by credit card were already registrable under Part 68. *See infra* note 12. "Coin service" is defined to be the unique service that uses, typically, a TSPS (traffic service position system) operator on telephone company premises in conjunction with a terminal device that provides coin insert tones and engages in an electrical protocol exchange with central office equipment to control coin deposit. Coin Registration Order at Para. 9. "Instrument-implement" coin telephones, by contrast, are those coin devices that contain all the intelligence required to execute coin acceptance and other coin-related functions in the telephone instrument itself, without central office involvement, without line polarity reversal, (or other special electrical protocols), and without TSPS operator intervention. *Id.* at Para. 10.

[10] In response to a petition for declaratory ruling recently filed by Universal Pay Telephone Corporation, the Commission has recently issued an order clarifying the relationship between federal and state regulatory authority over pay telephone services. FCC No. 85–222, released May 6, 1985.

[11] To date, 16 such devices have been registered.

[12] Both of these devices are Part 68 registered. The Card Caller (reg. no. AS593M–70796–TE–T, which provides for payment by use of coded magnetic strip charge cards inserted into the telephone, including AT&T cards and authorized commercial credit cards, was registered by a Common Carrier Bureau Order released March 13, 1984, FCC No. 2860. That Order also registered the "MCI Expressphone" credit card device (reg. no. D536XC–70797–TE–T). The Custer Caller (reg. No. AS593M–63169–MT–E), a modified table top multifunction Genesis telephone which is activated by the customer punching in his AT&T Calling Card number, was registered on September 15, 1982.

[13] *Id.*

[14] Although primarily challenging ATTCOM's provision of credit card devices, petitioners argue in a footnote to their petition that the Computer II consequences for similar coin operated devices, *i.e.*, those referred to as "'instrument implemented" by the language of our Coin Registration Order, should be identical. Petition at 9, n. 10.

[15] GTE agrees with the petition only insofar as it regards the provision of the "Card Caller", "Customer Caller" or other registered magnetic card or coinless pay telephones, not to the extent it encompasses coin activated telephones. GTE bases its position on the grounds that coin telephones, which had yet to be registered under Part 68, raise distinct regulatory issues. GTE Comments at 4–5.

[16] NPTC states it does not necessarily oppose AT&T provision of an end-to-end pay telephone service. NPTC suggests that the Commission consider a Computer II waiver until the proceedings relating to ATTIS resale and elimination of the Computer II structural separation rules, *supra* note 2, are completed, to permit ATTCOM (and the BOCs) to provide an integrated pay telephone service. NPTC Comments at 7–8.

[17] AT&T counters NPTC's claim by noting that, irrespective of AT&T's manner of providing pay telephone service, AT&T's interstate services are fully subject to resale and shared use. AT&T Reply Comments at 2–3.

[18] In their comments, filed before issuance of the Commission's Coin Registration Order first articulating the instrument implemented/central office coin service dichotomy, these parties do not distinguish between central office and instrument implemented varieties of pay telephone service. They generally oppose classifying any carrier provided pay telephone equipment as CPE, and urge the Commission to use this proceeding to clarify and unravel the "regulatory web in which public telephone services are entwined." *See* The Mountain Bell Companies Comments at 2.

there are significant differences between pay telephones and other terminal equipment, and compelling public policy reasons which justify excluding pay telephones from the category of Computer II CPE, and allowing state authorities to regulate this type of equipment. They claim that pay telephones—whose true customer is the general public rather than the owner of the device—do not fall within Computer II's primary definition of CPE because such telephones are not located "at a subscriber's premises" within the intended meaning of the phrase. According to AT&T and the BOCs, a crucial difference between Computer II CPE and pay telephone equipment is that the former is located on the premises of an individual who both owns and is the primary user, *i.e.*, customer, of that equipment, while the latter is located on the premises of a party who is not its primary user or customer. Because the true customer of pay telephone equipment is the general public, rather than the owner of the instrument or premises on which it is located, they conclude these devices are not CPE. *See* AT&T Comments at 5.[19] And, in contrast to the CPE detariffed by Computer II, pay telephones cannot be severed from the underlying transmission service; the user buys the call and does not separately select or pay for use of the terminal equipment. Pacific Bell Comments at 3. Contrary to the significance petitioners seek to attach to a Part 68 registration grant, these parties argue that the purpose of the registration rules is to protect the network from harm and the fact that a piece of equipment is or is not registrable, is separate from the determination as to whether that terminal equipment constitutes CPE for purposes of Computer II.[20] They further note that although non-coin devices have been registered since 1981, the Commission has on several occasions since restated the Computer II definition of CPE without retreating from its coin-operated/pay telephone exclusion.[21]

9. AT&T claims that this exclusion is justified in the case of coinless telephones because in making such devices available they are actually offering telephone service to the public at large, and not merely equipment to the premises owner. For their part, the BOCs contend that the coin and coinless pay telephones they provide, from which multiple interchange carriers can generally be accessed, are offered not as CPE, but as part of the basic exchange telecommunications and exchange access services they are obligated to provide. They point to language in the Department of Justice's (DOJ) Competitive Impact Statement on the proposed MFJ,[22] as well as the MFJ court's opinion modifying and approving AT&T's Plan of Reorganization (POR) implementing the MFJ,[23] supporting the notion that the BOCs provide pay telephones to the public as part of their exchange telecommunications and access functions.[24] According to Bell Atlantic, even if the Commission finds pay telephones to be CPE as to AT&T, the fact that these BOC-provided pay telephones form a unique and integral part of their network-access obligations to the public justifies exempting exchange carrier public telephones, whether coin or non-coin, from the Computer II regime, and continuing to leave the regulation of this BOC public telephone service to state commissions. Reply comments at 1–3. They emphasize that, unlike the interexchange carriers, the exchange carriers provide pay stations which will allow access to all interexchange carriers, not just the carrier providing the station, and imposition of the Computer II rules would create needless inefficiences in the provision of this essential public service. *Id.*[25]

IV. Discussion

10. The petition now before us asks the Commission to clarify the federal regulatory status of the coin and coinless pay telephone devices now being made available to the public by AT&T and the BOCs. This proceeding provides an opportunity to discuss the meaning and scope of Computer II's exclusion of "coin operated or pay telephones" from the definition of CPE,[26] and to consider its applicability in light of the regulatory and technological developments since Computer II affecting the provision of pay telephones. There are three general types of pay telephones being provided by carriers subject to Computer II which this decision must address:

(1) Traditional coin telephones provided by the BOCs which require interaction between the telephone instrument and the central office, and use special coin service lines. Interexchange carriers other than AT&T can be accessed, although this generally requires that extra digits be dialed.[27]

(2) BOC-provided coinless pay telephones which may be instrument implemented, central office implemented or some combination of the two.[28]

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[19] Petitioners' and NPTC's reply comments contest the notion that pay telephones are not CPE simply because they are not on the premises of the primary user. In their view, these pay stations are located on some customer's premises, even if that customer makes the telephone available for use by the general public or some segment of the public affiliated with him, such as his customers or patrons.

[20] Pacific Bell, for example, points to the case of party line premises equipment. In addition to pay telephone devices, Computer II initially excluded from its CPE definition equipment attached to residential party line service. On reconsideration of Computer II, however, the Commission revised its definition of CPE to include party line CPE. 84 F.C.C.2d 50, 70, even though this equipment was not, and still is not, registrable under the Part 68 program. *See* 92 F.C.C.2d 1, 36–39. Pacific Bell Comments at 2. *See* Reply Comments of the Ameritech Companies at 3–4; NYNEX and Southern Bell Reply Comments at 4–5; *infra* note 33.

[21] AT&T points to the Report and Order in CC Docket No. 82-631, FCC 83-457, 48 Fed. Reg. 50,534 (Nov. 2, 1983), in which the Commission stated that "coin-operated and credit card telephones . . . were specifically excluded from the detariffing of CPE under Computer II . . .", para 4, and the December 15, 1983 Opinion and Order in CC Docket 81-893 detariffing embedded CPE, in which the Commission reiterated that coin-operated or other pay telephones are expected from the CPE category. AT&T Comments at 2–3. *See also* Southern Bell Comments at 3; the NYNEX and Southern Bell Companies Comments at 3 and Reply Comments at 2–3; Ameritech Companies Reply Comments at 2.

[22] *See* Competitive Impact Statement in Connection with Proposed Modification of Final Judgment, 47 FR 7170, 7176, n. 21 (Feb. 17, 1982); Comments of Southwestern Bell at 3; the NYNEX and Southern Bell Companies at 6.

[23] *See* 569 F. Supp. 1057, 1102 n. 195 (D.D.C. 1983); Comments of Southwestern Bell at 3–4; The NYNEX and Southern Bell Companies at 6–7.

[24] In this regard, the BOCs point to the compelling public interest and policy issues at stake, noting that all aspects of coin and pay telephone service, including the equipment itself, have remained subject to pervasive regulation at the state level, irrespective of the Part 68 status of the equipment. *See* Comments of the NYNEX and Southern Bell Companies at 4–5; Pacific Bell, at 5–6; Southwestern Bell at 5–6.

[25] The Ameritech Companies focus on the potentially adverse impact grant of the subject petition would have on the ability of the BOCs to provide a quality public telephone service adapted to a multi-carrier equal access environment. In particular, they cite the likelihood that treating public service instruments as CPE would freeze the technology and flexibility the BOCs now have in their efforts to provide pay telephone customers access to their interexchange carriers of choice and to accommodate the diverse billing and credit arrangements of these various carriers. Ameritech Reply Comments at 3.

[26] *See supra* para. 4.

[27] Although the record of this proceeding focuses on the traditional central office coin service telephones provided by the BOCs, our finding that these devices are not CPE for Computer II purposes extends to any instrument-implemented coin telephones that the BOCs may be providing as well. We note that neither the petitioner nor any of the supporting commenters advocate that we treat the coin telephones used to provide traditional coin service as CPE. *See* Tonka-Southern Reply Comments at 3.

[28] The record also does not reveal the precise operational characteristics of the BOC-provided coinless pay telephones. As is discussed below, our analysis of the proper regulatory treatment for the

Continued

These coinless pay telephones may involve operator assistance [29] or insertion of a calling card or commercial credit card to bill and complete a call. Multiple interexchange carriers can generally be accessed from these coinless pay telephones, and in some instances, on an equal access basis.[30]

(3) Coinless telephones provided by AT&T which can be used to make interexchange calls over the AT&T network. These devices may or may not be used to make local calls, depending upon the individual state policies and whether or not AT&T is certificated to provide intra-LATA service in the state.

11. After reviewing the record before us, we conclude that the Computer II pay telephone exclusion encompasses both the traditional and more recent coin and coinless pay telephones provided by the BOCs and AT&T, as described above, and accordingly, that these devices do not constitute CPE for purposes of Computer II. The original Computer II policy excluding pay telephones from "CPE" reflected a determination that the pay telephone devices then being provided by telephone companies formed an integral part of a communications transmission service, *i.e.*, pay telephone service,[31] and as such should remain subject to regulation under Title II of the Communications Act. As originally conceived, the pay telephone exclusion recognized that the technical integration of the pay terminal and central office facilities characteristic of the coin service then being provided distinguished these types of devices from the general class of CPE being detariffed by Computer II. While it is true that the pay telephone exclusion was formulated at a time when the only type of coin telephones available were those activated and controlled through the telephone company's central office and used to provide coin service which was the exclusive province of the telephone companies, we do not agree with petitioners that the CPE pay telephone exclusion is therefore limited to those types of devices.

12. In considering the applicability of Computer II to the newer, more innovative and technologically advanced coin and coinless pay telephones, some of which do not rely upon central office facilities and interaction, we conclude that the pay telephone exclusion does not rest upon considerations of technical severability alone. Regardless of the method of payment or operational characteristics of these newer devices, they have not changed in one important respect: the equipment and transmission capacity are not logically severable. Pay telephones provided by carriers subject to regulation have historically been accorded special regulatory status because they serve the public service role of ensuring pay telephone service is available to the transient, mobile public, and they have as their primary customer or user the general public. Even if the telephone company describes the service as "semi-public" and collects a charge from a subscriber such as a bar or restaurant, the primary customer of this pay telephone equipment for Computer II regulatory purposes is still the general public or some segment thereof. As to these customers or users the telephone instrument and line are necessarily integrated. The user of these devices pays a single charge in order to place a call from a pay telephone at a public or semi-public location. The instrument and the pay telephone service are not severable from that customer's perspective. Although free to choose another location from which to place his call, the customer cannot separately select, combine or pay for the terminal device and transmission line which are used to make the call. In this sense, the pay telephones and transmission capacity provided by AT&T and the BOCs are logically an integrated offering and these carriers should be permitted to provide them as an end-to-end service.[32]

13. This conclusion is independent of the issues of Part 68 registration and competition. In response to petitioners' arguments to the contrary, we note that there is no precedent supporting the notion that Part 68 registration inherently classifies equipment as CPE under Computer II. While it is true that equipment included within the registration program is equipment that may be provided by non-carrier vendors and connected directly to the network, it is also true, as the BOCs and AT&T assert, that registration does not, and should not, of itself dictate the manner in which Computer II-subject carriers may provide that same equipment.[33] A Part 68 registration grant for a pay telephone reflects no more than a determination that it may be connected to the network without harm; it does not of itself determine the Computer II status of that equipment. Regardless of whether that equipment is Part 68 registered, for the reasons discussed above we agree with AT&T and the BOCs that their pay telephone devices constitute an offering to the public of a communications service.

V. Conclusion

14. The Computer II exclusion of pay telephone central office equipment from the definition of CPE was based upon the coin service that then existed and reflected the Commission's determination that this equipment was distinguishable from the general class of CPE to be detariffed and should continue to be provided in its traditional manner: as part of an end-to-end communications service. We have

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non-coin pay telephone devices of the BOCs obtains whether the intelligence for this service is located in the instrument, the central office or both, and whether or not these devices are registered.

[29] *See* for example, the "Charge-A-Call" coinless pay telephone set, Registration No. BW88T7-68413-TE-T, granted August 19, 1981. The POR, as modified, assigned all the Bell System's "Charge-A-Call" sets to the BOCs. *See* 569 F. Supp. at 1102, n. 195, *supra* note 23.

[30] One example of this type of offering is Mountain Bell's Goldphone Service. The Goldphone is a public telephone that affords convenient access to multiple long-distance carrier networks in addition to all of the other calling services associated with Charge-A-Call coinless public telephone service. This service substitutes two digit speed calling capability for the numerous digits now required to access GTE Sprint and MCI networks. In order to promote "equal access" AT&T callers must also dial a two digit access code. *See* letter from Mountain Bell to Commissioner Dennis Patrick, dated May 7, 1984.

[31] The AT&T and BOC coin and coinless pay telephones used to provide pay telephone service are part of the public telephone system, which includes "public" and "semi-public" telephone service. "Public" telephone service is provided when a general need for the service exists in a public location such as an airport or street corner and the telephone is placed at the option of the telephone company with the agreement of the owner (or agent or lessee) of the property. "Semi-public" telephone service is provided when there is a combination of transient public and specific customer use for the service on the customer's privately owned premises such as a gasoline station or restaurant. *See* Coin Registration Order at note 16. Our analysis here remains the same whether the pay terminals are located at public or semi-public locations.

[32] Recent federal and state actions have introduced an opportunity for competition in the pay telephone arena, enabling unregulated entities to provide pay telephone services on a resale basis through the packaging of pay terminals and transmission capacity, thus increasing the pay equipment and service options available to the public. We are not convinced that allowing AT&T and the BOCs to continue to offer integrated pay telephone service presents any serious threat to the viability of these competitors.

[33] For example, in the First Report and Order in CC Docket No. 81-216, the Commission adopted Part 68 rules that permit customers to install their own non-system, *i.e.*, business and residential one and two-line, customer premises wiring. Despite its inclusion in Part 68 and competitive provision, however, this inside wiring has been provided by the telephone companies on a regulated basis. 97 F.C.C. 2d 527 (1984). In a recent Further Notice of Proposed Rulemaking in CC Docket No. 79-105, however, the Commission has proposed the detariffing of the installation of simple inside wiring provided by the telephone companies. FCC 85-148, released April 5, 1985. *See also supra* note 20.

reexamined this exclusion in light of the various regulatory and technological changes which have altered pay telephone devices and the environment in which they are offered, and find that the exclusion nonetheless remains valid today for the variety of pay telephnes the BOCs and AT&T are making available to the public. We therefore conclude that the pay telephone service provided by AT&T and the BOCs is a communications service which should be provided subject to regulation, and that the coin and non-coin pay terminals made available by these carriers do not constitute CPE for purposes of Computer II.

15. Accordingly, it is ordered, that the petition for declaratory ruling filed by Tonka Tools, Inc. and Southern Merchandise Corp. is denied in accordance with the foregoing opinion.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-14173 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

Digital Paging Systems, Inc., et al.; Hearing Designation, Order

In the matter of applications of:

	CC Docket No. 85-188
Digital Paging Systems, Inc.	File No. 50087-CM-P-74.
Added Attractions, Inc.	File No. 50196-CM-P-74.
Ohio MDS Corporation	File No. 50009-CM-P-75.
Omega Communications, Inc.	File No. 50029-CM-P-75.
VideOhio, Inc.	File No. 50031-CM-P-75.
Private Networks, Inc.	File No. 50040-CM-P-75.

for construction permits in the Multipoint Distribution Service for a new station on Channel 2, at Indianapolis, Indiana.

Adopted June 4, 1985.

Released June 10, 1985.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Indianapolis, Indiana. The applications are therefore mutually exclusive and require comparative considerations. There were no petitions to deny filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a Consolidated Proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Digital Paging Systems, Inc., Added Attraction, Inc., Ohio MDS Corporation, Omega Communications, Inc., VideOhio, Inc., Private Networks, Inc. and the Chief of Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. It is further ordered, that any authorization granted to Digital Paging Systems, a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned as follows:

(a) Without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 85-14171 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

[1] Private Networks, Inc. (PNI) filed a petition to designate an additional issue for hearing. In its petition, PNI requested comparative credit for its minority ownership in 25 of the 26 markets, including Indianapolis, Indiana, where it filed mutually exclusive Channel 2 applications. Minority ownership is not a factor the Commission has found to be relevant in comparative hearings for single channel MDS stations. *See* Frank K. Spain, 77 F.C.C. 2d 29 (1980). Accordingly, we are hereby dismissing the petition.

Digital Paging Systems, Inc., et al.; Hearing Designation Order

In the matter of applications of:

	CC Docket No. 85-185
Digital Paging Systems, Inc.	File No. 50093-CM-P-74.
Cross Country Network, Inc.	File No. 50014-CM-P-75.
Private Networks, Inc.	File No. 50039-CM-P-75.

For construction permits in the Multipoint Distribution Service for a new station on Channel 2, at Seattle, Washington.

Adopted May 28, 1985.

Released June 10, 1985.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Seattle, Washington. The applications are therefore mutually exclusive and require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There were no petitions to deny filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be

specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of the efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Digital Paging Systems, Inc., Cross Country Network, Inc., Private Networks, Inc. and the Chief of Common Carier Bureau, are made parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. It is further ordered, that any authorization granted to Digital Paging Systems, a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned as follows:

(a) Without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.* FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 85-14169 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

[1] Private Networks, Inc. (PNI) filed a petition to designate an additional issue for hearing. In its petition, PNI requested comparative credit for its minority ownership in 25 of the 26 markets, including Seattle, Washington, where it filed mutually exclusive Channel 2 applications. Minority ownership is not a factor the Commission has found to be relevant in comparative hearings for single channel MDS stations. *See* Frank K. Spain, 77 F.C.C. 2d 20 (1980). Accordingly, we are hereby dismissing the petition.

Digital Paging Systems, Inc., et al.; Hearing Designation, Order

In the matter of applications of:

	CC Docket No. 85-166
Digital Paging Systems, Inc.	File No. 50047-CM-P-74.
Microband Corporation of America.	File No. 50165-CM-P-74.
Greater Media, Inc.	File No. 50166-CM-P-74.
Private Networks, Inc.	File No. 50170-CM-P-74.
Multipoint Information Systems, Inc.	File No. 50175-CM-P-74.

For construction permits in the Multipoint Distribution Service for a new station on Channel 2, at Philadelphia, Pennsylvania.

Adopted May 30, 1985.

Released June 10, 1985.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications. These applications are for construction in the Multipoint Distribution Service and they propose operations on Channel 2 at Philadelphia, Pennsylvania. The applications are therefore mutually exclusive and require competitive consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There were no petitions to deny filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a competitive basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to section 309(e) of the Commission's Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a Consolidated Proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative costs of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Digital Paging Systems, Inc., Microband Corporation of America, Greater Media, Inc., Private Networks, Inc., Multipoint Information Systems, Inc. and the Chief of Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. It is further ordered, that any authorization granted to Digital Paging Systems, a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned as follows:

(a) Without prejudice to, reexamination and reconsideration of the company's qualifications to hold an MDS license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.* FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 85-14170 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

[1] Private Networks, Inc. (PNI) filed a petition to designate an additional issue for hearing. In its petition, PNI requested comparative credit for its minority ownership in 25 of the 26 markets, including Philadelphia, Pennsylvania, where it filed mutually exclusive Channel 2 applications. Minority ownership is not a factor the Commission has found to be relevant in comparative hearings for single channel MDS stations. *See* Frank K. Spain, 77 F.C.C. 2d 20 (1980). Accordingly, we are hereby dismissing the petition.

Digital Paging Systems, Inc., et al.; Hearing Designation, Order

In the matter of:

	CC Docket No. 85-161
Digital Paging Systems, Inc.	File No. 50041-CM-P-74.
Private Networks, Inc.	File No. 50127-CM-P-74.
Midwest Corporation	File No. 50139-CM-P-74.

For construction permits in the Multipoint Distribution Service for a new station on Channel 2, at Kansas City, Missouri.

Adopted May 14, 1985.
Released June 7, 1985.

By the Common Carrier Bureau.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Kansas City, Missouri. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There were no petitions to deny filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the above-captioned applications are designated for Hearing, in a Consolidated Proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) the anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Digital Paging Systems, Inc., Private Networks, Inc., Midwest Corporation, and the Chief of Common Carrier Bureau, are made Parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. It is further ordered, that any authorization granted to Digital Paging Systems, a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned as follows:

(a) Without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.* FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division Common Carrier Bureau.

[FR Doc. 85-14168 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

[1] Private Networks, Inc. (PNI) filed a petition to designate an additional issue for hearing. In its petition, PNI requested comparative credit for its minority ownership in 25 of the 28 markets, including Kansas City, Missouri, where it filed mutually exclusive Channel 2 applications. Minority ownership is not a factor the Commission has found to be relevant in comparative hearings for single channel MDS stations. *See* Frank K. Spain, 77 F.C.C. 2d 20 (1980). Accordingly, we are hereby dismissing the petition.

[CC Docket No. 85-189; File No. 50038-CM-P-74 et al.]

Tel-Car Corp. et al; Hearing Designation Order

In the matter of applications of:

	CC Docket No. 85-189
Tel-Car Corporation	File No. 50039-CM-P-74.
Multi-Communications Service, Inc.	File No. 50105-CM-P-74.
Private Networks, Inc.	File No. 50124-CM-P-74.
M.C.C.A. Service Corporation.	File No. 50146-CM-P-74.

For construction permits in the Multipoint Distribution Service for a new station on Channel 2, at Miami, Florida.

Adopted June 4, 1985.
Released June 7, 1985.

By the Common Carrier Bureaus.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Miami, Florida. The applications are therefore mutually exclusive and require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There were no petitions to deny filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of the efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Tel-Car Corporation, Multi-Communications Service, Inc., Private Networks, Inc., M.C.C.A. Service Corporation and the Chief of Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of

[1] Private Networks, Inc. (PNI) filed a petition to designate an additional issue for hearing. In its petition, PNI requested comparative credit for its minority ownership in 25 of the 26 markets, including Miami, Florida, where it filed mutually exclusive Channel 2 applications. Minority ownership is not a factor the Commission has found to be relevant in comparative hearings for single channel MDS stations. *See* Frank K. Spain, 77 F.C.C. 2d 20 (1980). Accordingly, we are hereby dismissing the petition.

§ 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 85-14172 Filed 6-11-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants; American Freight Exchange, Inc., et al.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act, 1984 (46 U.S.C. app. 1718 and 46 CFR Part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

American Freight Exchange, Inc., 149-10 183rd Street, #228, Jamaica, NY 11413.
Officers: Matthew Zip, Chairman, Lawrence Rein, President, Florence Cotler, Secretary, Robert Agoglia, Director

Renate H. Omania d.b.a Waldo's Multi-Service, 29 Southwaite Court, Orinda, CA 94563

U.S. Carriage International, Inc., 11938 Waveland Avenue, Franklin Park, IL 60131
Officer: William John Marston, Sole Officer

Seino Enterprise Corporation, 5250 El Segundo Blvd., Hawthorne, CA 90250
Officer: Walter Y. Watanabe, President

Michael J. Loprimo, 33 Gleaner Lane, Levittown, NY 11756

By the Federal Maritime Commission.

Dated: June 7, 1985.

Bruce A Dombrowski,

Acting Secretary.

[FR Doc. 85-14099 Filed 6-11-85; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Revocations; Behring International, Inc., et al.

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License Number: 910
Name: Behring International, Inc.
Address: 10,700 N.W. Freeway, Houston, TX 77092
Date Revoked: May 26, 1985
Reason: Failed to maintain a valid surety bond.

License Number: 2519
Name: World Transportation Services, Inc. d.b.a. WTS, Inc.
Address: 1632 So. Redwood Road, Salt Lake City, UT 84104
Date Revoked: May 29, 1985
Reason: Failed to maintain a valid surety bond.

License Number: 2508
Name: Samaras International Corporation
Address: P.O. Box 38235 AMF, Denver, CO 80238-0235
Date Revoked: June 1, 1985
Reason: Failed to maintain a valid surety bond

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 85-14098 Filed 6-11-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Commonwealth Trust Bancorp, Inc., 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 3, 1985.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Commonwealth Trust Bancorp, Inc.*, Covington, Kentucky; to engage *de novo* through its subsidiary, Commonwealth Banclease, Inc., Covington, Kentucky, in the leasing of real and personal property.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Interstate Bancorp*, Los Angeles, California; to continue to engage through its subsidiaries, First Interstate Services Company, Torrance, California; Resulting Consultants Group, Inc., Atlanta, Georgia; and Transaction Systems, Inc., Denver, Colorado, in providing to others data processing and data transmission services, facilities or data bases, and to expand the geographic scope of these activities to include the entire United States.

Board of Governors of the Federal Reserve System, June 6, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-14077 Filed 6-11-85; 8:45 am]

BILLING CODE 6210-01-M

First Camden Bancorp, et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 5, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *First Camden Bancorporation*, St. Marys, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Camden County, St. Marys, Georgia.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *F M Fincorp*, Laotto, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers & Merchants Bank, Laotto, Indiana.

Board of Governors of the Federal Reserve System, June 6, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-14078 Filed 6-11-85; 8:45 am]

BILLING CODE 6210-01-M

Key BancShares of New York Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) 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 acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 3, 1985.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Key Bancshares of New York Inc.*, Albany, New York; to become a bank holding company by acquiring 100 percent of the voting shares of the following banks: Key Bank N.A., Albany; Key Bank of Central New York, N.A., Watertown; Key Bank of Southeastern New York, N.A., Chester; Key Bank of Western New York, N.A., Jamestown; and Key Bank of Long Island, Sayville, all located in New York.

Key Bancshares of New York Inc. has also applied to acquire the following non-bank companies: Key Trust Company, Albany, New York (fiduciary, agency and custodian activities, serving the State of New York); Key Trust Company of Florida, N.A., Orlando, Florida (fiduciary, agency and custodial activities, serving the Tampa-Orlando area of Florida); Key Financial Services, Inc., Wellesley Hills, Maine (making or acquiring loans to finance personal property, serving the entire United States); Key Bank Life Insurance Ltd., Albany, New York (underwriting credit life accident and health insurance, serving the States of New York and Maine); Key Mortgage Funding Inc., Albany, New York (making and servicing mortgage loans, serving the State of New York); Key Services Corporation, Albany, New York (data processing activities, serving the States of New York and Maine); Key Advisory Services Inc., Albany, New York (investment and financial advisory services, serving the States of New York, and New Jersey and the Commonwealth of Pennsylvania); and Howe and Rusling, Inc., Rochester, New York (investment and financial advisory services, serving the western portion of the State of New York).

Board of Governors of the Federal Reserve System, June 6, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-14079 Filed 6-11-85; 8:45 am]

BILLING CODE 6210-01-M

[Docket Nos. R-0515B and R-0515C]

Requests for Comments on Proposals Regarding Automated Clearing Houses and Net Settlement Arrangements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Extension of the comment periods.

SUMMARY: On May 17, 1985, the Board requested public comment on proposals regarding automated clearing houses (Docket No. R-0515B) and net settlement arrangements (Docket No. R-0515C). These requests are related to the Board's attempts to reduce risks in the payments system that we announced on the same day, 50 FR 21120 et seq. (May 22, 1985) In both cases, comments were due by August 15, 1985. In response to a request, the Secretary of the Board, acting pursuant to delegated authority, 12 CFR 265.2(a)(6), has extended the comment period for 45 days.

DATE: Comments must be received by September 30, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Edward C. Ettin, Deputy Director, Division of Research and Statistics (202/452-3368); Mr. Elliott C. McEntee, Associate Director (202/452-3926), Ms. Florence Young, Advisor (202/452-3955), Division of Federal Reserve Bank Operations; or Ms. Joy W. O'Connell, TDD (202/452-3244).

By order of the Secretary of the Board, acting pursuant to delegated authority, 12 CFR 265.2(a)(6). June 7, 1985.

William W. Wiles,

Secretary of the Board

[FR Doc. 85-14080 Filed 6-11-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individuals cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intendes to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 85-0406—Britoil PLC's proposed acquisition of assets of Freeport-McMoRan, Inc.	May 20, 1985.
(2) 85-0518—Bergen Brunswig Corporation's proposed acquisition of assets of Pharmaceutical Distribution Business of Davis, (The Davis Companies, Inc., UPE).	Do.
(3) 85-0486—Fairview Community Hospitals' proposed acquisition of assets of Iowa Lutheran Hospital, (Iowa Synod of the Lutheran Church in America, UPE).	May 21, 1985.
(4) 85-0491—The Times Mirror Company's proposed acquisition of assets of Xerox Learning Systems, (Xerox Corporation, UPE).	May 22, 1985.
(5) 85-0527—DMC/WSU Health System's proposed acquisition of voting securities of Children's Hospital of Michigan.	May 23, 1985.
(6) 85-0528—DMC/WSU Health System's proposed acquisition of voting securities of Detroit Medical Center Corporation.	Do.
(7) 85-0529—DMC/WSU Health System's proposed acquisition of voting securities of Great Lakes Rehabilitation Corporation.	Do.
(8) 85-0530—DMC/WSU Health System's proposed acquisition of voting securities of HGH Health System.	Do.
(9) 85-0552—Ing. C. Olivetti & C. S.p.A.'s proposed acquisition of voting securities of Docutel/Olivetti Corporation.	Do.
(10) 85-0531—Dynamics Corporation of America's proposed acquisition of voting securities of Dale Electronics, Inc., (The Lionel Corporation, UPE).	May 24, 1985.
(11) 85-0540—L.B. Foster Company's proposed acquisition of assets of Illinois Central Gulf Railroad, (IC Industries, Inc., UPE).	Do.
(12) 85-0548—HealthAmerica Corporation's proposed acquisition of voting securities of MetroHealth, Inc.	Do.
(13) 85-0547—Mrs. Harriet Hartmann's proposed acquisition of assets of Laminated and Coated Products Division, (Champion International Corporation, UPE).	Do.
(14) 85-0570—Goldome FSB's proposed acquisition of assets of Bankers Funding Corporation, (Central Pacific Corporation, UPE).	Do.
(15) 85-0587—Sidney Kaplan's proposed acquisition of assets of Putnam Mills Corporation, (Pope, Evans and Robbins Incorporated, UPE).	Do.
(16) 85-0521—Southmark Corporation's proposed acquisition of voting securities of Retirement Corporation of America, (Richard T. Conard, M.D., UPE).	May 28, 1985.
(17) 85-0523—The Rio Tinto-Zinc Corpo. PLC's proposed acquisition of voting securities of Walsh Chemical Corp., (Maurice J. Walsh, UPE).	Do.
(18) 85-0445—Swire Pacific Limited's proposed acquisition of voting securities of Wometco Coca-Cola Bottling Co. of Northern Arizona, Inc., (Coca-Cola Bottling Co. Consolidated J. Frank Harrison, UPE).	May 29, 1985.
(19) 85-0457—International Thomson Organization Ltd.'s proposed acquisition of assets of AutEx Systems, University Microfilms International, (Zerox Corporation, UPE).	Do.
(20) 85-0544—American Brands, Inc.'s proposed acquisition of voting securities of Foot-Joy, Inc., (General Mills, Inc., UPE).	Do.
(21) 85-0555—American Medical International, Inc.'s proposed acquisition of voting securities of American Hospital of Miami, Inc.	Do.
(22) 85-0560—American Medical International, Inc.'s proposed acquisition of voting securities of South Dade Health Complex, Inc.	Do.
(23) 85-0568—Donald J. Trump's proposed acquisition of assets of Atlantic City Hilton, (Hilton Hotels Corporation, UPE).	Do.
(24) 85-0573—The Pillsbury Company's proposed acquisition of assets of Atlanta Fast Food Corporation, (Charles A. Micale, UPE) and AFFC Realty Partnership.	Do.
(25) 85-0599—Kemira Oy's proposed acquisition of assets of titanium dioxide business, (American Cyanamid Company, UPE).	Do.
(26) 85-0602—Norwest Corporation's proposed acquisition of assets of Southwest Forest Industries, Inc.	Do.
1(27) 85-0490—Mr. Marshall Field V's proposed acquisition of assets of Zerox Education Publications, (Zerox Corporation, UPE).	May 30, 1985.
(28) 85-0532—National Intergroup Inc.'s proposed acquisition of voting securities of Stone Co. of Texas.	Do.
(29) 85-0550—Raymond G. Perelman's proposed acquisition of voting securities of General Refractories Company.	Do.
(30) 85-0576—William Jack Davis' proposed acquisition of voting securities of Bluefield Supply Company.	Do.
(31) 85-0577—Dart & Kraft, Inc.'s proposed acquisition of voting securities of Westman Commission Company, (Robert L. Weil, UPE).	Do.
(32) 85-0553—Central Jersey Industries, Inc.'s proposed acquisition of voting securities of Rowe International, Inc., (Triangle Industries, Inc. UPE).	May 31, 1985.
(33) 85-0554—Triangle Industries, Inc.'s proposed acquisition of voting securities of Central Jersey Industries, Inc.	Do.
(34) 85-0629—United Airlines, Inc.'s proposed acquisition of assets of Frontier Airlines, Inc., (25 Boeing 737-200 Airplanes) (Frontier Holdings, Inc., UPE).	Do.
(35) 85-0561—Petroleum Associates, L.P.'s proposed acquisition of voting securities of Union Texas Petroleum Holding, Inc., (Allied Corporation, UPE).	June 3, 1985.
(36) 85-0578—McKesson Corporation's proposed acquisition of voting securities of Mass Merchandisers, Inc.	Do.
(37) 85-0596—CBS Inc.'s proposed acquisition of WSUN, WYNF, (Taft Broadcasting Company, UPE).	Do.
(38) 85-0548—RCA Corporation's proposed acquisition of RCA/Sharp Microelectronics, Inc., a corporate joint venture.	June 4, 1985.
(39) 85-0585—Sam Fox's proposed acquisition of voting securities of Allied Healthcare Products, Inc., (Allegheny International, Inc. UPE).	Do.
(40) 85-0591—Riverside Partners' proposed acquisition of Itel Corporation.	Do.
(41) 85-0621—Allegheny Corporation's proposed acquisition of voting securities of Chicago Title and Trust Company, (Lincoln National Corporation, UPE).	Do.
(42) 85-0638—Harcourt Brace Jovanovich, Inc.'s proposed acquisition of voting securities of Florida Cypress Gardens, Inc.	Do.
(43) 85-0639—Harcourt Brace Jovanovich, Inc.'s proposed acquisition of voting securities of Florida Cypress Gardens, Inc.	Do.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Legal Technician Premerger Notification Office, Bureau of Competition, Room 303 Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85-14082 Filed 6-11-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 85M-0253]

Hoffmann-La Roche, Inc.; Premarket Approval of the CEA-Roche® EIA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Hoffmann-La Roche, Inc., Nutley, NJ, for premarket approval, under the Medical

Device Amendments of 1976, of the CEA-Roche* EIA. After reviewing the recommendation of the Immunology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by June 12, 1985.

ADDRESS: Written request for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: S.K. Vadlamudi, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On June 19, 1984, Hoffmann-La Roche, Inc., Nutley, NJ 07110, submitted to CDRH an application for premarket approval of the CEA-Roche* EIA, an in vitro device. The device is an enzyme immunoassay (EIA) indicated for the quantitative measurement of carcinoembryonic antigen (CEA) in human plasma to be used as an aid in the prognosis and management of cancer patients in whom changing concentrations of CEA are observed. On September 24, 1984, the Immunology Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On May 9, 1985, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness in data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact S.K. Vadlamudi (HFZ-440), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested persons to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review.

After reviewing the petition, FDA will decide whether to grantor deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 12, 1985, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological health (21 CFR 5.53).

Dated: June 4, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-14073 Filed 6-11-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85P-0213]

Canned Pacific Salmon Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Geo. A. Hormel & Co. to market test canned smoked-flavored, skinless and boneless, chunk salmon. The purpose of the termporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than September 10, 1985.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nicholse, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C Street, SW., Washington, DC 20204, 202-485-0101.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a termporary permit has been issued to Geo. A. Hormel & Co., Austin, MN 55912.

The permit covers limited interstate marketing tests of canned smoked-flavored, skinless and boneless, chunk salmon. The test product deviates from the standard of identity for canned Pacific salmon (21 CFR 161.170) in four ways: (1) the form of pack is chunk, i.e., not less than 50 percent of the fill weight of the salmon is retained on a ½-inch mesh screen; (2) the skin and backbone, i.e., the vertebrae and associated bones (neural spines and ventral ribs) will be removed; (3) the product contains natural smoke flavoring and adjunct flavoring ingredients (i.e., corn oil, salt, brown sugar, and dextrose) in an amount not to exceed 8.73 percent of the weight of the food; and (4) a small amount of water (1 percent of the weight of the food) will be added to the product prior to processing to aid in dispersion of salt. The test product meets all requirements of § 161.170 with the exception of these deviations. The permit provides for the temporary marketing of 100,000 cases of test product containing twenty-four 6¾-ounce cans each. The test product will be distributed throughout the continental United States.

The test product is to be manufactured at the Tony Downs Food Co. plant located in Madelia, MN.

Each of the ingredients used in the food is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than September 10, 1985.

Dated: June 5, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-14075 Filed 6-11-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85P-0272]

Canned Pacific Salmon Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Geo. A. Hormel & Co. to market test canned skinless and boneless chunk salmon. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than (September 10, 1985.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-485-0101.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Geo. A. Hormel & Co., Austin, MN 55912.

The permit covers limited interstate marketing tests of canned skinless and boneless chunk salmon. The test product deviates from the standard of identify for canned Pacific salmon (21 CFR 161.170) in three ways: (1) the form of pack is chunk, i.e., not less than 50 percent of the fill weight of the salmon is retained on a ½-inch mesh screen; (2) the skin and backbone, i.e., the vertebrae and associated bones (neural spines and ventral ribs) will be removed; and (3) a small amount of water (1 percent of the weight of the food) will be added to the product prior to processing to aid in dispersion of salt. The test product meets all requirements of § 161.170 with the exception of these deviations. The permit provides for the temporary maketing of 300,000 cases of test product containing twenty-four 6 ¾-ounce cans each. The test product will be distributed throughout the continental United States.

The test product is to be manufactured at the Tony Downs Food Co. plant located in Madelia, MN.

Each of the ingredients used in the food is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than September 10, 1985.

Dated: June 5, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-14076 Filed 6-11-85; 8:45 am]

BILLING CODE 4160-01-M

Social Security Administration

Demonstration Projects To Demonstrate Methods for Assisting Social Security Disability Insurance Beneficiaries To Obtain Employment; Announcement of the Availability of Grant Funds

Correction

In FR. Doc. 85-12960, beginning on page 23071 in the issue of Thursday, May 30, 1985, make the following corrections:

1. On page 23702, in the first column, the seventh line should read "natural setting various employment and".

2. Also on page 23702, in the middle column, the first word in the third line of the last paragraph should read "contacting ".

3. On page 23703, in the middle column, in the paragraph designated "2.", the second word in the fourth line should read "resources".

BILLING CODE 1505-01-M

Research Grants; Announcement of the Availability of Grants Funds

Correction

In FR Doc. 85-12959, beginning on page 23073 in the issue of Thursday, May 30, 1985, make the following corrections:

1. On page 23074, in the first column, the third line of the last paragraph should read "fringe benefits) in the post-war period".

2. Also on page 23074, in the middle column, the fifth line of the second complete paragraph should read "in priority area SSA-85-01".

3. Also on page 23074, in the middle column, the forth line of the paragraph designated "1." should read "available from Social Security".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-85-1470; FR-2048]

Prototype Cost Determinations Issued Under the United States Housing Act of 1937

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of prototype cost determinations for the State of New Mexico.

SUMMARY: This notice establishes prototype cost limits for the development of public housing new construction projects under the United States Housing Act of 1937 for the State of New Mexico. The New Mexico prototype costs are based on five market areas rather than the 20 market areas used in the schedules published on December 6, 1984 (49 FR 47772). This notice supersedes the New Mexico schedules published in the prior notice.

FOR FURTHER INFORMATION CONTACT: Raymond W. Hamilton, Director, Development Division, Office of Public Housing, Room 4220, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Telephone (202) 426-0938. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 6, 1984 (49 FR 47772), the Department published its annual prototype cost limit determinations for the development of new construction projects under the United States Housing Act of 1937. The cost limit determinations for the State of New Mexico announced in that notice were based on 20 prototype marketing areas. A subsequent review of actual dwelling construction and equipment costs in these 20 areas indicated that five marketing areas would more accurately reflect current conditions. Accordingly, this notice amends the New Mexico prototype cost limits based on five marketing areas.

The five marketing areas include the following counties:

Zone I—Albuquerque

Bernalillo.

Zone II—Silver City

Catron, Cibola, Grant, Hidalgo, Los Alamos, McKinley, Rio Arriba, Sandoval, San Juan, and Valencia.

Zone III—Clovis

Chaves, Curry, Dona Ana, Eddy, Harding, Lea, Luna, Otero, Quay, Roosevelt, Sierra, Socorro, and Union.

Zone IV—Santa Fe

Colfax, DeBaca, Guadalupe, Lincoln, Mora, San Miguel, Santa Fe, and Torrence.

Zone V—Taos

Taos

This notice does not affect the Indian prototype areas or Indian prototype cost determinations for the State of New Mexico published April 25, 1985 (50 FR 16438).

Written comments will be considered and additional amendments published if the Department determines that amendments are justified in light of the comments. Comments should be sent to the Fort Worth Regional Office, 221 W. Lancaster, P.O. Box 2905, Fort Worth, TX 76113-2905.

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321-4347) is unnecessary since statutorily required prototype costs are categorically excluded under 24 CFR 50.20(1).

The Catalog of Federal Domestic Assistance program number is: 14.146, Low Income Housing Assistance Program (public housing).

The prototype per unit cost schedules for prototype cost areas, issued under 24 CFR Part 941, Prototype Cost Limits for Low-Income Public Housing are amended as shown on the tables set forth below entitled "Prototype Per Unit Cost Schedule—Region VI, New Mexico."

Dated: June 5, 1985.

Warren T. Lindquist,

Assistant Secretary for Public and Indian Housing.

PROTOTYPE PER LIMIT COST SCHEDULE

	Number of bedrooms						
	0	1	2	3	4	5	6
Region VI							
New Mexico:							
Albuquerque:							
Detached and semidetached	18,350	22,000	24,550	29,200	35,100	39,300	40,950
Row dwellings	17,000	20,300	22,800	27,050	32,300	36,000	37,850
Walkup	14,700	18,200	20,650	24,400	28,400	31,100	32,700
Elevator-structure	25,750	30,050	38,050				
Silver City:							
Detached and semidetached	21,000	25,200	28,200	33,450	40,400	45,100	46,800
Row dwellings	19,050	22,700	25,450	30,200	36,200	40,250	42,250
Walkup	16,450	20,400	23,050	27,400	31,750	34,900	36,500
Elevator-structure	25,800	30,350	38,150				
Clovis:							
Detached and semidetached	19,500	23,450	26,100	31,100	37,400	41,700	43,350
Row dwellings	17,900	21,800	24,050	28,800	34,250	38,200	40,100
Walkup	15,850	19,500	21,800	26,050	30,050	33,150	34,750
Elevator-structure	24,600	28,600	36,200				
Santa Fe:							
Detached and semidetached	19,850	24,000	26,750	31,750	38,300	42,800	44,550
Row dwellings	18,800	22,200	24,650	29,550	35,250	39,300	41,100
Walkup	16,000	19,800	22,400	26,600	30,700	33,950	35,650
Elevator-structure	25,300	29,550	37,250				
Taos:							
Detached and semidetached	23,200	27,700	30,950	36,750	44,500	49,550	51,500
Row dwellings	21,500	25,850	28,750	34,100	41,050	45,550	47,800
Walkup	18,300	22,550	25,700	30,250	35,100	38,500	40,600
Elevator-structure	25,700	30,050	37,900				

[FR Doc. 85-14096 Filed 6-11-85; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

School Construction Priorities List, FY 1986

May 28, 1985.

ACTION: Bureau of Indian Affairs, Department of Interior.

ACTION: Notice.

SUMMARY: This notice is published in exercise of authority delegated by the Secretary of Interior to the Assistant Secretary Indian Affairs by 209 DM 8. The school construction priority list has been revised for FY 1986 as required by Pub. L. 95-561; 92 Stat. 2319, Section 1125(o) requires that: At the time any budget request for school construction is presented, the Secretary shall publish in the **Federal Register** and submit with the budget request the current list of all school construction priorities.

This notice for FY 1986 provides the current revised list of proposed construction projects.

Construction of these projects is subject to the availabilitiy of funds and/or the status of currently committed construction projects approved by Congress. Committed projects are Two Eagle River Indian High School, MT. and Rocky Boy High School, MT.

The current list of school construction projects applies to FY 1986 based upon the Bureau's criteria for ranking projects using "unhoused" students. A revised list is developed and published for each succeeding fiscal year.

Further information regarding this list or the ranking process may be obtained from Frank Latta, Chief, School Facilities Staff, Bureau of Indian Affairs, Room 309 South Interior Building, telephone number (202) 343-1484.

BIA, Contract and Previously Private School Construction Ranking—FY 1986.

1. Oglala High School, SD, St. Francis School, SD;

2. Turtle Mountain Middle School, ND.

3. Coeur d'Alene Elementary School, ID.

4. Cheyenne River High School, SD.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 85-14193 Filed 6-7-85; 8:45 am]

BILLING CODE 4310-02-M

Plan For the Use and Distribution of Pauma Band of Mission Indians Judgment Funds in Docket 80-A Before the United States Claims Courts

June 4, 1985.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on November 16, 1983, in satisfaction of the award granted to the Pauma Band of Mission Indians before the United States Claims Court in Docket 80-A. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated November 7, 1984, and was received (as recorded in the *Congressional Record*) by the Senate on November 9, 1984, and by the House of Representatives on November 9, 1984. The plan became effective on April 18, 1985, as provided by the 1973 Act, as amended by Pub. L. 97-458, since a joint resolution disapproving it was not enacted. The plan reads as follows:

The funds of the Pauma Band of Mission Indians, appropriated November 16, 1983, in Docket 80-A before the United States Claims Court, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as follows:

Per Capita Payment Aspect

Eighty (80) percent of the funds shall be utilized for per capita payments and dividend payments as distributed by the Secretary of the Interior (hereinafter the "Secretary"). One Thousand Five Hundred Dollars ($1,500) shall be distributed per capita to all tribal members born on or prior to and living on the effective date of this plan. The balance of the eighty (80) percent, and any amounts left from the per capita payment, shall be invested by the Secretary, with the interest and investment income accured to be utilized for periodic dividend payments to tribal members as designated by the tribal governing body and approved by the Secretary.

Programing Aspect

Twenty (20) percent of the funds shall be invested by the Secretary and utilized by the tribal governing body on a budgetary basis subject to the approval of the Secretary, for the following purposes:

A. Agricultural Development—$25,000.

B. Domestic/Irrigation Water Use—$15,000.

C. Tribal Administrative Costs—$10,000.

D. Public Address System—$1,000.

E. Burial Gasoline Fund—$5,000.

F. Completion of Gas Station and Purchase of gasoline—$8,000.

G. The balance of the twenty (20) percent set aside for programing shall be invested by the Secretary. Fifty (50) percent of the interest accrued shall be used to establish an education fund. All remaining funds including principal and interest shall only be used with the recommendation of the general council of the Pauma Band subject to the approval of the Secretary. None of the twenty (20) percent programing portion of the funds shall be available for per capita or dividend payments.

General Provisions

The per capita shares and dividend payments of living, competent adults shall be paid directly to them. The shares and payments of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. The shares and payments of legal incompetents and minors shall be handled as provided in the Act of October 19, 1973, 87 Stat. 466, as amended January 12, 1983, 96 Stat. 2512.

None of the funds distributed per capita or as dividend payments or made available under this plan for programing shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita shares in excess of $2,000, an Federal or federally assisted programs.

Sidney L. Mills,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 85-14194 Filed 6-7-85; 8:45 am]

BILLING CODE 4310-02-M

Plan for the Use and Distribution of the Walker River Paiute Tribe's Judgment Funds in Docket 87-E Before the United States Claims Court

June 4, 1985.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on November 9, 1983, in satisfaction of the award granted to the Walker River Paiute Tribe of Indians before the United States Claims Court in Docket 87-E. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated November 7, 1984, and was received (as recorded in the Congressional Record) by the Senate on November 8, 1984, and by the House of Representatives on November 8, 1984. The plan became effective on April 18, 1985, as provided by the 1973 Act, as amended by Pub. L. 97-458, since a joint resolution disapproving it was not enacted.

The plan reads as follows:

The funds of the Walker River Paiute Tribe, appropriated November 9, 1983, in Docket 87-E before the United States Claims Court, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as follows:

Per Capita Payment Aspect

Eighty (80) percent of the funds shall be distributed in the form of per capita payments by the Secretary of the Interior (hereinafter the "Secretary") in sums as equal as possible to all tribal members born on or prior to and living on the effective date of this plan, except that, individuals who have received per capita payments or dividend payments from any other federally recognized tribe or tribes, by virtue of tribal membership, shall not be eligible to participate in the per capita payment aspect of this plan.

The tribal governing body shall establish, with the approval of the Secretary, a procedure and deadline for the filing of applications for tribal enrollment. Such deadline shall not be established on a Saturday, Sunday or legal holiday.

Programing Aspect

Twenty (20) percent of the funds, and any amounts remaining from the per capita payments provided above, shall be invested by the Secretary, and utilized by the tribal governing body on a budgetary basis, subject to the approval of the Secretary, for tribal social and economic development programs. Such programs may include, but are not limited to, tribal administration, capital improvements and collateral on loans.

General Provisions

The per capita shares of living, competent adults shall be paid directly to them. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. Per capita shares of legal incompetents and minors shall be handled as provided in the Act of October 19, 1973, 87 Stat. 466, as amended, January 12, 1983, 96 Stat. 2512.

None of the funds distributed per capital or made available under this plan for programing shall be subject to Federal or State income, taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under the Social Security Act or, except for per capita shares in excess of $2,000, any Federal or federally assisted programs.

Sidney L. Mills,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 85-14195 Filed 6-11-85; 8:45 am]

BILLING CODE 4310-02-M

Notice of Proposed Findings Against Federal Acknowledgment of the Tchinouk Indians of Oregon

May 30, 1985.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(f) (formerly 25 CFR 54.9(f)), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the: Tchinouk Indians, c/o Karleen Parazoo, 5621 Altamount Drive, Klamath Falls, Oregon 97601, exist as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the Tchinouk do not meet four of the criteria set forth in 25 CFR 83.7 and, therefore, do not meet the requirements necessary for a government-to-government relationship with the United States.

The Tchinouk Indians descend from an unknown band or bands of Chinook Indians who inhabited the Columbia River Basin in Oregon and Washington. (For the purpose of this proposed finding Tchinouk should be understood as referring to the petitioning group and Chinook as referring to the aboriginal tribe.) The documented history of the Chinooks began in 1788. The vast majority of the aboriginal population died in an epidemic in the 1830's. The Tchinouk Indians generally trace their Chinook ancestry to two Chinook women who married French-Canadian traders from the Hudson's Bay Company prior to 1830. The specific Chinook band these women were from, or whether they were Lower of Upper Chinook, could not be determined. These individuals settled in the French Prairie region of northwestern Oregon in the 1830's, becoming part of the community of French-Canadians and mixed-bloods. There is no evidence that they formed a distinct Indian community within French Prairie.

By the late 1870's, many of the mixed-blood descendants of these Tchinouk families, along with other mixed-bloods, had migrated to Douglas and Lane Counties in southwestern Oregon. Many settled in an area near Sutherlin, where may Indians and mixed-bloods from different parts of Oregon also settled, and with whom they developed some kinship ties. Shortly after 1900, two of the Tchinouks moved east to the Klamath Indian Reservation in southern Oregon, intermarrying with the local Indian community.

The collection of mixed-blood and Indian families in the Sutherlin area which included the Tchinouk families did not form a distinct Indian community, although many were individually indentified as Indians of one tribe or another. There was no known leadership or other political structure which governed them as a distinct body of people.

Prior to 1957, most of the group members were not identified as being Chinook but rather as being members of other tribal groups, usually Umpqua. They participated in several Indian claims organizations which began in the 1920's which were identified as Umpqua and which included many non-Tchinouk families from the Umpqua Valley region of Douglas County. None of these organizations served as a political entity governing the group's membership. The Tchinouks applied for payment under the Western Oregon judgment fund as Umpqua, Molalla or Calapuya and were rejected in 1957 when their ancestry was determined to be Chinook.

The Tchinouk Indians have only had a formal structure since organizing in 1974 and have only been identified as a Chinook group since that date. The group's constitution and bylaws describe how the membership is determined and how the governing body of the group functions.

Approximately 94 percent of the group's 304 members can document descendancy from one or both of the original Chinook ancestors and meet the group's membership criteria. The other 6 percent were found ineligible for membership due to the fact that their ancestry could not be determined or they did not have Chinook ancestry. Only one of the group's members belonged to a recognized tribe.

Detailed research led to the conclusion that the Tchinouk Indians are forbidden the Federal relationship by the Western Oregon Termination Act of 1954. Although not specifically named in the act, the act's broad language applied to them and other non-reservation Indians of Southwestern Oregon. Many members of the Tchinouk received termination services under the act.

Based on this preliminary factual determination, we conclude that the Tchinouk Indians meet criteria d, e, and f, but do not meet criteria a, b, c, or g, of Section 83.7 of the Acknowledgment regulations. Even if it were determined that the Western Oregon Termination Act did not apply to this group, the petitioner would still fail to meet three of the acknowledgment criteria.

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days from the date of publication of this notice.

Under section 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioners and interested parties upon written request. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, 1951 Constitution Avenue NW., South Interior Building, Room 32, Washington, D.C. 20245, Attention: Branch of Acknowledgment and Research.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after the expiration of the 120-day response period, the Assistant Secretary

will publish the final determination regarding the petitioner's status in the **Federal Register** as provided in § 83.9(h).

Theodore C. Krenzke,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 85-14196 Filed 6-11-85; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[CA 17118]

Noncompetitive Sale of Public Lands in Trinity County, California; Notice of Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty Action—Noncompetitive sale of public land in Trinity County, California.

SUMMARY: The following described public land has been examined, and identified as suitable for disposal by sale under Sec. 203 of the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value. Appraisal value will be available prior to sale at BLM area office, Redding, California.

Legal Descriptions:

Township 31 North, Range 11 West, M.D.B.&M.,

Sec. 2, NW¼NW¼SE¼NE¼.

Containing approximately 2.5 acres.

The above described land will be offered as a direct sale to: Thomas and Rachel Brezinski.

This direct sale is necessary to protect equities arising from inadvertent unauthorized use, as a result of private surveying errors. The proposed sale area contains a protion of their residence and improvements which have been established for may years. The area to be conveyed will accommodate the subject inadvertent trespasses upon public land, comply with Trinity County Planning Department requirements, and assure that no uneconomic, difficult-to-manage remnant is created.

The proposed sale has been examined and found suitable for disposal under the said Act of October 21, 1976, and is consistent with the approved Redding Resource Area Land Use Plans.

BLM may withdraw this land from sale at any time if, in the opinion of the Authorized Officer, consummation of the sale would not be in the best interest of the United States.

The terms and conditions applicable to the sale are as follows:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. The land will be sold subject to those rights for electric transmission line purposes as have been granted to Pacific Gas and Electric Company, Serial #S 051295, under the Act of March 4, 1911 (43 U.S.C. 961).

3. It has been determined that the subject parcel contains no known mineral values. Therefore, as a condition of sale, a $50.00 nonrefundable fee will be required for conveyance of those mineral interests offered for conveyance in the sale.

Publication of this Notice in the **Federal Register**, segregates the public lands from appropriation under the public land laws, including the mining laws. The segregative effect shall terminate upon issuance of patent, upon publication in the **Federal Register** of a termination of the segregation, or 270 days from the date of publication, whichever occurs first.

Detailed information concerning the sale, including the environmental assessment and land report are available for review at the Redding Resource Area Office, 355 Hemsted Drive, Redding, California 96002. The appraisal for this parcel will be available prior to sale.

DATE: Comments should be sent to the following address no later than July 30, 1985.

ADDRESS: Comments and suggestions should be sent to: Area Manager, Redding Resource Area, Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002.

Comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination for the Bureau of Land Management.

FOR FURTHER INFORMATION CONTACT: Robert J. Bainbridge, (916) 246-5325.

Dated May 31, 1985.

Robert J. Bainbridge,

Redding Area Manager.

[FR Doc. 85-14197 Filed 6-7-85; 8:45 am]

BILLING CODE 4310-40-M

New Mexico; Notice of Filing of Plat of Survey

May 30, 1985

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Sante Fe, New Mexico, effective at 10:00 a.m. on May 30, 1985.

The dependent resurvey of a portion of the north boundary and a portion of the subdivisional lines of Township 14 North, Range 4 West, New Mexico Principal Meridian, New Mexico, under Group 807 NM.

This survey was requested by the Area Director, Bureau of Indian Affairs, Albuquerque Area Office, Albuquerque, New Mexico.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from office upon payment of $2.50 per sheet.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 85-14198 Filed 6-11-85; 8:45 am]

BILLING CODE 4310-FB-M

Fish and Wildlife Service

Receipt of Application for Permit; Atlanta Zoological Park et al.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amened (16 U.S.C. 1531, et seq.):

PRT-695185

Applicant: Atlanta Zoological Park, Atlanta, GA.

The applicant requests a permit to import one captive-hatched gharial (*Gavialis gangeticus*) from the Atagawa Tropical and Alligator Farm, Shizuoka, Japan, for enhancement of the propagation of the species.

PRT-695144

Applicant: Dr. Margaret R. Clarke, Kenner, LA.

The applicant requests a permit to import up to 75 blood samples from wild howler monkeys [*Alouatta palliata* (*villosa*)] in Costa Rica for the purpose of scientific research.

PRT-690573

Applicant: Lincoln Park Zoo, Chicago, IL.

The applicant requests a permit to import a female Afghanistan leopard (*Panthera pardus saxicolor*) from the Doha Zoological Garden, Doha, Qatar, for the purpose of enhancement of propagation.

PRT-695179

Applicant: Arden Glen Mohwinkel, Anchorage, AK.

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (*Damaliscus d. dorcas*) culled from the captive herd of C.J. Retief, Harrismith, South Africa, for the purpose of enhancement of propagation.

PRT-694026

Applicant: Louisiana Dept. of Wildlife & Fisheries, Grand Chenier, LA.

The applicant requests a permit to take (capture, band, release and monitor) 50-100, 8-11 week-old brown pelicans (*Pelecanus occidentalis carolinensis*) within Louisiana for scientific research.

PRT-694894

Applicant: Michael P. Yoder-Williams, University of California, Truckee, CA.

The applicant requests a permit to take a single herbarium specimen of the Truckee barberry [*Mahonia* (=*Berberis*) sonnei] at each new population site discovered in the eastern Sierra Nevada region of CA and NV for scientific research.

PRT-695468

Applicant: National Park Service, Golden Gate National Recreation Area, San Francisco, CA.

The applicant requests a permit to take (capture, band, release) five peregrine falcons (*Falco peregrinus*) and five bald eagles (*Haliaeetus leucocephalus*) at Pt. Diablo on the recreation area for scientific research.

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 at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: June 7, 1985.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 85-14129 Filed 6-11-85; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 10:00 a.m. (PST) on Saturday, June 22, 1985 at West Marin School, Point Reyes Station, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margot Patterson Doss
Mr. Jerry Friedman
Mr. Charles Gould
Mr. Daphne Greene
Ms. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Mitchell
Ms. Gimmy Park Li
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams.

The main agenda items are grazing in the Golden Gate National Recreation Area and Point Reyes, and bicycles and trails in the Point Reyes area.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact General Superintendent John H. Davis, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123.

Minutes for the meeting will be available for public inspection by July 22, 1985, in the office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: June 3, 1985.

Howard Chapman,

Regional Director, Western Region.

[FR Doc. 85-14117 Filed 6-11-85; 8:45 am]

BILLING CODE 4310-70-M

Illinois and Michigan Canal National Heritage Corridor Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Illinois and Michigan National Heritage Corridor Commission will be held June 18-19, 1985, beginning at 1:30 p.m. on June 18 and at 8:30 a.m. on June 19 at the Starved Rock Lodge, Starved Rock State Park, Utica, Illinois.

The Commission was originally established on August 24, 1984, pursuant to provisions of the Illinois and Michigan Canal National Heritage Corridor Act of 1984, 98 Stat. 1456, 16 U.S.C. 461 to implement and support the conceptual plan.

Matters to be discussed at the June 18 meeting will include an orientation for the commission members regarding legislation, the concept plan, and an explanation of the terminology and support services concerning contracts and vouchers. On June 19, there will be a discussion regarding the commission, its organization, and the offices to be filled which will then be followed by an election of officers.

The meeting will be open to the public. Interested persons may submit written statements to the official listed below prior to the meeting. Further information concerning the meeting may be obtained from Alan M. Hutchings, Chief, Division of External Affairs, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone 402-221-3481 (FTS 864-3481). Minutes of the meeting will be available for public inspection at the Midwest Regional Office 3 weeks after the meeting.

Dated: June 3, 1985.

David H. Shonk,

Acting Regional Director, Midwest Region.

[FR Doc. 85-14116 Filed 6-11-85; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-211]

Certain Electrical Connectors; Commission Determination Not To Review Initial Determination Terminating Respondent On the Basis of a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Termination of respondent on the basis of a settlement agreement.

SUMMARY: The U.S. International Trade Commission has determined not to review an initial determination (ID) terminating the above-captioned investigation as to respondent Allied Corporation of the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International

Trade Commission, telephone 202-523-0359.

SUPPLEMENTARY INFORMATION: On April 19, 1985, complainant Thomas & Betts Corporation and respondent Allied Corporation filed a joint motion to terminate the above-referenced investigation as to Allied Corporation on the basis of a settlement agreement. The Commission investigative attorney filed a response joining the joint motion. On May 7, 1985, the presiding administrative law judge issued an ID granting the joint motion and terminating the investigation as to Allied Corporation on the basis of the settlement agreement. Notice to the ID was published in the **Federal Register** of May 15, 1985, 50 FR 20301. No petition for review of the ID were filed, nor were any comments received from Government agencies or the public.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (49 FR 46,123 (November 23, 1984), to be codified at 19 CFR 210.53).

Copies of the public versions of the initial determination and settlement agreement and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0161.

Issued: June 4, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14147 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-195]

Certain Cloisonne Jewelry; Commission Issuance of General Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of a general exculsion order.

SUMMARY: Having determined that the issues of remedy, the public interest, and bonding are properly before the Commission, and having reviewed the written submissions filed on remedy, the public interest, and bonding and those portions of the record relating to those issues, the Commission has determined to issue a general exclusion order prohibiting entry into the United States, except under license of the copyright owner, of cloisonne jewelry which infringes U.S. Copyright Registration Nos. VA 108-466, VA 108-465, VA 107-361, VA 105-485, VA 116-449, VA 137-741, VA 137-743, VA 116-448, VA 137-749, VA 137-758, VA 116-451, VA 137-748, Va 137-747, VA 116-447, VA 137-757, VA 137-744, VA 137-755, VA 137-740, or VA 116-450.

FOR FURTHER INFORMATION CONTACT: Judith M. Czako, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0359.

SUPPLEMENTARY INFORMATION: On March 6, 1985, the administrative law judge issued an initial determination that there is a violation of section 337 in the importation and sale of certain cloisonne jewelry by reason of copyright infringement. On April 8, 1985, the Commission determined not to review the administrative law judge's determination as to violation of section 337. 50 FR 15235 (April 17, 1985). The parties were requested to file written submissions on remedy, the public interest, and bonding. Complainant Laurel Burch, Inc., and the Commission investigative attorney have submitted briefs on remedy, the public interest, and bonding. The U.S. Customs Service has filed a submission on the issue of remedy. No other submissions were received.

Copies of the Commission's Action and Order, the Commission Opinion in support thereof, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161.

Issued: June 6, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14136 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-197]

Certain Compound Action Metal Cutting Snips; Commission Decision Not To Review Initial Determination; Deadline for Filing Written Submissions on Remedy; the Public Interest, and Bonding

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding administrative law judge's (ALJ) initial determination that there is a violation of section 337 in the above-captioned investigation. The parties to the investigation and interested Government agencies are requested to file written submissions on the issues of remedy, the public interest, and bonding.

SUMMARY: On April 18, 1985, the presiding ALJ issued an initial determination that there is a violation of section 337 in the unauthorized importation and sale of certain compound action metal cutting snips and components thereof. No petitions for review or agency comments were filed. Having examined the record in this investigation, including the initial determination of the presiding officer, the Commission has determined not to review the initial determination. Consequently, the initial determination has become the Commission determination on violation of section 337 in the investigation.

Authority

The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53-210.56 of the Commission's Rules of Practice and Procedure (49 FR 46123 (Nov. 23, 1984); to be codified at 19 CFR 210.53-210.56).

FOR FURTHER INFORMATION CONTACT: Charles H. Nalls, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1626.

SUPPLEMENTARY INFORMATION:

Written Submissions

Inasmuch as the Commission has found that a violation of section 337 has occurred, it may issue (1) an order that could result in the exclusion of subject articles from entry into the United States and/or (2) cease and desist orders which could result in one or more respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of relief, if any, that should be ordered.

If the Commission contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors that the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles like or directly competitive with those that are the subject of the investigation, and (4)

U.S. consumers. The Commission is therefore interested in receiving written submissions concerning the effect, if any, that granting relief would have on the public interest.

If the Commission orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond that should be imposed.

The parties to the investigation, interested Government agencies, and interested members of the public are requested to file written submissions on the issues of remedy, the public interest, and bonding. The complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or a proposed cease and desist order for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, the public interest, and bonding. Written submissions on remedy, the public interest, and bonding must be filed not later than the close of business on the day that is 14 days after publication of this notice in the **Federal Register.** Written submissions in reply to the submissions on remedy, the public interest, and bonding must be filed not later than the close of business on the day that is 21 days from the date this notice appears in the **Federal Register.**

Commission Hearing

The Commission does not plan to hold a public hearing in connection with final disposition of this investigation.

Additional Information

Persons submitting written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadline stated above. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the ALJ. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection in the Secretary's Office.

Notice of this investigation was published in the **Federal Register** on July 18, 1984 (49 FR 29160).

Copies of the ALJ's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Issued: June 5, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14137 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-211]

Certain Electrical Connectors; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: ODU-Kontakt GmbH & Co. KF and Otto Dunkel GmbH.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination is this matter was served upon the parties on June 6, 1985.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Issued: June 6, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14138 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-223]

Certain Key Telephone Systems and Components Thereof; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 1, 1985, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Crest Industries, Incorporated, 6922 North Meridian, Puyallup, Washington 98371. The complaint alleges unfair methods of competition and unfair acts in the importation of certain key telephone systems into the United States, or in their sale, by reason of alleged (1) infringement of the claims of U.S. Letters Patent 4,132,860 and (2) false and deceptive advertising. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., or Steven H. Schwartz, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-523-1272 or 202-523-4877, respectively.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in section 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on May 29, 1985, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain key telephone systems and components thereof into the United States, or in their sale, by reason of alleged (1) infringement of the claims of U.S. Letters Patent 4,132,860 and (2) false and deceptive advertising, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Crest Industries, Inc., 6922 North Meridian, Puyallup, Washington 98371.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Universial Appliances, Ltd., 41 Man Yul Street, Kowloon, Hong Kong

TT Systems Corporation, 9 East 37th Street, New York, New York 10016

(c) Juan Cockburn, Esq., and Steven H. Schwartz, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street NW., Roon 128 and Room 122, respectively, Washington, D.C. 20436, shall be the Commission investigative attorneys, a party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21, as amended, 49 FR 46123). Pursuant to §§ 201.16(d) (19 CFR 201.16(d), as amended, 49 FR 32571) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

Issued: June 3, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14140 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-203]

Certain Floppy Disk Drives and Components Thereof; Commission Decision To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to review the administrative law judge's initial determination that there is no violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation.

Authority

The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53-210.56 of the Commission's Rules of Practice and Procedure (49 FR 46123 (Nov. 23, 1983); to be codified at 19 CFR 210.53.-210.56).

FOR FURTHER INFORMATION CONTACT: Marcia H. Sundeen, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0490.

SUPPLEMENTARY INFORMATION: On April 26, 1985, the presiding administrative law judge issued an initial determination terminating the investigation based on the lack of a causal nexus between any alleged injury to complainant Tandon Corporation and respondents' imports of the subject disk drives.

After examining the initial determination, the Commission has concluded that there is an issue that warrants review. Specifically, the Commission will review the following question:

> Whether the importation or sale of respondent's floppy disk drives has caused substantial injury, or has the tendency to substantially injure, or has prevented the extablishment of an "industry . . . in the United States."

The Commission's review will be limited to the above issue. No other issues will be considered.

Written Submissions and Commission Hearing

The parties to the investigation and interested Government agencies are encouraged to file written submissions on the legal issue under review by June 20, 1985. Reply briefs must be filed not later than the close of business on July 1, 1985. The Commission does not intend to hold a public hearing.

Notice of this investigation was published in the **Federal Register** of September 6, 1984 (49 FR 32,257).

Copies of the nonconfidential version of the administrative law judge's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Issued: June 4, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14139 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-198]

Certain Portable Electronic Calculators; Extension of Time for Commission Decision on Whether To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the date by which the Commission must

decide whether to review the initial determination (ID) finding that there is no violation of section 337 of the Tariff Act of 1930 (19 U.S.C.1337) in the above-captioned investigation has been extended from June 5, 1985, to June 10, 1985.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of General Counsel, U.S. International Trade Commission, telephone 202-523-3395.

SUPPLEMENTARY INFORMATION: On April 18, 1985, the administrative law judge issued an initial determination (ID) in the above-captioned investigation finding that there is no violation of section 337. Pursuant to § 210.53(h) of the Commission's rules, the ID becomes the Commission's determination on June 5, 1985, unless the Commission decides to review the ID or extends the deadline for that decision.

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Issued: June 5, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14141 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-206]

Certain Surgical Implants for Fixation of Bone Fragments; Commission Decision Not To Review Initial Determination Terminating Respondent of the Basis of a Consent Order; Issuance of Consent Order

AGENCY: International Trade Commission.

ACTION: Termination of respondent on the basis of a consent order.

SUMMARY: Notice is hereby given that the Commission has determined not to review the administrative law judge's (ALJ) initial determination (ID) terminating this investigation as to respondent DePuy, Inc., on the basis of a consent order and granting a joint motion to change the name of DePuy, Inc., to Boehringer Mannheim Corp. (DePuy Division).

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202-523-0493.

SUPPLEMENTARY INFORMATION: On Feburary 1, 1985, complainant Synthes, Ltd., respondent DePuy, Inc., and the Commission investigative attorney jointly moved to terminate the investigation as to DePuy on the basis of a consent order. On May 7, the ALJ issued an ID granting the motion. No petition for review has been filed and no comments from other government agencies or the public have been received. The Commission has determined not to review the ID. The Commission has also determined to grant a joint motion by the same three parties to change the name of DePuy to Boehringer Mannheim Corp. (DePuy Division).

Termination of the investigation as to this respondent on the basis of the consent order furthers the public interest by conserving Commission resources and those of the parties involved.

The authority for the Commission disposition of this matter is contained in section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and §§ 210.53-210.56 of the Commission's rules of Practice and Procedure (49 FR 46123 (Nov. 23, 1984), to be codified at 19 CFR 210.53-210.56).

Issued: June 4, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14142 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-206]

Certain Surgical Implants for Fixation of Bone Fragments; Commission Decision Not To Review Initial Determination Terminating Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: Notice is hereby given that the Commission has determined not to review the administrative law judge's (ALJ) initial determination (ID) terminating the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, telephone 202-523-0493.

SUPPLEMENTARY INFORMATION: On May 7, 1985, the ALJ issued an ID terminating the investigation. The ID is based on the ALJ's findings that the respondents to the investigation have modified the design of the allegedly infringing implants, the respondent that has entered into a consent order is the exclusive importer of the subject implants, and there is no evidence of any other importation or sale of allegedly infringing implants. No petition for review of the ID was filed.

Copies of the Commission's action and order and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Issued: June 6, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14143 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

[332-210]

Conditions Relating to the Importation of Softwood Lumber Into the United States

AGENCY: International Trade Commission.

ACTION: Extension of investigation and scheduling of public hearing.

SUMMARY: The Commission has extended investigation No. 332-210, Conditions Relating to the Importation of Softwood Lumber Into the United States, by 3 months and scheduled a hearing to be held in connection therewith. The study extension and public hearing will provide interested parties additional time for the preparation of submissions to the Commission and the opportunity to present their views directly to the Commission in a public forum.

EFFECTIVE DATE: May 31, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Ruggles or Mr. Thomas Westcot, Agriculture, Fisheries, and Forest Products Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202-724-1766 or 202-724-0095, respectively.

Background

The U.S. Trade Representative (USTR) in a letter dated March 6, 1985, requested, at the direction of the President, that the Commission conduct an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of updating the Commission's April 1982 study entitled *Conditions Relating to the Importation of Softwood Lumber Into the United*

States (investigation No. 332-134), and reporting on all significant factors affecting the competitive status of the U.S. and Canadian softwood lumber industries. The notice of investigation appeard in the **Federal Register** of April 3, 1985 (50 FR 13291).

Public Hearing

A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C., beginning at 10:00 a.m., on July 23, 1985. All interested persons shall have the right to appear by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, July 16, 1985.

Written Submissions

Owing to the 3 month extension of the investigation, written statements should be submitted at the earliest practicable date, but not later than July 16, 1985. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: June 4, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14144 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-248 (Preliminary) and Investigations Nos. 731-TA-259 and 260 (Preliminary)]

Offshore Platform Jackets and Piles From the Republic of Korea and Japan

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry[3] in the United States is materially injured by reason of imports from the Republic of Korea (Korea) of offshore jackets and piles,[4] provided for in item 652.97 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Government of Korea (investigation No. 701-TA-248 (Preliminary)). We further determine,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry [3] in the United States is materially injured by reason of such imports from Korea and Japan, which are alleged to be sold in the United States at less than fair value (LTFV) (investigations Nos. 731-TA-259 and 260 (Preliminary)).

Background

On April 18, 1985,[5] and April 19, 1985,[6] petitions were filed with the Commission and, on April 19, 1985, with the Department of Commerce by counsel on behald of Kaiser Steel Corporation and the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of offshore platform jackets and piles from Korea and LTFV imports of offshore platform jackets and piles from Korea and Japan. Accordingly, effective April 18, 1985, the Commission instituted preliminary countervailing duty investigation No. 701-TA-248 (Preliminary) and preliminary antidumping investigations Nos. 731-TA-259 and 260 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of May 1, 1985 (50 FR 18582). The conference was held in Washington, DC, on May 13, 1985, and all persons who requested the opportunity were permit to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on June 3, 1985. The views of the Commission are contained in USITC Publication 1708 (June 1985), entitled "Offshore Platform Jackets and Piles from the Republic of Korea and Japan: Determinations of the Commission in Investigation No. 701-TA-248 (Preliminary) and Investigations Nos. 731-TA-259 and 260 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations.

Issued: June 3, 1985.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14145 Filed 6-11-85; 8:45 am]

BILLING CODE 7020-02-M

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairwoman Stern did not participate in the(se) investigation(s).

[3] Commissioner Eckes finds for the(se) preliminary investigation(s) that there are two like products and therefore two domestic industries.

[4] Offshore platform jackets, piles, appurtenances thereto, and subassemblies thereof that do not require removal from a transportation vessel and further U.S.-onshore assembly are included in these investigations.

[5] Countervailing duty and antidumping petitions with respect to imports of offshore platform jackets and piles from Korea.

[6] Antidumping petition with respect to imports of offshore platform jackets and piles from Japan.

[332-212]

Review of the Effectiveness of Trade Dispute Settlement Under the GATT and Tokyo Round Agreements

AGENCY: International Trade Commission.

ACTION: At the request of the Committee on Finance of the United States Senate, the Commission has instituted investigation No. 332-212 under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332 (b)) concerning the effectiveness of dispute settlement under the General Agreement on Tariffs and Trade and the Tokyo Round agreements.

EFFECTIVE DATE: June 3, 1985.

FOR FURTHER INFORMATION CONTACT: Lee Tuthill (202-523-4556), Office of Economics, U.S. International Trade Commission, Washington, D.C. 20436.

Background

The Commission instituted the investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) following receipt on May 2, 1985, of a request therefor from the Senate Committee on Finance. The Committee asked that the Commission examine the effectiveness of the dispute-settlement mechanisms provided in the General Agreement on Tariffs and Trade (GATT) and any agreements or "codes" negotiated under GATT auspices.

The Committee requested that the Commission's report (1) review the development of the GATT dispute-settlement mechanisms and their relationships to U.S. trade laws; (2) summarize disputes that have been addressed by the GATT and the code committees, including the process as perceived by major participants.

The Committee also stated that the Commission's assessment of the effectiveness of the dispute-settlement mechanisms should be based on, among other things, consideration of the types of products and trade barriers concerned, the pattern of individual countries' involvement, the conditions leading to success or failure of the process, and the record on implementation of the GATT and code

committee findings. The Committee also requested that the Commission's report examine the differences in views of the major participants on the purpose of these mechanisms and on the manner in which the process should operate to achieve the desired goals.

The Committee asked that the Commission seek the views of interested parties during the course of the investigation and that the Commission transmit its final report not later than December 31, 1985.

Written Submissions

While there is no public hearing scheduled for this investigation, written submissions from interested parties are invited. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be received no later than September 23, 1985. All submissions should be addressed to the Secretary at the Commission's Office in Washington, D.C.

Issued: June 7, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-14146 Filed 6-11-85; 8:45 am]

BILLING CODE 70201-02-M

INTERSTATE COMMERCE COMMISSION

Aero Mayflower Transit Company, Inc.; Predetermined Price Protection Tariff; Meeting

Time and Date: 2:00 p.m., Wednesday, June 19, 1985.

Place: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, D.C. 20423.

Status: Open Special Conference.

Matter to be Discussed: Aero Mayflower Transit Company, Inc., Predetermined Price Protection Tariff, Item.

Contact Person for More Information: Robert R. Dahlgren, Office of Public Affairs, Telephone: (202) 275-7252.

James H. Bayne,

Secretary.

[FR Doc. 85-14040 Filed 6-11-85; 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 Houser, Interstate Commerce Commission, Room 1325, 12th and Constitution Avenue 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: Extension.
Bureau/Office: Office of Compliance & Consumer Affairs.
Title of Form: Request forRevocation of authority Granted.
OMB Form No: 3120-0104.
Agency Form No: OCCA-46.
Frequency: On occasion.
Respondents: Transportation Entities voluntarily applying for revocation of their operating rights.
No. of Respondents: 550.
Total Burden Hrs.: 275.

James H. Bayne,

Secretary.

[FR Doc. 85-14093 Filed 6-11-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of a Proposed Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 29, 1985, a proposed Consent Decree in *United States* v. *City of Garland and the State of Texas*, Civil Action No. 3-84-0168-G (Consol.) (N.D.Tex.) was lodged with the United States District Court for the Northern District of Texas.

The Complaint in this action alleged numerous violations of the Clean Water Act, various administrative orders, and the National Pollutant Discharge Elimination System (NPDES) permits for both of Garland's wastewater treatment plants. The Complaint also sought injunctive relief against the City to halt the violations and to impose a compliance schedule, as well as to impose civil penalties for past violations. The proposed Consent Decree provides for complete upgrading and expansion of the subject wastewater facilities on compliance schedules to insure compliance with the Clean Water Act, and interim control measures. The Decree also requires the payment of $150,000 in civil penalties for past violations.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C., 20530, and should refer to *United States* v. *City of Garland and the State of Texas*, Civil Action No. 3-84-0168-G (Consol.) (N.D.Tex.), D.J. Ref. No. 90-5-1-1-2060.

The proposed Consent Decree may be examined at the Office of the United States Attorney, United States Federal Building and Courthouse, Room 16G28, 1100 Commerce Street, Dallas, Texas 75242, and at the Region VI office of the Environmental Protection Agency, InterFirst Two Building, 1201 Elm Street, Dallas, Texas 75270. A copy of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.80 payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-14192 Filed 6-11-85; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 85-36]

National Commission on Space; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the National Commission on Space (NCS).

DATE AND TIME: June 27, 1985, 9:00 a.m. to 5:00 p.m.; June 28, 1985, 9:00 a.m. to 5:00 p.m. (closed).

ADDRESS: National Academy of Sciences, 2101 Constitution Avenue NW. (Lecture Room), Washington, DC 20418.

FOR FURTHER INFORMATION CONTACT: Mrs. Mechthild E. "Mitzi" Peterson, Code RS, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-2733).

SUPPLEMENTARY INFORMATION: The National Commission on Space was established to study existing and proposed U.S. space activities; formulate an agenda for the U.S. civilian space program; and identify long-range goals, opportunities, and policy options for civilian space activity for the next twenty years. The Commission, chaired by Dr. Thomas O. Paine, consists of 15 voting members. The meeting will be open to the public for the stated time up to the seating capacity of the room (approximately 120 persons including Commission members and other participants).

This meeting will be closed to the public from 9:00 a.m. to 5:00 p.m. on June 28, 1985 for discussions relating to the national defense and foreign policy which are, in fact, properly classified pursuant to Executive Order closed to the public for this period of time. The remainder of the meeting will be open to the public. Visitors will be requested to sign a visitor's register.

Type of Meeting: Open, except for a closed session as noted in the agenda below.

Agenda

June 27, 1985

9:00 a.m.—Introductory Remarks.
9:30 a.m.—Communication Satellite Industry.
10:30 a.m.—Young Astronaut Program.
1:30 p.m.—International Space Activities.
2:30 p.m.—Private Investment in Space.
3:30 p.m.—Soviet Activities in Space.
5:00 p.m.—Adjourn.

June 28, 1985

9:00 a.m.—Executive Session (Closed)
5:00 p.m.—Adjourn.

Dated: June 6, 1985.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

[FR Doc. 85-14068 Filed 6-11-85; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted by June 19, 1985.

ADDRESS: Send comments to Mr. Joseph Lackey, Office of Mangement and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, D.C. 20503; (202-395-7316). In addition, copies of such comments may be sent to Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506; (202-682-5464).

FOR FURTHER INFORMATION CONTACT: Ms. Marianna Dunn, National Endowment for the Arts, Administrative Services Division, Room 203, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506; (202-682-5464) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: Extension of previously approved public use reports is requested. Each entry is issued by the Endowment and contains the following information: (1) The title of the paragraph; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what paragraph will be used for; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to prepare reports. None of these entries are subject to 44 U.S.C. 3504(h).

Contract and Cooperative Agreement Paragraphs

Title: Section A—Scope of Work
Frequency of Collection: Annually, if applicable
Respondents: Individuals, organizations, small businesses
Use: NEA contracts and cooperative agreements
Estimated Number of Respondents: 21
Estimated Hours for Respondents to Provide Information: 8.

Title: Records and Audit
Frequency of Collection: Annually
Respondents: Individuals, organizations, small businesses
Use: NEA contracts and cooperative agreements
Estimated Number of Respondents: 21
Estimated Hours for Respondents to Provide Information: 24.

Title: Method of Payment
Frequency of Collection: Monthly
Respondents: Individuals, organizations, small businesses
Use: NEA contracts and cooperative agreements
Estimated Number of Respondents: 21
Estimated Hours for Respondents to Provide Information: 24.

Peter J. Basso,

Director of Administration, National Endowment for the Arts.

[FR Doc. 85-14069 Filed 6-11-85; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-7455]

Finding of No Significant Impact; Amendment of Source Material License No. SMA-1018; Whittaker Corp. Former Whitaker M, Metals Production Site, Greenville, PA

The U. S. Nuclear Regulatory Commission (the Commission) is considering an amendment of Source Material License No. SMA-1018 held by Whittaker Corporation. Whittaker processed ores and scrap, containing licensable quantities of natural uranium and thorium, for the production of ferro-columbium and ferro-nickel alloys. The facility terminated operations involving source material in 1974 and has since that time been undergoing decontamination and decommissioning. The proposed amendment would (1) release a certain portion of the former processing site for unrestricted use, (2) require Whittaker to develop, within six months, a plan for the ultimate disposition of remaining waste materials located onsite, (3) require routine monitoring to identify any waste migration while the remaining material is stored in its present condition, and (4) restrict access to the stored wastes.

The Commission's Division of Fuel Cycle and Material Asessment related to the amendment of Source Material License No.. SMA-1018. On the basis of this assessment, the Commission has concluded that the environmental Safety has prepared an Environmental Impact created by the proposed licensing action would not be significant and does not warrant the preparation of an Environmental Impact Statement.

Accordingly, it has been determined that a Finding of No Significant Impact is appropriate. The Environmental Assessment is available for public inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies of the Environmental Assessment may be obtained by calling (301)427-4510 or by writing to the Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Maryland this 4th day of June, 1985.

For the Nuclear Regulatory Commission.

W.T. Crow,

Acting Chief, Uranium Fuel Licensing Branch: Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 85-14122 Filed 6-11-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-400]

Carolina Power & Light Co., North Carolina Eastern Municipal Power Agency (Shearon Harris Nuclear Power Plant, Unit 1); Exemption

I

On September 7, 1971, the Carolina Power & Light Company tendered an application for a license to construct Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4 (Harris or the facility) with the Atomic Energy Commission (currently the Nuclear Regulatory Commission or the Commission). Following a public hearing before the Atomic Safety and Licensing Board, the Commission issued Construction Permit Nos. CPPR-158, CPPR-159 CPPR-160 and CPPR-161 permitting the construction of the Units 1, 2, 3 and 4, respectively, on January 27, 1978. The facility is a pressurized water reactor, containing a Westinghouse Electric Company nuclear steam supply system, located at the applicant's site in Wake County, North Carolina.

On June 26, 1980, the applicant tendered an application for Operating Licenses for the facilities, currently in the licensing review process. By letter dated September 3, 1981, the Carolina Power & Light Company transmitted an application for amendments to the Construction Permits for Shearon Harris Nuclear Power Plants, Units 1, 2, 3 and 4 to add the North Carolina Municipal Power Agency Number 3 (Power Agency) as a co-owner. The staff, by letter dated November 3, 1981, amended the Construction Permits to reflect the above changes in ownership. Subsequently, by letter dated December 18, 1981, Carolina Power & Light Company notified the staff of the cancellation of Harris, Units 3 & 4. By letter dated August 1, 1983 Carolina Power & Light Company filed an application for an amendment to the Construction Permits for Harris, Units 1 & 2, to reflect the name change of the co-owner from North Carolina Municipal Power Agency Number 3 to North Carolina Eastern Municipal Power Agency. The Construction Permits were amended to show the name change by NRC letter dated June 11, 1984. The Carolina Power & Light Company by letter dated January 23, 1984, informed the staff of the cancellation of Harris, Unit 2.

II

The Construction Permit issued for constructing the facility provides, in pertinent part, that the facility is subject to all rules, regulations and orders of the Commission. This includes General Design Criterion (GDC) 4 of Appendix A to 10 CFR Part 50. GDC 4 requires that structures, systems and components important to safety shall be designed to accommodate the effects of, and to be compatible with, the environmental conditions associated with the normal operation, maintenance, testing and postulated accidents, including loss-of-collant accidents. These structures, systems and components shall be appropriately protected against dynamic effects, including the effects of missiles, pipe whipping, discharging fluids that may result from equipment failures, and from events and conditions outside the nuclear power unit.

In a submittal dated January 14, 1985, and a supplemental letter dated April 19, 1985, the applicants enclosed Westinghouse Report WCAP-10699 (Reference 1) containing the technical basis for their request to: (1) Eliminate the need to design for pipe whip, jet impingement, and other dynamic effects (including asymmetric effects) of reactor cavity pressurization and primary component subcompartment pressurization due to postulated primary loop pipe breaks, (2) eliminate the need for pipe whip restraints (including shims) and jet impingement shields associated with the primary loop pipe breaks defined in the Final Safety Analysis Report (FSAR), and (3) eliminate the dynamic loading effects associated with the primary loop pipe breaks defined in the FSAR on primary loop piping, branch lines and their supports and maintenance access platforms (branch line postulated pipe breaks are retained for design). The applicants also stated in their submittals that the exemption request does not apply to the containment design bases, the emergency core cooling sysetm, or environmental qualification, engineered safety features systems response, or the design of the RCS heavy components supports.

The applicants' submittals also contain the results of an analysis of the occupational radiation dose reduction which provides the value-impact analysis for Shearon Harris, Unit 1. The technical information contained in reference (1) together with the value-impact analysis, provided a comprehensive justification for requesting a limited exemption from the requirements of GDC.

From the deterministic fracture mechanics analysis contained in the technical information furnished, the applicants concluded that postulated breaks up to and including the double-ended quillotine breaks (DEGB) of the primary loop coolant piping in Shearon Harris 1 need not be considered as a design basis for installing protective structures, such as pipe whip restraints and jet impingement shields, to guard against the dynamic effects associated with such postulated breaks. However, the applicants proposed to continue to postulate the equivalent area of a DEGB as the design basis for the containment, the ECCS, the engineered safety systems response, for environmental qualification and the design of the RCS heavy components supports.

III

The Commission's regulations require that applicants provide protective measures against the dynamic effects of postulated pipe breaks in high energy fluid system piping. Protective measures include physical isolation from postulated pipe rupture locations if feasible or the installation of pipe whip restraints, jet impingement shields or compartments. In 1975, concerns arose as to the asymmetric loads on pressurized water reactor (PWR) vessels and their internals which could result from these large postulated breaks at discrete locations in the main primary coolant loop piping. This led to the establishment of Unresolved Safety Issue (USI) A-2, "Asymmetric Blowdown Loads on PWR Primary Systems."

The NRC staff, after several review meetings with the Advisory Committee on Reactor Safeguards (ACRS) and a meeting with the NRC Committee to Review Generic Requirements (CRGR), concluded that an exemption from the

regulations would be acceptable as an alternative for resolution of USI A-2 for sixteen facilities owned by eleven licensees in the Westinghouse Owners' Group (one of these facilities, Fort Calhoun has a Combustion Engineering nuclear steam supply system). This NRC staff position was stated in Generic Letter 84-04, published on February 1, 1984 (Reference 2). The generic letter states that the affected licensees must justify an exemption to GDC 4 on a plantspecific basis. Other PWR applicants or licensees may request similar exemptions from the requirements of GDC 4 provided that they submit an acceptable technical basis for eliminating the need to postulate pipe breaks.

The acceptance of an exemption was made possible by the development of advanced fracture mechanics technology. These advanced fracture mechanics techniques deal with relatively small flaws in piping components (either postulated or real) and examine their behavior under various pipe loads. The objective is to demonstrate by deterministic analsysis that the detection of small flaws by either inservice inspection or leakage monitoring systems is assured long before the flaws can grow to critical or unstable sizes which could lead to large break areas such as the DEGB or its equivalent. The concept underlying such analyses is referred to as "leak-before-break" (LBB). There is no implication that piping failures cannot occur, but rather that improved knowledge of the failure modes of piping systems and the application of appropriate remedial measures, if indicated, can reduce the probability of catastrophic failure to insignificant values.

Advanced fracture mechanics technology was applied in topical reports (References 3, 4, and 5) submitted to the staff by Westinghouse on behalf of the licensees belonging to the USI A-2 Owners' Group. Although the topical reports were intended to resolve the issue of asymmetric blowdown loads that resulted from a limited number of discrete break locations, the technology advanced in these topical reports demonstrated that the probability of breaks occurring in the primary coolant system main loop piping is sufficiently low such that these breaks need not be considered as a design basis for requiring installation of pipe whip restraints or jet impingement shields. The staff's Topical Report Evaluation is included as a part of Reference 2.

Probabilistic fracture mechanics studies conducted by the Lawrence Livermore National Laboratories (LLNL) on both Westinghouse and Combustion Engineering nuclear steam supply system main loop piping (Reference 6) confirm that both the probability of leakage (e.g., undetected flaw growth through the pipe wall by fatigue) and the probability of a DEGB are very low. The results given in Reference 6 are that the best-estimate leak probabilities for Westinghouse nuclear steam supply system main loop piping range from 1.2×10^{-8} to 1.5×10^{-7} per plant year and the best-estimate DEGB probabilities range from 1×10^{-12} to 7×10^{-12} per plant year. Similarly, the best-estimate leak probabilities for Combustion Engineering nuclear steam supply system main loop piping range from 1×10^{-9} per plant year to 3×10^{-8} per plant year, and the best-estimate DEGB probabilities range from 5×10^{-14} to 5×10^{-13} per plant year. The results do not affect core melt probabilities in any significant way.

During the past few years it has also become apparent that the requirement for installation of large, massive pipe whip restraints and jet impingement shields is not necessarily the most cost effective way to achieve the desired level of safety, as indicated in Enclosure 2, Regulatory Analysis, to Reference 2. Even for new plants, these devices tend to restrict access for future inservice inspection of piping; or if they are removed and reinstalled for inspection, there is a potential risk of damaging the piping and other safety-related components in this process. If installed in operating plants, high occupational radiation exposure (ORE) would be incurred while public risk reduction would be very low. Removal and reinstallation for inservice inspection also entail significant ORE over the life of a plant.

IV

The primary coolant system of Shearon Harris, described in Reference 1, has three main loops each comprising a 33.9 inch diameter (outside) hot leg, a 37.5 inch diameter crossover leg and 32.4 inch diameter cold leg piping. The materials in the primary loop piping are wrought stainless steel pipe with cast stainless steel fittings and associated welds. In its review of Reference 1, the staff evaluated the Westinghouse analyses with regard to:

—The location of maximum stresses in the piping, associated with combined loads from normal operation and the SSE;
—Potential cracking mechanisms;
—Size of through-wall cracks that would leak a detectable amount under normal loads and pressure;
—Stability of a "leakage-size crack" under normal plus SSE loads and the expected margin in terms of load;
—Margin based on crack size; and
—The fracture toughness properties of wrought and thermally-aged cast stainless steel piping and weld material.

The NRC staff's criteria for evaluation of the above parameters are delineated in its Topical Report Evaluation, Enclosure 1 to Reference 2, Section 4.1, "NRC Evaluation Criteria", and are as follows:

(1) The loading conditions should include that static forces and moments (pressure, deadweight and thermal expansion) due to normal operation, and the forces and moments associated with the safe shutdown earthquake (SSE). These forces and moments should be located where the highest stresses and the lowest material toughness are coincident for base materials, weldments and safe-ends.

(2) For the piping run/systems under evaluation, all pertinent information which demonstrates that degradation or failure of the piping resulting from stress corrosion cracking, fatigue or water hammer is not likely, should be provided. Relevant operating history should be cited, which includes system operational procedures; system or component modification; water chemistry parameters, limits and controls; resistance of material to various forms of stress corrosion, and performance under cyclic loadings.

(3) A through-wall crack should be postulated at the highest stressed locations determined from (1) above. The size of the crack should be large enough so that the leakage is assured of detection with adequate margin using the minimum installed leak detection capability when the pipe is subjected to normal operational loads.

(4) It should be demonstrated that the postulated leakage crack is stable under normal plus SSE loads for long periods of time; that is, crack growth, if any, is minimal during an earthquake. The margin, in terms of applied loads, should be determined by a crack stability analysis, i.e., that the leakage-size crack will not experience unstable crack growth even if larger loads (larger than design loads) are applied. This analysis should demonstrate that crack growth is stable and the final crack size is limited, such that a double-ended pipe break will not occur.

(5) The crack size should be determined by comparing the leakage-

size crack to critical-size cracks. Under normal plus SSE loads, it should be demonstrated that there is adequate margin between the leakage-size crack and the critical-size crack to account for the uncertainties inherent in the analyses, and leakage detection capability. A limit-load analysis may suffice for the purpose, however, an elasic-plastic fracture mechanics (tearing instability) analysis is preferable.

(6) The materials data provided should include types of materials and materials specifications used for base metal, weldments and safe-ends, the materials properties including the J-R curve used in the analyses, and long-term effects such as thermal aging and other limitations to valid data (e.g. J maximum, maximum crack growth).

V

Based on its evaluation of the analysis contained in Westinghouse Report WCAP-10699 (Reference 1), the staff finds that the applicants have presented an acceptable technical justification, addressing the above criteria, for not installing protective devices to deal with the dynamic effects of large pipe ruptures in the main loop primary coolant system piping of Shearon Harris, Unit 1. This finding is predicated on the fact that each of the parameters evaluated for Shearon Harris is *enveloped* by the generic analysis performed by Westinghouse in Reference 3, and accepted by the staff in Enclosure 1 to Reference 2. Specifically:

(1) The loads associated with the highest stressed location in the main loop primary system piping are 1781 kips (axial), 33150 in-kips (bending moment) and result in maximum stresses of about 82% of the bounding stress used by Westinghouse in Reference 3. Further, these loads are approximately 76% of those established by the staff as limits.

(2) For Westinghouse plants, there is no history of cracking failure in reactor primary coolant system loop piping. The Westinghouse reactor coolant system primary loop has an operating history which demonstrates its inherent stability. This includes a low susceptibility to cracking failure from the effects of corrosion (e.g. intergranular stress corrosion cracking), water hammer, or fatigue (low and high cycle). This operating history totals over 400 reactor-years, including five (5) plants each having 15 years of operation and 15 other plants with over 10 years of operation.

(3) The leak rate calculations performed for the Shearon Harris plant using an initial through-wall crack of 7.5 inches are identical to those of Enclosure 1 to Reference 2. The Shearon Harris plant has an RCS pressure boundary leak detection system which is consistent with the guidelines of Regulatory Guide 1.45, and it can detect leakage of one (1) gpm in one hour. The calculated leak rate through the postulated flaw results in a factor of at least 10 relative to the sensitivity of the Shearon Harris plant leak detection system.

(4) The margin in terms of load based on fracture mechanics analyses for the leakage-size crack under normal plus SSE loads is within the bounds calculated by the staff in Section 4.2.3 of Enclosure 1 to Reference 2. Based on a load-limit analysis, the load margin is about 2.6 and based on the J-limit, the margin is at least 1.5.

(5) The margin between the leakage-size crack and the critical-size crack was calculated by a limit load analysis. Again, the results demonstrated that a margin of at least 4 on crack size exists and is within the bounds of Section 4.2.3 of Enclosure 1 to Reference 2.

(6) As an integral part of its review, the staff's evaluation of the properties data of Reference 7 is enclosed as Appendix I to this exemption. In Reference 7, data for ten (10) plants are presented and lower bound or "worst case" materials properties were identified and used in the analysis performed in the Reference 1 report by Westinghouse. The applied J for Shearon Harris in Reference 1 was substantially less than 3000 in-1b/in ^{2}. Hence, the staff's upper bound 3000 in-1b/in ^{2} on the applied J (refer to Appendix I, page 6) was not exceeded.

In view of the analytical results presented in the Westinghouse Report for Shearon Harris (Reference 1) and the staff's evaluation findings related above, the staff concludes that the probability of large pipe breaks occurring in the primary coolant system loops of Shearon Harris, is sufficiently low such that pipe breaks and their associated dynamic loading effects as indicated in the applicants' submittals need not be considered as design basis for requiring pipe whip restraints and jet impingement shields. These dynamic loading effects include pipe whip, jet impingement, asymmetric pressurization transients, and break associated dynamic transients in unbroken portions of the main loop and connected branch lines. Eliminating the need to consider these dynamic loading effects for this particular application does not in any way affect the design bases for the containment, the emergency core cooling system, the design of RCS heavy component supports, the engineered safety features systems response, or the environmental qualification for Shearon Harris.

However, in order to provide the Commission with an opportunity to consider the long term aspects of the NRC staff's recent acceptance of the "leak-before-break" approach, this limited exemption is restricted to a period extending until the completion of the second refueling outage of Shearon Harris Unit 1, pending the outcome of Commission rulemaking on this issue.

The staff also reviewed the value-impact analysis provided by the applicants in their submittal for not providing protective structures against postulated reactor coolant system loop pipe breaks to assure as low as reasonably achievable (ALARA) exposure to plant personnel. Consideration was given to design features for reducing doses to personnel who must operate, service and maintain the Shearon Harris instrumentation, controls, equipment, etc. The Shearon Harris value-impact analysis shows that the elimination of protective devices for RCS pipe breaks will save an occupational dose for plant personnel of over 400 person-rem over their operating lifetime. The staff review of the analysis shows it to be a reasonable estimate of dose savings. Therefore, with respect to occupational exposure, the staff finds that there is a radiological benefit to be gained by eliminating the need for the protective structures.

VI

In view of the staff's evaluation findings, conclusions, and recommendations above, the Commission has determined that, pursuant to 10 CFR 50.12(a), the following exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The Commission hereby approves the requested schedular limited exemption from GDC 4 of Appendix A to 10 CFR Part 50, to permit the applicants to: Eliminate the dynamic loading effects associated with the postulated primary loop pipe breaks defined in the FSAR. These dynamic loading effects include pipe whip, jet impingement, asymmetric pressurization transients and break associated dynamic transients in the main loop piping and branch lines and their supports. This should (1) eliminate the need to design for pipe whip, jet impingement, and other dynamic effects (including asymmetric effects) of reactor cavity pressurization and primary component subcompartment pressurization due to postulated primary

loop pipe breaks, (2) eliminate the need for pipe whip restraints (including shims) and jet impingement shields associated with the primary loop pipe breaks defined in the Final Safety Analysis Report (FSAR), and (3) eliminate the dynamic loading effects associated with the primary loop pipe breaks defined in the FSAR on primary loop piping, branch lines and their supports and maintenance access platforms. Branch line LOCA loads, including their dynamic effects, would be retained in the design basis. This exemption will expire upon completion of the GDC 4 rulemaking changes but no later than the second refueling outage.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (50 FR 21673).

The exemption will become effective upon date of issuance.

Dated at Bethesda, Maryland this 5th day of June, 1985.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Appendix I—Evaluation of Westinghouse Report WCAP 10456, "The Effects of Thermal Aging on the Structural Integrity of Cast Stainless Steel Piping for Westinghouse Nuclear Steam Supply Systems"

Introduction

The primary coolant piping in some Westinghouse Nuclear Steam Supply Systems (NSSS) contain cast stainless steel base metal and weld metal. The base metal and weld metal are fabricated to produce a duplex structure of delta (w) ferrite in an austenitic matrix. The duplex structure produces a material that has a higher yield strength, improved weldability and greater resistance to intergranular stress corrosion cracking than a single phase austenitic material. However, as early as 1965 (Ref. 1), it was recognized that long time thermal aging at primary loop water temperatures (550 °F–650 °F) could significantly affect the Charpy impact toughness of the duplex structured alloys. Since the Charpy impact test is a measure of a material's resistance to fracture, a loss in Charpy impact toughness could result in reduced structural stability in the piping system.

The purpose of Report WCAP 10456 is to evaluate whether cast stainless steel base metal and weld metal containing postulated cracks will be sensitive to unstable fracture during the 40 year life of a nuclear power plant. In order to determine whether a piping system will behave in such a fashion, the pipe materials' mechanical properties, design criteria and method of predicting failure must be established. In this evaulation, we will assess the mechanical properties of thermally aged cast stainless steel pipe materials, which are reported in Report WCAP 10456.

Discussion

1. *Weld Metal.* Report WCAP 10456 refers to test results reported in a paper by Slama, et al. (Ref. 2) to conclude that the weld metal in primary loop piping would not be overly sensitive to aging and that the aged cast pipe base metal material would be structurally limiting. In the Slama report eight (8) welds were evaluated. The tensile properties were only slightly affected by aging. The Charpy V-notch impact energy in the most highly sensitive weld decreased from 7daJ/cm² (40 ft-lbs) to near 4daJ/cm² (24 ft-lbs) after aging for 10,000 hours at 400 °C (752 °F). This change was not considered significant. The relatively small effect of aging on the weld, as compared to cast pipe material was reported to be caused by a difference in microstructure and lower levels of ferrite in the weld than in the cast pipe material.

2. *Cast Stainless Steel Pipe Base Metal.* Report WCAP 10456 contains mechanical property test results from a number of heats of aged cast stainless steel material and a metallurgical study, which was performed by Westinghouse, to support a statistically based model for predicting the effect of thermal aging on the Charpy impact test properties of cast stainless steel. As a result of these tests and the proposed model, Westinghouse concludes that the fracture toughness test results from one heat of material tested represents end-of-life conditions for the ten (10) plants surveyed. The ten (10) plants surveyed are identified as Plants A through J.

a. *Mechanical Property Test Results Reported in WCAP 10456.* Mechanical property test results on aged and unaged cast stainless steel materials which were reported in a paper by Landerman and Bamford (Ref. 3), Bamford, Landerman and Diaz (Ref. 4), Slama et al. (Ref. 2) were discussed in Report 10456. In addition, Westinghouse performed confirmatory Charpy V notch and J-integral tests on aged cast stainless steel material, which was tested and evaluated by Slama et al.

The results of these tests indicate that:

(1) The fatigue crack growth rate of aged or unaged material in air and pressurized water reactor environments were equivalent.

(2) Tensile properties were essentially unaffected except for a slight increase in tensile strength and a decrease in ductility.

(3) J-integral test results indicated that the J_{IC} and tearing modulus, T, are affected by aging.

b. *Mechanism Study in WCAP 10456.* The tests and literature survey conducted by Westinghouse indicate that the proposed mechanism of aging occurs in the range of operating temperatures for pressurized water reactors and the data from accelerated aging studies can be used to predict the behavior at operating temperatures.

c. *Cast Stainless Steel Pipe Test.* The materials data discussed in the previous section of this evaluation were obtained from small specimens. As a consequence, the J–R results are limited to relatively short crack extensions. To investigate the behavior of cast stainless steel in actual piping geometry, Westinghouse performed two experiments, one of which was with thermally aged cast stainless steel and the other test was identical except that the steel was not thermally aged.

Each pipe tested contained a throughwall circumferential crack to the extent specified in WCAP 10456. The pipe sections were closed at the ends, pressurized to nominal PWR operating pressure and then bending loads were applied.

The results of the tests were very similar, in that both pipes displayed extensive ductility, and stable crack extension. There was no observed unstable crack extension or fast fracture.

The results of the Westinghouse pipe experiments indicate that cast stainless steel, both aged and unaged, can withstand crack extensions well beyond the range of the J–R results with small specimens. However, if crack extension is predicted in an actual application of thermally aged cast stainless steel in a piping system, we believe that it is prudent to limit the applied J to 3000 in-lbs/in² or less unless further studies and/or experiments demonstrate that higher values are tolerable. Loss of initial toughness due to thermal aging of cast stainless steels at normal nuclear facility operating temperatures occurs slowly over the course of many years; therefore, continuing study of the aging phenomenon may lead to a relaxation of this position. Conversely, in the unlikely event that the total loss of toughness and the rate of toughness loss are greater than those projected in this evaluation, the staff will take appropriate action to limit the values to that which can be justified by experimental data. Because the aging is a slow process, the staff believes there

would be sufficient time for the staff to recognize the problem and to rectify the situation. However, the staff believes this situation is highly unlikely because the staff has accepted only the lower bounds of data that were gathered among ten plants encompassing the range of materials in use.

d. *Effects of Thermal Aging on Westinghouse Supplied Centrifugally Cast Reactor Coolant Piping Reported in WCAP 10456.* The reactor coolant cast stainless steel piping materials in the plants identified in WCAP 10456 as A through J, were produced to the specification SA-351, Class CF8A as outlined in ASME Code Section II, Part A and also to Westinghouse Equipment Specification G-6768864, as revised. For these materials, Westinghouse has calculated the predicted end-of-life Charpy V-notch properties, based on their proposed model. The two (2) standard deviation end-of-life lower limit value for all the plants surveyed was greater then the Charpy V notch properties of the aged reference materials, which Westinghouse indicates represents end-of-life properties for all the plants. As a result, Westinghouse concluded that the amount of embrittlement in the aged reference material exceed the amount projected at end-of-life for all cast stainless steel pipe materials in Plants A through J.

Conclusions

Based on our review of the information and data contained in Westinghouse Report WCAP 10456, we conclude that:

1. Weld metal that is used in cast stainless steel piping system is initially less fracture resistant than the cast stainless steel base metal. However, the weld metal is less susceptible to thermal aging than the cast stainless steel base metal. Hence, at end-of-life the cast stainless steel base metal is anticipated to be the least fracture resistant material.

2. The Westinghouse proposed model may be used to predict the relative amount of embrittlement on a heat of cast stainless steel material. The two standard deviation lower confidence limit for this model will provide a useful engineering estimate of the predicted end-of-life Charpy impact properties for cast stainless steel base metal.

3. Since there is considerable scatter in J-integral test data for the heats of material tested, lower bound values for J_{Ic} and T should be used as engineering estimates for the fracture resistance of the aged reference material. We believe these values should also provide a lower bound for the fracture resistance of aged and unaged weld metal. If crack extension is predicted in an actual application of cast stainless steel in a piping system, we conclude that the applied J should be limited to 3000 in-lbs/in^2 or less unless further studies and tests demonstrate that higher values are tolerable. The Westinghouse pipe tests demonstrate that this may be possible.

4. Since the predicted end-of-life Charpy impact values for the materials in Plants A through J are greater than the value measured for the aged reference material, the lower bound fracture properties for aged reference material may be used to determine the fracture resistance for the cast stainless steel material in Plants A through J.

References

(1) F.H. Beck, E.A. Shoefer, J.W. Flowers, M.E. Fontana, "New Cast High Strength Alloy Grades by Structural Control," ASTM STP 369 (1965)

(2) G. Slama, P. Petrequin, S.H. Masson, T.R. Mager, "Effect of Aging on Mechanical Properties of Austenitic Stainless Steel Casting and Welds," presented at SMIRT 7 Post Conference Seminar 6—Assuring Structural Integrity of Steel Reactor Pressure Boundary Components, August 29/30, 1983, Monterey, CA.

(3) E.I. Landerman and W.H. Bamford, "Fracture Toughness and Fatigue Characteristics of Centrifugally Cast Type 316 Stainless Steel After Simulated Thermal Service Conditions." Presented at the Winter Annual Meeting of the ASME, San Francisco, CA., December 1978 (MPC-8 ASME)

(4) W.H. Bamford, E.I. Landerman and E. Diaz, "Thermal Aging of Cast Stainless Steel and Its Impact on Piping Integrity." Presented at ASME Pressure Vessel and Piping Conference, Portland, Oregon, June 1983. To be published in *ASME Trans.*

[FR Doc. 85-14178 Filed 6-11-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied in part a request dated February 17, 1983, as supplemented and revised July 12, 1983, and January 8, February 7 and March 18, 1985, for an amendment to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility District (the licensee), for operation of the Rancho Seco Nuclear Generating Station, located in Sacramento County, California. Notice of consideration of issuance of this amendment was published in the **Federal Register** on June 23, 1983, 48 FR 28765; December 21, 1983, 48 FR 56510; and April 23, 1985, 50 FR 16012.

The licensee proposed a specification to established operability requirements for the essential heating, ventilation and air conditioning (HVAC) systems for the Nuclear Service Electrical Building. As set forth in the Commission's related Safety Evaluation, this change was denied because the proposed operability requirements for the essential HVAC system are less stringent than the operability requirements for the system it serves. The Commission's position is that a system is only operable if all the auxiliaries necessary for its operation are also operable. In addition, the Commisson denied the licensee's proposed change to Specification 6.9.5, Special Reports, because of possible ambiguities that could be created by an incomplete list of references.

Other portions of the amendment request were granted and are the subject of a separate notice.

By July 12, 1985 the licensee may file a request for a hearing with respect to the denial described above and any person whose interest may be affected by this denial and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for hearings and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2.

A request for a hearing or 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 the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

For further details with respect to this action, see (1) the application for amendment dated February 17, 1983, as revised and supplemented July 12, 1983, and January 8, February 7 and March 18, 1985, and (2) the Commission's Safety Evaluation issued with Amendment No. 68 to Facility Operating License No. DPR-54 dated June 4, 1985 which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Sacramento City-County Library, 828 I Street, Sacramento, California.

Dated at Bethesda, Maryland, this 4th day of June, 1985.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 85-14174 Filed 6-11-85; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, FC 411-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Guide for the Preparation of Applications for Licenses for the Use of Radioactive Materials in Servicing Preregistered Gauges, Measuring Devices, and Sealed Sources Used in Such Devices" and is intended for Division 10, "General." It is being developed to provide guidance in conformance with the revised NRC Form 313 for preparing license applications for the use of radioactive material in servicing gauges and measuring devices.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, by August 12, 1985.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland, this 5th day of June 1985.

For the Nuclear Regulatory Commission.

Denwood F. Ross,

Deputy Director, Office of Nuclear Regulatory Research.

[FR Doc. 85-14175 Filed 6-11-85; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-13674]

Application and Opportunity for Hearing; First Chicago Corporation

June 5, 1985.

Notice is hereby given that First Chicago Corporation (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank under an existing indenture and an indenture of the Applicant dated as of January 15, 1985, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as trustee under either of such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) Chemical Bank currently is acting as trustee under an indenture in which the Applicant is the obligor. The indenture dated as of July 1, 1984 (the "1984 Indenture"), provides for the issuance, from time to time, of the Applicant's unsecured subordinated notes in one or more series (the "Subordinated Notes"). The 1984 Indenture was filed as Exhibit 4(a) to Applicant's registration statement on Form S-3, File No. 2-92143 filed under the Securities Act of 1933, as amended, and has been qualified under the Trust Indenture Act of 1939. The Subordinated Notes registered pursuant to said registration statement were to be offered on a delayed or continuous basis pursuant to Rule 415 under the Securities Act of 1933, as amended. On July 24, 1984, the Applicant issued $125,000,000 principal amount of Floating Rate Subordinated Notes Due 1996, Series A (the "1984 Notes") under the 1984 Indenture. The 1984 Notes were offered by a Prospectus Supplement dated July 17, 1984, supplemental to a Prospectus dated July 16, 1984.

(2) The Applicant is not in default in any respect under the 1984 Indenture or under any other existing indenture.

(3) On February 7, 1985, Chemical Bank entered into an indenture with Applicant dated as of January 15, 1985 (the "1985 Indenture") pursuant to which there were issued $200,000,000 principal amount of the Applicant's Floating Rate Subordinated Capital Notes Due February 1997 (the "1985 Notes"). The 1985 Notes, if enforced against the Applicant, would rank on a parity with the obligations evidenced by the Subordinated Notes (including the 1984 Notes). The 1985 Notes were not registered under the Securities Act of 1933 and the 1985 Indenture was not qualified under the Trust Indenture Act of 1939 because the 1985 Notes were offered and sold under circumstances reasonably designed to preclude distribution or redistribution within, or to nationals of, the United States (except to United States bank branches located outside the United States in circumstances not involving a public offering).

(4) The obligations of the Company under the 1984 Indenture and the 1985 Indenture are wholly unsecured and aside from differences among these two Indentures and the securities issued thereunder as to amounts, interest rates, maturity dates, redemption dates and redemption powers, certain covenants relating to United States taxation, and differences in form between the 1984 Indenture and the 1985 Indenture, the terms of said indentures are substantially similar.

Such differences as exist between the 1984 Indenture and the 1985 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under either of said indentures.

(5) Applicant has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 20549.

Notice Is Further Given that any interested person may, not later than July 1, 1985, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, purusant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-14187 Filed 6-11-85; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-706]

Application and Opportunity for Hearing; 500 Grant Street Associates Limited Partnership

June 5, 1985.

Notice is hereby given that 500 Grant Street Associates Limited Partnership ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") for an order exempting Applicant from registration under Section 12(g) of the 1934 Act.

For a detailed statement of the information presented, all persons are referred to the application which is on file at the offices of the Commission in the Public Reference Room, 450 Fifth Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than July 1, 1985, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof. At any time after that date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-14184 Filed 6-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14558 (File No. 812-6031)]

GTE Finance Corporation; Application for Order

June 5, 1985.

Notice is hereby given that GTE Finance Corporation, a Delaware corporation ("Applicant"), c/o Herbert F. Market, Esq., GTE Corporation, One Stamford Forum, Stamford, Connecticut 06904, filed an application on January 24, 1985, and amendments thereto on March 27, 1985 and May 28, 1985, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application of file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the relevant provisions thereof.

Applicant states that it is a wholly owned subsidiary of GTE Corporation ("GTE", and together with its subsidiaries other than the Applicant, the "GTE Companies") which is a reporting company under the Securities Exchange Act of 1934. Applicant states that GTE Finance N.V., a subsidiary of GTE incorporated in the Netherlands Antilles in 1978 ("Finance N.V."), has to date been used by GTE as an overseas financing subsidiary. Applicant states that GTE proposes to cause the transfer of the shares of Finance N.V. to Applicant. As Finance N.V.'s debt is retired, the assets of Finance N.V. will be transferred directly to Applicant. The primary purpose of Applicant will be to obtain funds in the international capital markets for GTE and other GTE Companies essentially in the same manner as Finance N.V. has heretofore raised capital for such companies.

Applicant claims that, because of, among other things, the size of Finance N.V. and the conservative debt-equity ratios maintained, Finance N.V. was independently creditworthy and earned a credit rating for its debt offerings. Accordingly, commencing in 1980 and continuing thereafter, its long term debt was not directly guaranteed by GTE or any of the other GTE Companies. Applicant represents that, to the best of its knowledge, Finance N.V.'s mode of

operations is unique in that no other off-shore finance company with a United States parent offered publicly its debt securities overseas without the guarantee of the parent or a major operating affiliate.

In connection with the proposed organization of the Applicant, the financial community was advised by GTE that the Applicant would serve the same financing function as Finance N.V. and was expected to operate in the off-shore financial markets in the same manner as Finance N.V. had operated; that is, without parental guarantee. The Applicant, as the functional successor of Finance N.V., represents that it feels bound to honor this undertaking and believes strongly that it would be confusing to the market and inequitable to the existing holders of publicly offered debt securities of Finance N.V. for Applicant to offer publicly its debt securities overseas with a parental guarantee.

For these business reasons, among others which are also stated in the application, Applicant desires to continue off-shore borrowings as nearly as possible in the manner in which they were previously conducted by Finance N.V. Accordingly, GTE does not propose that the off-shore public borrowings of the Applicant will be guaranteed by GTE. With this exception Applicant represents that it will operate in compliance with Rule 3a-5 under the Act as from time to time authoritatively interpreted. However, because of this exception, Rule 3a-5 under the Act will not be applicable to exempt the Applicant from the requirements under that Act.

Applicant represents that there has not been and undertakes in the future that there will not be any public offering either within or outside the United States of its common shares or any other of its equity securities. Applicant currently proposes to issue and sell in the United States short term negotiable promissory notes of the type generally referred to as commercial paper in offerings exempt from the registration requirements of the Securities Act of 1933 (the "1933 Act") by virtue of Sections 3(a)(2), 3(a)(3) or 4(2) thereof. Applicant undertakes that any commercial paper offered to the public will be unconditionally guaranteed by its parent as contemplated by paragraphs (a)(1) and (a)(3) of Rule 3a-5 under the Act.

Applicant also states that it intends in the future to offer debt securities for public sale outside the United States to persons other than nationals or residents of the United States, and the measures employed in connection with the sale of such securities will be reasonably designed to preclude distribution and redistribution of the securities within, or to nationals or residents of, the United States. Such measures will typically include in accordance with the current practice in the Eurodollar market a "look up" pursuant to which each issue of securities is represented by a single temporary global security until 90 days after the completion of the distribution at which time definitive securities may be obtained by persons entitled thereto upon certification that they are not U.S. persons.

Applicant states that it may also make borrowings from United States or foreign banks or privately place debt securities with institutional investors in the United States or abroad. Applicant represents that while it may in the future wish to register its debt securities under the 1933 Act for public offering in the United States, it represents that it will not do so without prior consultation with the Commission and, if deemed necessary by the Commission, after an appropriate amendment to Applicant's order under section 6(c) of the Act which the application seeks to obtain.

Applicant represents that at all times the aggregate of the repayment obligations of the GTE Companies in respect of their borrowings from Applicant will be sufficient to enable Applicant to meet its obligations on its borrowings from unaffiliated third persons. All borrowings by any of the GTE Companies from Applicant will be evidenced by validly issued and legally binding notes or other debt securities of the borrower which will set forth all the terms of the borrowing. Applicant submits that while its creditors generally will have no direct right of action against any of the GTE Companies (unless Applicant should issue publicly offered commercial paper bearing the parent's guarantee), in the event of the bankruptcy or receivership of Applicant, the trustee in bankruptcy or the receiver could assert the claims evidenced by the debt securities of the GTE Companies owned by Applicant against such GTE Companies for the benefit of Applicant's creditors.

Applicant asserts that it is not a person which was intended to be covered by the Act. Applicant maintains it is a special purpose company organized solely for the purpose of obtaining funds for the use of the other GTE Companies in financing their business operations. Applicant asserts that the operating companies within the GTE Companies would be permitted to issue and sell their own commercial paper and to issue and sell their long term debt securties without compliance with the Act, and submits that it is appropriate that Applicant, which will serve merely as a conduit for financing the business operations of the GTE Companies, should be exempted from the requirements of the Act.

Notice is further given any interested person wishing to request a hearing on the application may, not later than June 28, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law tht are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-14179 Filed 6-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14564 (File No. 812-6033)]

Shelter Resource Fund II et al; Application and Opportunity for Hearing

June 6, 1985.

Notice is hereby given that Shelter Resource Fund II (the "Partnership"), a California limited partnership, and its general partners, Shelter Resource Corporation ("SRC") and Wilfred N. Cooper ("Cooper") (collectively, "General Partners," and together with the Partnership "Applicants"), 3880 Michelson Drive, Suite 200, Irvine, California 92715, filed a application on February 25, 1985, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting the Partnership from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of all applicable provisions thereof.

According to the application, the Partnership intends to offer 1000 units ("Units"), at a price of $2,000 per Unit, each unit consisting of two limited

partnership interests ("Interests") and four warrants exercisable during the periods from January 1, 1986 to January 25, 1986 and January 1, 1987 to January 25, 1987, respectively. Each warrant entitles an investor to purchase the related Interests for $1,000 each, the equivalent price per Interest acquired pursuant to the purchase of a Unit. It is also stated that in the event that any Warrant is not exercised, the respective Interests may be sold by the Partnership to other qualified offerees.

Applicants state that the Partnership will operate as a "two-tier" partnership, i.e., the Partnership will invest primarily in other limited partnerships ("Local Limited Partnerships") which, in turn, will be engaged in the development, building and operation of to-be-constructed and existing housing projects for low and moderate income persons. Applicants represent that the Partnership will invest not less than 75 percent of the net amount available for investment in Local Limited Partnerships which own or lease government assisted housing projects or other housing projects.

Applicants represent that the Partnership is organized as a limited partnership because the form of organization is the ony one which provides an investor with liability limited to his capital investment and the right to claim on his individual tax return the deductions, losses, credits and other tax items a partnership can pass through to its partners.

The application states that the Partnership will be controlled by the General Partners pursuant to the Partnership Agreement and that the Limited Partners, consistent with their Limited liability status, will not be entitled to participate in the control of the Partnership's business. Applicants assert however, that a majority in Interest of the Limited Partners will have the right to amend the Partnership Agreement, dissolve, remove one or both of the General Partners and elect successor general partners, and continue the Partnership upon the death, insanity, retirement, or bankruptcy of a General Partner. Applicants represent that also under the Partnership Agreement, each Limited Partner or his representative will be entitled to review the records of the Partnership at reasonable times, including the register of the names, addresses, and number of Limited Partnership Interests owned by each other Limited Partner.

Appliants state that no subscription for Units or Interests will be accepted unless it is approved by the General Partners, which approval shall be conditioned upon representations as to suitability of the investment to each such subscriber, including a representation in writing that each subscriber: (i) Has (A) a net worth (exclusive of home, furnishings, and automobiles) of at least $30,000 and (B) an annual gross income of at least $30,000 or (ii) has a net worth (exclusive of home, furnishings, and automobiles) of at least $200,000 or is purchasing in a fiduciary capacity for a person or entity which has such net worth and annual gross income as set forth in clause (i) or such net worth as net forth in clause (ii), and that he is aware of the risks involved in investing in the Partnership. Further, he must be subject to Federal income tax at the rate of 38 percent or more and anticipate that some part of this income for the next three years will, but for the effect of his investment in the Local Limited Partnership Interests or other tax shelters, be taxable at such rate. Applicants represent that the suitability requirements described in the preceding two sentences also were imposed on purchasers of Units. Applicants further represent that the Partnership Agreement requires that each transferee of Units must, as a condition to being admitted to the Partnership as a substituted Limited Partner, represent that he meets the same suitability standards as those set forth above.

Applicants state that the General Partners will be entitled to receive 1 percent of the Partnership's profits, losses and distributions subject to the condition that their 1 percent share of net cash flow will be reduced each year by the amount of annual management fees which are paid or payable to them in that year. Applicants further state that in addition to that 1 percent participation in the Partnership's profits, losses and distributions, the General Partners will receive fees for managing the conduct of the affairs of the Partnership and the Local Limited Partnerships and the continuing operation of each project owned by each Local Limited Partnership. Applicants represent that these fees are in substantial conformity with the standards imposed by the North American Securities Administrators Association, Inc. and the California Corporations Commission, and that to the best of their knowledge all such fees are in compliance with the current rules promulgated by such authorities. Applicants further represent that the Partnership Agreement delineates with precision all compensation to be paid to the General Partner.

Applicants, without conceding that the Partnership is an "investment company" as that term is defined in the Act, request that the Partnership be exempt from all provisions of the Act. Applicants assert that the requested exemption is both necessary and appropriate in the public interest and would be consistent with the protection of investors and the purposes and policies underlying the Act. Applicants state that investment in subsidized low and moderate income housing is not economically suitable for private investors without the tax and organizational advantages of the limited partnership from and that it is the only way of bringing private equity capital into government-assisted housing. Applicants assent that to discourage the two-tier limited partnership arrangements by application of the Act would result in elimination of the best available means of attracting private equity capital into government assisted housing and would frustrate the national policy, declared by Congress, "to encourage the widest possible participation by private enterprise in the provision of housing for low and moderate income families."

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 1, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon it own motion.

For the Commission, by the Division of Investment Managment, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-14188 Filed 6-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22112; SR-Amex-85-21]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Temporary Accelerated Approval of Proposed Rule Change Relating to Listing Guidelines for Real Estate Investment Trusts

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 29, 1985, the American Stock Exchange, Inc. ("Amex") filed with the Securities and Exchange Commission the proposed rule change as decribed in Items I, II, and III below, which Items have been prepared by the self-regulatory organizaton. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[1]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. is proposing to amend section 114 of the Amex Company Guide to raise the level of aggregate annual expenses which may be incurred by a real estate investment trust.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule change

(1) Purpose

In October 1971, the Amex adopted special requirements for the original listing of securities of real estate investment trusts ("REITs") together with special listing standards dealing with possible conflicts of interest between REITs and their advisers. The provisions on conflicts of interest were largely patterned after a 1970 Statement of Policy of the Midwest Securities Commission's Association which sets forth recommended requirements for its 24 member states.

Among the more significant provisions adopted was a limit on the aggregate annual expenses which could be paid or incurred by a REIT. Presently, section 114(d)(C) of the Company Guide provides that these expenses, including fees paid to the REIT's adviser, cannot exceed the greater of 1½% of the average net assets of the trust or 25% of the net income of the trust, but in no event more than 1½% of the total invested assets.

In 1981, the North American Securities Administrators Association, Inc. ("NASAA"), the umbrella organization for all 50 State Securities Commissions, endorsed a series of recommended guidelines for the States to following processing REIT offerings. Included in thes guidelines is a provision permitting REITs to have total operating expenses, including advisory fees, of up to 2% of their average invested assets or 25% of their net income. This 2% ceiling is now regarded as the industry standard.

The Exchange is therefore proposing to amend section 114 along the lines of the new NASAA guidelines by adopting a 2% ceiling on aggregate expenses with the right on the part of the independent trustees to raise such limits for unusual or non-recurring instances. These changes will further uniformity of regulation throughout the industry and facilitate the processing of REIT listing applications by the Exchange.

(2) *Basis*

The proposed rule change is consistent with section 6(b) of the Securities Exchange Act of 1934 in general, and section 6(b)(5) in particular, in that is will update an Exchange guideline which protects investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition. Rather, by conforming Amex rules to the current industry standards it will simplify the process of Exchange listing for certain REITs thereby removing a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Amex has requested temporary accelerated approval of the proposed rule change for a 60 day period because the proposed rule change is intended to conform to the 1981 NASAA Guidelines relating to REIT offerings. The Amex notes that, when first adopted in 1971, the Amex guideline on REIT expenses reflected the then current industry norm, and that the guideline was never changed after the 1981 REIT guidelines were adopted by NASAA and is therefore out-of-date. The Amex states in its filing that it is prepared to apply the revised guideline immediately to REITs that make application to list.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of the filing thereof in that the proposed rule change is intended to update the Amex guidelines and conform them to current NASAA guidelines relating to REIT offerings. In addition, the Commission's accelerated approval of the proposed rule change extends only for 60 days from the date of this order to allow for a period of public comment prior to Commission action on the proposal to make the rule change permanent.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in

[1] This release provides temporary accelerated approval of the proposed rule change for 60 days. The Commission has issued a separate notice on the proposed rule change to provide for public comment prior to approval of the proposal on a permanent basis. *See* Securities Exchange Act Release No. 22081, May 28, 1985, re (SR-Amex-85-13).

accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the Amex. All submissions should refer to the file number in the caption above and should be submitted by July 3, 1985.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-14185 Filed 6-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22106; File No. SR-CBOE-85-18]

Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 3, 1985, the Chicago Board Options Exchange, Inc. ("CBOE") filed with the Securities and Exchange Commission the proposed rule change as described herein. the Commisison is publishing this notice to solicit comments on the proposed rule change from interested persons.

The CBOE proposes not to charge book, transaction or trade match fees in classes of options on the over-the-counter ("OTC") stocks for the first 90 days after options on OTC stocks are opened for trading.[1] CBOE states that this proposal is a "competitive response" to the Commission's decision to permit options on OTC stocks to be traded by more than one exchange.[2] According to CBOE, this waiver of fees will permit market quality, rather than differentials in transaction charges, to be the determinative factor in the competition among markets for these options. CBOE states that the statutory basis for the proposed rule change is sections 6(b)(5) and 6(b)(8) of the Act.

The foregoing change was effective on filing with the Commission pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may abrogate summarily such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in futherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission by July 3, 1985. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. References should be made to File No. SR-CBOE-85-18.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other that those which may be withheld form the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the CBOE.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 3, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-14183 Filed 6-11-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22113; File No. SR-MCC-85-3]

Self-Regulatory Organizations; Midwest Clearing Corporation; Order Approving Proposed Rule Change

On March 6, 1985, Midwest Clearing Corporation ("MCC") filed a proposed rule change with the Commission under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). MCC filed amendments to the proposal on April 10 and 22, 1985. Notice of the proposal was published in the **Federal Register** on May 3, 1984.[1] The Commission received no public comment on the proposal. This Order approves the proposal.

MCC's proposal, as amended, clarifies current MCC Correspondent Delivery and Collection Service ("CDCS") procedures governing recovery of interest costs from participants using CDCS. The proposal also amends MCC's CDSC procedures to eliminate same-day credit to a CDCS participant for securities deliveries valued at $50,000 or more.

Under CDSC, MCC may deliver participant securities to non-participants against payment. In accordance with industry custom, however, MCC will deliver securities to non-participants, and credit participants' accounts, prior to receiving payment from receiving non-participants.[2] In some instances, those non-participants have failed to pay MCC on the day of delivery. Because MCC already has credited participants, these payment delays result in interest expense to MCC that increases until MCC actually receives payment. MCC does not recover this interest expense in the fees charged to participants for processing CDSC transactions. MCC's proposal clarifies MCC procedures to specify that this interest expense will be recovered from participants through MCC's monthly debit of participants positions for miscellaneous charges.

To minimize interest expenses incurred by MCC through operation of CDCS, MCC's proposal establishes a credit limit for participants delivering securities to non-participants through CDCS. Specifically, if the CDCS movement is valued at $50,00 or more, MCC will not credit the delivering participant until payment is received from tne non-participant. For CDCS deliveries less than $50,000 in value, MCC will continue to credit delivering participants on the day of delivery to non-participants, prior to receiving payment.[3]

MCC believes that the proposal provides an efficient procedure for settling securities transactions and collecting funds, consistent with section 17A(a)(1) of the Act. MCC further believes that the proposal equitably allocates fees and expenses associated with CDCS among the participants whose CDCS activities result in such

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[1] On May 31, 1985, the Commission approved CBOE's proposal to trade options on OTC stocks, subject to CBOE's agreement not to commence trading such options until June 3, 1985. Securities Exchange Act Release No. 22104, May 31, 1985.

[2] Securities Exchange Act Release No. 22026, May 8, 1985, 50 FR 20310.

[1] 50 FR 18952.

[2] Industry customs allows verification and count of delivered securities prior to payment.

[3] If the receiving party fails to pay MCC on the day of delivery, MCC then will pass on its interest expenses to the delivering participant as described above.

expenses, consistent with section 17A(a)(3) of the Act.

The Commission agrees with MCC that the proposal is consistent with the Act in general, and Section 17A in particular, and therefore believes that the proposal should be approved. Specifically, the Commission agrees with MCC tht the recovery of interest expense from participants whose CDCS activities result in the expense is equitable. MCC fees for its CDCS service are not structured to recover MCC interest expenses, and therefore an additional charge when interest expenses are incurred is appropriate. Further, participants delivering securities to non-participants through CDCS by contractual agreement may pass on these costs to non-participants whose delayed payment causes the expense.

Even though all MCC CDCS interest expenses are charged to the appropriate participant under MCC proposed procedures, MCC still faces important financial exposure until it actually receives payment for delivered securities. The Commission agrees with MCC that MCC may take appropriate steps to limit this exposure. Specifically, the Commission believes that MCC's decision to limit CDCS credits in advance of receipt of payment to less than $50,000 is reasonable and is consistent with MCC's duties under the Act to safeguard funds and securities in its possession or control or for which it is responsible.

For the reasons discussed above, the Commission finds the proposed rule change consistent with the Act and, in particular, section 17A of the Act.

It is therefore ordered, under section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: June 5, 1985.

John Wheeler,

Secretary.

[Release No. 34-22116; SR-NSCC-85-3]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving on a Permanent Basis a Proposed Rule Change

The National Securities Clearing Corporation ("NSCC") on April 4, 1985, submitted a proposed rule change to the Commission pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1). NSCC's proposal would implement Phase V of its Municipal Bond Comparison System. The Commission, on May 1, 1985, issued an Order approving NSCC's proposal on an acceleration basis for a 30-day period and requesting comment on the proposal.[1] No comment has been received. For the reasons stated in its May 1, 1985 Temporary Approval Order, the Commission finds that the proposed rule change is consistent with the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that NSCC's proposed rule change be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

Dated: June 5, 1985.

[FR Doc. 85-14180 Filed 6-11-85; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* Securities Exchange Act Release No. 22004 (May 1, 1985), 50 FR 19510 (May 6, 1985), for a full description and discussion of NSCC's proposal.

[Release No. 22111; Filed No. SR-PSDTC-85-3]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change of the Pacific Securities Depository Trust Company

June 3, 1985.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 14, 1985, the Pacific Securities Depository Trust Company ("PSDTC") filed with the Securities and Exchange Commission the rule change described herein. The Commission is publishing this notice to solicit public comment on the rule change.

The proposed rule change increases PSDTC's charges for providing lists which identify participants for whom PSDTC retains securities in its nominee name. PSDTC is increasing its charges for furnishing nominee listings to more accurately reflect PSDTC's costs for providing this services. PSDTC's revised fee schedule imposes new weekly, monthly and quarterly subscription rates and imposes different charges for one-time special requests, depending on whether the request is for current or past information.[1]

PSDTC states in its filing that the proposed rule change is consistent with the Act in general and with Section 17A in particular. Specifically, PSDTC maintains that the proposed rule change provides for the equitable allocation of reasonable dues, fees and other charges and will not impose any burden on competition.

The rule change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

You can submit written comment within 21 days after notice is published in the **Federal Register.** Notice of this proposed rule change is expected to be published during the week of June 3, 1985. Please refer to File No. SR-PSDTC-85-3, and file six copies of your comment with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Material on the rule change, other than material that may be withheld from the public under 5 U.S.C. 552, is available at the Commission's Public Reference Room and at the principal offices of the Pacific Securities Depository Trust Company.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-14186 Filed 6-11-85; 8:45 am]

BILLING CODE 8010-01-M

[1] PSDTC is imposing new subscription fees of $1,500.00 per year for weekly reports; $400.00 per year for monthly reports; and $200.00 per year for quarterly reports. PSDTC is also imposing a fee of $50.00 per special request for a current report and $100 per special request for past information.

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange Incorporated

June 6, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and

Rule 12f-1 thereunder, for unlisted trading privileges in the following security:

Safeguard Business Systems, Inc.
Common Stock, $.10 par value (File No. 7-8437)

This security is listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 26, 1985, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,
Secretary.

[FR Doc. 85-14182 Filed 6-11-85; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

First American Capital Funding, Inc.; Filing of an Application for an Exemption Under the Conflict of Interest Regulation

[License No. 09/09-5332]

Notice is hereby given that First American Capital Funding, Inc., 9872 Chapman Avenue, Suite 216, Garden Grove, California 92641, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA) pursuant to § 107.903(b) of the Regulations governing small business investment companies (13 CFR 107.903 (1985)) for approval of a conflict of interest transaction.

Subject to SBA approval, First American Capital Funding, Inc. proposes to invest in Oxnard Pharmaceutical Corporation (DBA Leon's Pharmacy), 801 Cooper Road, Oxnard, California 93030.

The proposed financing is brought within the purview of § 107.903(b) of the Regulations because Mr. Richard X. Nguyen, President of Oxnard Pharmaceutical Corporation, and Ms. Cuong Nguyen, Secretary of Oxnard Pharmaceutical are close relatives of Mr. Ba Xuan Nguyen, a shareholder and former director of First American Capital Funding, Inc.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in the Oxnard, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 6, 1985.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 85-14220 Filed 6-11-85; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-5165]

S.L.C. Investment Corp.; License Surrender

Notice is hereby given that S.L.C. Investment Corporation, 152 Rollins Avenue, Suite 208, Rockville, Maryland 20852 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). S.L.C. Investment Corporation was licensed by the Small Business administration of February 8, 1984.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender was accepted on June 4, 1985, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 6, 1985.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 85-14219 Filed 6-11-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/860]

Overseas Security Advisory Council; Meeting

Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), dated October 6, 1972, the Department of State announces a meeting of the Overseas Security Advisory Council on July 1, 1985, at 8:30 A.M., Room 1105 N.S., U.S. Department of State. Under the provision of the United States Code Title 5, section 553b(c) (1) and (4) and Executive order #12356, it has been determined the meeting will be closed to the public. This decision relates to the anticipated disclosure of matters that are to be kept secret in the interest of national defense and foreign policy, and items of a privileged commercial nature. The agenda calls for discussions of current security/terrorist threats, exchange of information, and coordination between U.S. organizations and foreign governments.

Dated: June 5, 1985.

David C. Fields,
Deputy Assistant Secretary for Security.

[FR Doc. 85-14120 Filed 6-11-85; 8:45 am]

BILLING CODE 4710-24-M

DEPARTMENT OF TRANSPORTATION

[Docket 41035]

Dominion Intercontinental Airlines, Inc., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 25, 1985, at 10:00 a.m. (local time), in Room 5332, Nassif Building, 400 7th Street, SW., Washington, D.C. before the undersigned Administrative Law Judge.

Dated at Washington, D.C., June 6, 1985.

Ronnie A. Yoder,
Administrative Law Judge.

[FR Doc. 85-14119 Filed 6-11-85; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB May 7, 1985-May 30, 1985

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation, during the period May 7, 1985-May 30, 1985, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT:

John Chandler or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, telephone (202) 426-1887.

or

Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB from May 7, 1985-May 30, 1985:

Dot No: 2564
OMB No: 2127-0050
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 574, Tire Identification and Recordkeeping
Form: None
Frequency: On occasion—recordkeeping
Respondents: Businesses—small businesses

[Need/Use: This regulation requires the tire manufacturers to collect and record the names and addresses of the first purchasers of new tires, so that the manufacturers can directly notify those persons if the tires are recalled.

Dot No: 2565
OMB No: 2127-0019
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 537, Automotive Fuel Economy Reports
Forms: None
Frequency: Semi-annually
Respondents: Businesses or other for profit
Need/Use: Major domestic and foreign automobile manufacturers provide NHTSA with technical and fuel economy performance information which is examined to see if and how the manufacturer will comply with applicable average fuel economy standards. The information is also used for reports to Congress, response to inquiries, and evaluation of future standards.

DOT No: 2566
OMB No: New
By: Maritime Administration
Title: Effectively U.S. Controlled Fleet (EUSU)/Parent Company
Forms: N/A
Frequency: Annually
Respondents: Ship owners, ship operators.

Need/Use: The EUSC file is used for contingency defense planning primarily to establish a source for ships capable of moving essential oil and bulk cargoes.

DOT No: 2567
OMB No: 2115-0089
By: U.S. Coast Guard
Title: Recordkeeping/Recording Requirements for Ships Carrying Bulk Hazardous Materials
Forms: None
Frequency: On occassion
Respondents: Principally chemical tanker operators

Need/Use: The Coast Guard is responsible for ensuring safe shipment of bulk liquid hazardous cargoes under 46 U.S.C. 3703. The information is used by the Coast Guard technical offices evaluating vessel design, the Coast Guard port safety and marine inspection personnel responsible for enforcing the regulations, by the crewmembers in operations related to the cargoes, and by those other people boarding the vessels to avoid danger from cargo operations. The vessel safety laws would be extremely difficult and costly to enforce without these requirements.

DOT No: 2568
OMB No: 2120-0026
By: Federal Aviation Administration
Title: Flight Plans (Domestic/International)
Forms: FAA Forms 7233-1, 7233-4
Frequency: On occasion
Respondents: Pilots

Need/Use: Federal Aviation Act of 1958, section 307 (49 U.S.C. 1348) authorizes regulations governing the flight of aircraft. 14 CFR Part 91 prescribed requirements for filing domestic and international flight plans. Information is collected to provide protection to aircraft in flight, persons and property on the ground.

DOT No: 2569
OMB No: 2115-0517
By: U.S. Coast Guard
Title: Records of Testing, Repair, Drydocking and Certification
Forms: CG-835, 841, 854, 858, 948, 3753, 4678
Frequency: On occasion
Respondents: The affected public consists of owners, operators, and masters of U.S. commercial vessels.

Need/Use: The above listed records or reporting requirements provide the vessel owner, operator, and master with an established certification process, established periods of inspection for various sizes and types of vessels, documentation of repairs and alterations, temporary operation of vessels until certain repairs are completed, and an appeals process. Due to the international nature of the industry, these recordkeeping/reporting requirements are the most efficient and accurate method of obtaining the desired information.

DOT No: 2570
OMB No: 2125-0038
By: Federal Highway Administration
Title: Description of motor carrier operations
Forms: MCS-137
Frequency: On occasion
Respondents: Motor carriers

Need/Use: For FHWA to identify the motor carriers subject to Federal Motor Carrier Safety and Hazardous Materials Regulations and for the motor carriers to provide FHWA with the necessary data in its effort to carry out these regulations.

DOT No: 2571
OMB No: 2115-0090
By: U.S. Coast Guard
Title: Production Test Records for Lifesaving Devices (Flotation Devices)—46 CFR Subchapter Q
Forms: None
Frequency: Annually
Respondents: The affected public is lifesaving appliance manufacturers (Flotation Devices).

Need/Use: This recordkeeping requirement is needed by the Coast Guard to ensure that the manufacturer's quality control is adequate to meet the required standards for life-saving appliances. The records are reviewed by Coast Guard or Coast Guard recognized independent laboratories to determine that production stock of life-saving devices will be identical to those that were originally tested and approved.

DOT No: 2572
OMB No: 2132-0513
By: Urban Mass Transportation Administration
Title: Letter of Credit Application
Forms: 1193 and 1194
Frequency: On occasion
Respondents: State and Local Governments

Need/Use: The information is used to establish a letter of credit for a particular grantee or other qualifying recipient of Federal funds. It provides UMTA with data on the organization authorized to execute requests for payments under the letter of credit.

DOT No: 2573
OMB No: 2115-0132
By: U.S. Coast Guard
Title: Servicing Records for Lifesaving Equipment
Forms: None
Frequency: Recordkeeping
Respondents: The affected public is USCG approved servicing facilities.

Need/Use: These rafts are required to be serviced annually at an approved servicing facility. The servicing facility is required to maintain a complete record of each life raft it services. The recordkeeping requirement is needed to determine (1) that the liferaft has been serviced and (2) that the liferaft has met the applicable requirements and can be relied upon for safe escape of personnel from a vessel or drilling unit in case of an emergency. The information is used by the Coast Guard inspection personnel who issues a servicing certificate.

DOT No: 2574
OMB No: 2125-0039
By: Federal Highway Administration
Title: Highway Planning and Research Program Administration
Forms: None
Frequency: Quarterly/Annually
Respondents: State Highway agencies

Need/Use: To determine how FHWA highway planning and research funds will be utilized by State highway agencies and if proposed work is eligible for Federal participation.

DOT No: 2575
OMB No: 2127-0043
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 556, Manufacturer Identification
Forms: None
Frequency: Only once

Respondents: Manufacturers of motor vehicles and motor vehicle equipment are required to submit their names, addresses, and a brief summary of the type of vehicle or equipment they manufacture to the agency.

DOT No: 2576 Not Used

DOT No: 2577
OMB No: 2130-0500
By: Federal Railroad Administration
Title: Accident/Incident Reporting and Recordkeeping Requirements
Forms: FRA-F-6180.45; 54; 55; 55a; 56 and 57.
Frequency: On occasion, Monthly, Annually and Recordkeeping
Respondents: Railroads

Need/Use: FRA needs this information to identify hazardous conditions on the railroads and uses it to assure compliance with the Railroad Safety Act.

DOT No: 2578
OMB No: 2130-0035
By: Federal Railroad Administration
Title: Railroad Operating Rules
Forms: None
Frequency: Recordkeeping on occasion
Respondents: Railroads

Need/Use: FRA uses this information to determine the condition of operating rules and practices with respect to trains and the instructions that railroads provide to their employees.

DOT No: 2579
OMB No: 2127-0516
By: National Highway Traffic Safety Administration
Title: 49 CFR 571.126, Truck Camper Loading
Forms: None
Frequency: On occasion
Respondents: Manufacturers of truck-slide-in-campers

Need/Use: Manufacturers of truck-slide-in campers must affix a label to each camper that contains information relating to certification, identification, and proper loading. Also, the manufacturer must provide more detailed loading information in the owner's manual.

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

Jon H. Seymour,

Acting Assistant Secretary for Administration.

[FR Doc. 85-14118 Filed 6-11-85; 8:45 am]

BILLING CODE 4910-62-M

Maritime Administration

[Docket No. S-767]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application of ARCO Transportation

Notice is hereby given that by application of May 28, 1985, ARCO Transportation Company (ARCO) requested permission under section 506 of the Merchant Marine Act, 1936, as amended (Act), and Part 250 of Title 46 of the Code of Federal Regulations, for its owned vessel, ARCO SPIRIT, to operate for six months in the Alaskan oil trade. The 262,000 deadweight ton ARCO SPIRIT which was built with construction-differential subsidy (CDS), would carry crude oil from Valdez, Alaska, to Panama. The vessel would be under time charter to SPC Shipping, Inc., a division of Standard Oil Company (Sohio) during the six-month period and would commence Alaskan service on or about July 1-15, 1985.

Sohio stated in a May 28, 1985 letter to ARCO that it has a need for the vessel to adequately schedule movement of its Alaskan crude. Based on information provided by Sohio, ARCO indicates that suitable Jones Act vessels of competitors will not be available for the carriage of this oil.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration Room 7300 A, Nassif Building, 400 Seventh Street, SW., Washington, DC. 20590.

Any person, firm, or corporation who is a "competitor," as defined in section 250.2 of the regulations as set forth in 46 CFR Part 250 published in the **Federal Register** issue of June 29, 1977 (42 FR 33035), and desires to protest such application for carriage of oil in the domestic trade from Alaska to Panama should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Protests must be received within five working days after the date of publication of this Notice in the **Federal Register**. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after the due date for applicant's response, the Maritime Administrator will advise the applicant, as well as

those submitting protests, of the action explanation of such action. If no protest is received, concerning the application, the Maritime Administrator will take such action a may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.800 Construction-Differential Subsidy (CDS))

By Order of the Maritime Administrator.

Dated: June 7, 1985.

Georgia P. Stamas,

Secretary.

[FR Doc. 85-13920 Filed 6-11-85; 8:45 am]

BILLING CODE 4910-81-M

Research and Special Programs Administration

[85-1]

Tank Cars; General American Transportation Co.; Possible Noncompliance With Hazardous Material Regulations

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: The purpose of this notice is to advise interested persons that tank cars without required padding for attachments may not be used for transportation of any hazardous material that is required to be carried in a specification tank car.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Olekszyk, Deputy Associate Administrator for Safety, U.S. Federal Railroad Administration (RRS-12), 400 Seventh Street S.W., Washington, D.C. 20590, telephone (202) 426-0897.

SUPPLEMENTARY INFORMATION: Sections 179.100-16 and 179.200-19 of the Hazardous Materials Regulations (HMR) (49 CFR Parts 171-179) require that Department of Transportation (DOT) class 103, 104, 105, 109, 111, 112, and 114 tank car tanks, constructed after December 30, 1971, have (1) reinforcing pads (not less than ¼ inch in thickness) between external brackets and shells if attachment welds exceed 6 linear inches of ¼ inch fillet or equivalent weld per bracket or bracket leg, (2) each corner of a pad rounded to a 1 inch minimum radius, and (3) each pad attached to a tank by continuous fillet welds except for venting provisions. The ultimate shear strength of the bracket to reinforcing pad weld must not exceed 85 percent of the ultimate share strength of the reinforcing pad to tank weld. The purpose of the reinforcement pads is to distribute stresses and to prevent punctures and tearing of a tank by attachments.

Recent investigations by the National Transportation Safety Board and the U.S. Federal Railroad Administration indicate that between 7,000 and 8,000 specification marked tank cars may have been constructed by the General American Transportation Company in nonconformance with 49 CFR 179.100-16 or 179.200-19. If these cars are not in conformance with Part 179 of the HMR, they are not DOT specification tank cars and may not be reloaded with any hazardous material that is required to be shipped in a DOT specification tank car. These cars may be used to transport non-regulated commodities authorized in non-DOT specification tank cars, provided that any markings or certifications indicating compliance with DOT specification tank car requirements are removed.

(49 U.S.C. 1804(c), 1805(a) and 1808(d)(3))

Issued in Washington, D.C. on June 5, 1985 under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 85-14107 Filed 6-11-85; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

Dated: June 6, 1985.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0030
Form Number: ATF F 4483-A (5300.11)
Type of Review: Extension
Title: Quarterly Firearms Manufacturing and Exportation Report

OMB Number: 1512-0098
Form Number: ATF F 5520.2 (1695)
Type of Review: Extension
Title: Annual Report of Concentrate Manufacturer

Clearance Officer: Howard Hood, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 2228, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C 20503

Internal Revenue Service

OBM Number: 1545-0029
Form Number: IRS Forms 941, 941E, 941PR and 941SS
Type of Review: Extension
Title: Employer's Quarterly Federal Tax Return; Quarterly Return of Withheld Income Tax; Record of Federal Backup Withholding Tax Liability

OBM Number: 1545-0197
Form Number: IRS Form Schedule T (Form 5300)
Type of Review: Revision
Title: Supplemental Application for Approval of Employee Benefit Plans TEFRA, TRA 1984 and REA

Clearance Officer: Garrick Shear, (202) 566-6150, Room 5571, 1111 Constitution Avenue, NW., Washington, D.C. 20224

OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

[FR Doc. 85-14108 Filed 6-11-85; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: June 7, 1985.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

OMB Number: 1515-0053
Form Number: Customs Form 3299
Type of Review: Extension

Title: Declaration for Free Entry of Unaccompanied Articles
Clearance Officer: Vince Olive, (202) 566-9181, U.S. Customs Service, Room 2130, 1301 Constitution Avenue, NW., Washington, D.C. 20229
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Internal Revenue Service

OMB Number: 1545-0016
Form Number: IRS Form 706-A
Type of Review: Revision
Title: United States Additional Estate Tax Return

OMB Number: New
Form Number: IRS Form 8396
Type of Review: New
Title: Mortgage Interest Credit

OMB Number: New
Form Number: IRS Form M-7183
Type of Review: New
Title: Library Program Participant Profile

Clearance Officer: Garrick Shear, (202) 566-6150, Room 5571, 1111 Constitution Avenue, NW., Washington, D.C. 20224
OMB Reviewer: Robert Neal, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Joseph F. Maty,
Departmental Reports Managment Office.
[FR Doc. 85-14109 Filed 6-11-85; 8:45 am]
BILLING CODE 4810-25-M

Fiscal Service

[Dept. Circ. 570, 1984 Rev., Supp. No. 23]

Surety Companies Acceptable on Federal Bonds: Termination of Authority; Midland Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Midland Insurance Company, New York, New York, under sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The company was last listed as an acceptable surety on Federal bonds at 49 FR 27256, July 2, 1984.

With respect to any bonds currently in force with Midland Insurance Company, bond-approving officers for the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service (formerly Bureau of Government Financial Operations), Department of the Treasury, Washington, D.C. 20226, telephone (202) 634-2319.

Dated: May 31, 1985.

W.E. Douglas,
Commissioner, Financial Management Service.
[FR Doc. 85-14112 Filed 6-11-85; 8:45 am]
BILLING CODE 4810-35-M

[Dept. Circ. 570, 1984 Rev., Supp. No. 22]

Surety Companies Acceptable on Federal Bonds: Termination of Authority; Mission Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Mission Insurance Company, of Los Angeles, California, under sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The company was last listed as an acceptable surety on Federal bonds at 49 FR 27257, July 2, 1984.

With respect to any bonds currently in force with Mission Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, D.C. 20226, telephone (202) 634-2319.

Dated: June 3, 1985.

W.E. Douglas,
Commmissioner, Financial Mangement Service.
[FR Doc. 85-1410 Filed 6-11-85; 8:45 am]
BILLING CODE 4810-35-M

[Dept. Circ. 570, 1984 Rev., Supp. No. 21]

Surety Companies Acceptable on Federal Bonds: Termination of Authority; Puritan Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Puritan Insurance Company, of Providence, Rhode Island, under sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The company was last listed as an acceptable surety on Federal bonds at 49 FR 27259, July 2, 1984.

With respect to any bonds currently in force with Puritan Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, D.C. 20226, telephone (202) 634-2319.

Dated: May 31, 1985.

W.E. Douglas,
Commissioner, Financial Management Service.
[FR Doc. 85-1443-Filed 6-11-85; 8:45 am]
BILLING CODE 4810-35-M

[Dept. Circ. 570, 1984 Rev., Supp. No. 24]

Surety Companies Acceptable on Federal Bonds: Termination of Authority; Worldwide Underwriters Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Worldwide Underwriters Insurance Company, Wausau, Wisconsin, under sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The company was last listed as an acceptable surety on Federal bonds at 49 FR 27262, July 2, 1984.

With respect to any bonds currently in force with Worldwide Underwriters Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, D.C. 20226, telephone (202) 634-2349.

DatedL June 3, 1985.

W.E. Douglas,
Commissioner, Financial Management Service.
[FR Doc. 85-14111 Filed 6-11-85; 8:45 am]
BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 113
Wednesday, June 12, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL ENERGY REGULATORY COMMISSION

June 6, 1985.

TIME AND DATE: June 13, 1985, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda, 815th Meeting—June 13, 1985, Regular Meeting (10:00 a.m.)

CAP-1.
Project No. 4796-010, Niagara Mohawk Power Corporation and Glen Park Associates

CAP-2.
Project No. 4939-002, Brownville Power Company

CAP-3.
Project No. 7187-004, Pankratz Lumber Company

CAP-4.
Project No. 8506-001, Charles M. Howe

CAP-5.
Project No. 4026-003, Androscoggin Reservoir Company and Central Maine Power Company

CAP-6.
Project Nos. 6611-001 and 002, Boulder River Power Company

CAP 7.
Project Nos. 6600-001, 002, 003 and 004, Eagle Power Company
Project Nos. 3503-003, 004, 005, 006, and 008, James B. Howell
Project No. 3783-003, Rocky Brook Electric, Inc.
Project No. 3908-003, Catalyst Slate Creek Hydro Electric
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Project Nos. 5069-002 and 003, Douglas S. Marr
Project Nos. 5080-001 and 002, Donnie McFadde, et al.
Project Nos. 5573-001 and 002, Cook Electric, Inc.
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Project Nos. 5650-001 and 002, Gary and Catherine Wright
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Project Nos. 5978-001 and 002, Gary A. Cromwell
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Project No. 6057-002, F.L. and W.F. Flog
Project No. 6062-001, Norma Ross and Mary E. Burgess
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Project No. 6206-001, Trout Company, Inc.
Project No. 6271-001, White Water Ranch
Project No. 6283-003, G & B Water Users
Project No. 6331-001, McGowan Properties
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Project No. 6458-001, Everand Jensen
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Project No. 6555-002, John A. Webster, Jr.
Project No. 6631-002, F. and C. Audette
Project No. 6633-001, General Plastics Manufacturing Company
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Project Nos. 6663-001 and 002, J.A. Moyle
Project No. 6701-001, Frederick Lindauer
Project No. 6802-001, Snowbird, Ltd.
Project No. 7086-002, Confederated Salish and Kootenai Tribes, Flathead Reservation
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Project Nos. 4437-005 and 007, Glacier Energy Company
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Project No. 5250-004, West Slope Power Company
Project No. 5447-004, D. William Saulsberry
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CAP-9.
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Docket No. ER84-679-002, Florida Power Corporation

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CAP-12.
Docket No. ER85-459-000, Consolidated Edison Company of New York, Inc.

CAP-13.
Docket No. QF85-304-000, The Amalgamated Sugar Company and Small Power Production and Cogeneration Facilities—Qualifying Status

CAP-14.
Docket No. QF85-311-000, Cogeneration National Corporation

CAP-15.
(A) Docket No. RE81-106-003, Florida Power Corporation
(B) Docket No. RE84-7-002, Niagara Mohawk Power Corporation
(C) Docket No. RE80-56-003, Otter Tail Power Company
(D) Docket No. RE80-19-004, Pacific Power and Light Company
(E) Docket No. RE84-12-001, Savannah Electric and Power Company
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Docket No. RE80-54-001, Cleveland Electric Illuminating Company
Docket No. RE84-8-000, Columbus & Southern Ohio Electric Company
Docket No. RE81-83-002, Dayton Power & Light Company
Docket No. RE81-29-001, Ohio Edison Company
Docket No. RE84-9-000, Ohio Power Company
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CAP-17.
Docket No. EL82-3-002, City of Oakland, California v. Pacific Gas & Electric Company

Consent Miscellaneous Agenda

CAM-1.
Docket No. RM85-2-001, Rules of Practice and Procedure: Commission review of remedial orders

CAM-2.
Docket No. RM79-78-165, (Kansas - 2), high-cost gas produced from tight formations

CAM-3.
Docket No. GP80-90-000, State of Kansas, section 108 NGPA determination, Amoco Production Company, Eyman Gas Unit "B" No. 1 well, FERC JD No. 80-04663

CAM-4.
Docket No. GP83-59-000, Texas Railroad Commission, William Perlman, Section 107 NGPA Determination, AdA Cauthorn No. 4-1 Well, FERC No. JD82-41108

CAM-5.
Docket No. GP84-24-000, State of Kansas, section 108 NGPA determination, Gould Oil Inc., Z-Bar No. 1 well, FERC No. JD84-09856

CAM-6.
Docket No. GP84-54-000, Hawthorne Oil & Gas Corporation, et al.

CAM-7.
Docket No. RO84-9-000, Walter J. Scott and Benjamin J. Agajanian, oil producers, William J. Scott and Walter J. Scott, d.b.a. Scott Oil Company

CAM-8.
Docket No. RO85-2-000, Echo Drilling, Inc.

Consent Gas Agenda

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CAG-2.
Docket Nos. RP83-35-034, 035, RP81-109-000, RP82-37-000 and RP74-41-061, Texas Eastern Transmission Corporation

CAG-3.
Omitted

CAG-4.
Docket Nos. TA83-1-37-003, TA83-2-37-003, TA84-1-37-004, TA84-2-37-010, TA85-1-37-004, TA85-2-37-007 and RP82-56-000, Northwest Pipeline Corporation

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Docket Nos. RI74-188-052 and RI75-21-047, Independent Oil & Gas Association of West Virginia

CAG-13.
Docket No. CI80-70-002, Phillips Petroleum Company v. McCulloch Gas Processing Corporation and McCulloch Interstate Gas Corporation, Dinah Conrad, MHF Enterprises, Inc., DOL Resources, Inc., the Hawks Company and K.A. Thomas

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CAG-15.
Docket No. CI84-355-000, Exchange Oil & Gas Corporation and Shore Oil Corporation

CAG-16.
Docket No. CI85-303-000, Coastal Oil & Gas Corporation

CAG-17.
Docket No. CI85-385-000, Energy Marketing Exchange, Inc.

CAG-18.
Docket Nos. TC85-16-000, and 001, Colorado Interstate Gas Company

CAG-19.
Docket No. CP77-410-006, Sea Robin Pipeline Company

CAG-20.
Docket No. CP77-410-007, Sea Robin Pipeline Company

CAG-21.
Docket Nos. CP84-543-001, CP85-150-001 and CP85-151-001, Equitable Gas Company, a division of Equitable Resources, Inc.

CAG-22.
Docket Nos. CP84-709-000, 001 and CP79-473-005, Alabama-Tennessee Natural Gas Company

CAG-23.
Docket No. CP85-291-000, United Gas Pipe Line Company

CAG-24.
Docket No. CP85-300-000, Colorado Interstate Gas Company

CAG-25.
Docket Nos. CP85-487-000, 001, 002, 003, CP85-488-000, 001 and 002 (not consolidated), Distrigas of Massachusetts Corporation

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P-2.
Project No. 7042-001, Cities of Minden, Natchitoches and Ruston, Louisiana

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Docket No. ER-82-616-000, Middle South Energy, Inc.

ER-2.
Docket No. ER82-616-003 (remand), Middle South Energy, Inc.

ER-3.
Omitted

ER-4.
Docket No. EL85-21-000, Numaineco Corporation

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Docket No. RM85-6-000, waiver of the water quality certification requirement of section 401(A) of the Clean Water Act

M-2.
Reserved
M-3.
Reserved
M-4.
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I. Pipeline Rate Matters

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(B) Docket No. RP82-117-000, Midwestern Gas Transmission Company
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Docket No. RP83-66-000, Mississippi River Transmission Corporation
RP-5.
Docket Nos. OR79-1-000 and 022 (Phase I), Williams Pipe Line Company

II. Producer Matters

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III. Pipeline Certificate Matters

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CP-3.
Omitted
CP-4.
Docket Nos. CP84-393-000 and 001, Panhandle Eastern Pipe Line Company
CP-5.
Docket No. RP83-8-000, et al., Tennessee Gas Pipeline Company, a division of Tenneco Inc.
Docket Nos. CP84-441-000, 001 and 002, Tennessee Gas Pipeline Company, a division of Tenneco Inc.
Docket No. CP85-264-000, et al., Transcontinental Gas Pipe Line Corporation
CP-6.
Docket No. CP85-464-000, Southern Natural Gas Company

Kenneth F. Plumb,
Secretary.
[FR Doc. 85-14218 Filed 6-7-85; 5:00 pm]
BILLING CODE 6717-01-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, June 5, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting. This copy of the Board's May 28, 1985, notice was made and resubmitted to the **Federal Register** on June 7, 1985.

Dated: May 28, 1985.

James McAfee,
Associate Sectetary of the Board.
[FR Doc. 85-14216 Filed 6-7-85; 4:56 pm]
BILLING CODE 6210-01-M

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, June 17, 1985.

PLACE: Marriner S. Eccles Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: June 7, 1985.

James McAfee,
Associate Secretary of the Board.
[FR Doc. 85-14217 Filed 6-7-85; 4:56 pm]
BILLING CODE 6210-01-M

4

LEGAL SERVICES CORPORATION

Board of Directors Meeting Cancellation

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published May 30, 1985, 50 FR 23103.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:00 a.m., Wednesday, June 12, 1985.

EXPLANATION OF CHANGE: The Presidential Search Committee will not conclude their meetings of June 10 through June 12, 1985 and therefore will not be ready to make a report to the Board of Directors on June 12. Because the agenda of the previously announced meeting called for only one action item, the meeting is cancelled since there will be no report from the Presidential Search Committee.

CONTACT PERSON FOR MORE INFORMATION: Dennis Daugherty, Executive Office, (202) 272-4040.

Dated issued: June 10, 1985.

D. Clifford Crook, III,
Assistant to the President, Chief of Staff.
[FR Doc. 85-14225 Filed 6-10-85; 10:09 am]
BILLING CODE 6820-35-M

5

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Monday, June 17, 1985.

PLACE: 1776 G Street, NW., Washington, D.C. 20456, Filene Board Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meetings.
2. Central Liquidity Facility Lines of Credit for State Credit Union Share Insurance Corporations. Closed pursuant to exemption (8).
3. Budget Authorization for FY 1986. Closed pursuant to exemptions (2) and (6).

4. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).

5. Special Assistance to Prevent Liquidation under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

6. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 85-14253 Filed 6-10-85; 2:31 pm]

BILLING CODE 7535-01-M

6

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Cancellation of Previously Announced Closed Meeting

The National Credit Union Administration Board has cancelled its previously announced closed meeting, scheduled for June 12, 1985 at the Parkview Hilton in Hartford, CT.

The previously announced items were:

1. Approval of Minutes of Previous Closed Meetings.

2. Notice of Intent to Terminate Insured Status for State Chartered Credit Union. Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Special Assistance to prevent Liquidation under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

4. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 85-14254 Filed 6-10-85; 2:31 pm]

BILLING CODE 7535-01-M

7

POSTAL RATE COMMISSION

TIME AND DATE: 9:00 a.m., June 28, 1985.

PLACE: Room 300, 1333 H Street, NW., Washington, DC 20268-0001.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED: Docket No. RM85-1, Publication of the Domestic Mail Classification Schedule.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW., Washington, D.C. 20268-0001, Telephone (202) 789-6840.

Charles L. Clapp,

Secretary.

[FR Doc. 85-14223 Filed 6-10-85; 10:04 am]

BILLING CODE 7715-01-M

federal register

Wednesday
June 12, 1985

Part II

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

June 1, 1985

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of June 1, 1985, of 244 rescission proposals and 71 deferrals contained in the first nine special messages of FY 1985. These messages were transmitted to the Congress on October 1, October 31, and November 29, 1984; and January 4, February 6 (two special messages), March 1, March 22, and May 16, 1985.

Rescissions (Table A and Attachment A)

As of June 1, 1985, there were two rescission proposals pending before the Congress. Attachment A shows the history and status of the 244 rescissions proposed by the President in 1985.

Referrals (Table B and Attachment B)

As of June 1, 1985, $4,767.6 million in 1985 budget authority was being deferred from obligation and $8.7 million in 1985 outlays was being deferred from expenditure. Attachments B shows the history and status of each deferral reported during FY 1985.

Information From Special Messages

The special messages containing information on the rescission proposals and deferrals covered by this cumulative report are printed in the **Federal Registers** listed below:

Vol. 49, FR p. 39464, Friday, October 5, 1984
Vol. 49, FR p. 44870, Friday, November 9, 1984
Vol. 49, FR p. 47804, Thursday, December 6, 1984
Vol. 50, FR p. 1420, Thursday, January 10, 1985
Vol. 50, FR p. 6582, Friday, February 15, 1985
Vol. 50, FR p. 6648, Friday, February 15, 1985
Vol. 50, FR p. 9410, Thursday, March 7, 1985
Vol. 50, FR p. 12504, Thursday, March 28, 1985
Vol. 50, FR p. 21014, Tuesday, May 21, 1985

David A. Stockman,
Director, Office of Management and Budget.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1985 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$1,843.3
Accepted by the Congress	0
Rejected by the Congress	1,805.9 a/
Pending before the Congress	37.4

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TABLE B

STATUS OF 1985 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$14,872.6
Routine Executive releases through June 1, 1985 (OMB/ Agency Releases of $10,376.0 million and cumulative adjustments of $279.7 million)	-10,096.3
Overturned by the Congress	0
Currently before the Congress	$ 4,776.3 b/

a/ Rescission proposals transmitted with the FY 1986 Budget were released on April 25, 1985, the day following expiration of the 45-day clock on rescissions under the Impoundment Control Act. However, the proposals continue to be subject to Congressional action.

b/ This amount includes $8.7 million in outlays for a Department of the Treasury deferral (D85-13).

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs	R85-1	99,000		2-6-85		99,000	4-25-85	
International Development Assistance Functional development assistance program	R85-2	5,168		2-6-85		5,168	4-25-85	
Peace Corps Peace Corps operating expenses	R85-3	1,231		2-6-85		1,231	4-25-85	
Overseas Private Investment Corporation Overseas Private Investment Corporation	R85-4	838		2-6-85		838	4-25-85	
DEPARTMENT OF AGRICULTURE								
Office of the Secretary Office of the Secretary	R85-5	114		2-6-85		114	4-25-85	
Departmental Administration Departmental Administration	R85-6	149		2-6-85		149	4-25-85	
Office of Governmental and Public Affairs Office of Governmental and Public Affairs	R85-7	497		2-6-85		497	4-25-85	
Office of the Inspector General Office of the Inspector General	R85-8	41		2-6-85		41	4-25-85	
Office of the General Counsel Office of the General Counsel	R85-9	24		2-6-85		24	4-25-85	
Agricultural Research Service Agricultural Research Service	R85-10	1,313		2-6-85		1,313	4-25-85	
Buildings and facilities	R85-11	16,950		2-6-85		16,950	4-25-85	
	R85-12	20,950		2-6-85		20,950	4-25-85	
Cooperative State Research Service Cooperative State Research Service	R85-13	151		2-6-85		151	4-25-85	
Extension Service Extension Service	R85-14	310		2-6-85		310	4-25-85	
National Agricultural Library National Agricultural Library	R85-15	11		2-6-85		11	4-25-85	
Statistical Reporting Service Salaries and expenses	R85-16	206		2-6-85		206	4-25-85	
Economic Research Service Salaries and expenses	R85-17	132		2-6-85		132	4-25-85	
World Agricultural Outlook Board World Agricultural Outlook Board	R85-18	32		2-6-85		32	4-25-85	
Foreign Agricultural Service Foreign Agricultural Service	R85-19	424		2-6-85		424	4-25-85	
Office of International Cooperation and Development Salaries and expenses	R85-20	52		2-6-85		52	4-25-85	
Scientific activities overseas (special foreign currency program)	R85-21	9		2-6-85		9	4-25-85	
Agricultural Stabilization and Conservation Service Salaries and expenses	R85-22	100		2-6-85		100	4-25-85	
Dairy indemnity program	R85-23	88		2-6-85		88	4-25-85	
Federal Crop Insurance Corporation Administrative and operating expenses	R85-24	1,906		2-6-85		1,906	4-25-85	
Commodity Credit Corporation Commodity Credit Corporation fund	R85-25	31		2-6-85		31	4-25-85	
Office of Rural Development Policy Salaries and expenses	R85-26	36		2-6-85		36	4-25-85	
Rural Electrification Administration Salaries and expenses	R85-27	288		2-6-85		288	4-25-85	
Reimbursement to the Rural Electrification and Telephone revolving fund	R85-28	215,964		2-6-85		215,964	4-25-85	
Purchase of Rural Telephone Bank capita stock	R85-29	30,000		2-6-85		30,000	4-25-85	

Attachment A - Status of Rescissions - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Farmers Home Administration								
Salaries and expenses	R85-30	1,315		2-6-85		1,315	4-25-85	
Soil Conservation Service								
Conservation operations	R85-31	5,174		2-6-85		5,174	4-25-85	
River basin surveys and investigations	R85-32	235		2-6-85		235	4-25-85	
Watershed planning	R85-33	133		2-6-85		133	4-25-85	
Watershed and flood prevention operations	R85-34	918		2-6-85		918	4-25-85	
Great plains conservation program	R85-35	126		2-6-85		126	4-25-85	
Resource conservation and development	R85-36	164		2-6-85		164	4-25-85	
Animal and Plant Health Inspection Service								
Salaries and expenses	R85-37	1,464		2-6-85		1,464	4-25-85	
Federal Grain Inspection Service								
Salaries and expenses	R85-38	94		2-6-85		94	4-25-85	
Agricultural Marketing Service								
Marketing services	R85-39	150		2-6-85		150	4-25-85	
Office of Transportation								
Office of Transportation	R85-40	18		2-6-85		18	4-25-85	
Food Safety and Inspection Service								
Salaries and expenses	R85-41	2,473		2-6-85		2,473	4-25-85	
Food and Nutrition Service								
Food stamp administration	R85-42	684		2-6-85		684	4-25-85	
Food stamp program	R85-43	8,762		2-6-85		8,762	4-25-85	
Human Nutrition Information Service								
Human Nutrition Information Service	R85-44	34		2-6-85		34	4-25-85	
Packers and Stockyards Administration								
Packers and Stockyards Administration	R85-45	117		2-6-85		117	4-25-85	
Agricultural Cooperative Service								
Salaries and expenses	R85-46	50		2-6-85		50	4-25-85	
Forest Service								
Forest research	R85-47	923		2-6-85		923	4-25-85	
State and private forestry	R85-48	463		2-6-85		463	4-25-85	
National forest system	R85-49	12,134		2-6-85		12,134	4-25-85	
Construction	R85-50	1,922		2-6-85		1,922	4-25-85	
Land acquisition	R85-51	68		2-6-85		68	4-25-85	
DEPARTMENT OF COMMERCE								
General Administration								
Salaries and expenses	R85-52	3,700		2-6-85		3,700	4-25-85	
	R85-53	499		2-6-85		499	4-25-85	
Economic Development Administration								
Salaries and expenses	R85-54	120		2-6-85		120	4-25-85	
Economic development assistance programs	R85-55	24,000		2-6-85		24,000	4-25-85	
	R85-56	179,000		2-6-85		179,000	4-25-85	
Bureau of the Census								
Salaries and expenses	R85-57	241		2-6-85		241	4-25-85	
Periodic censuses and programs	R85-58	791		2-6-85		791	4-25-85	
Economic and Statistical Analysis								
Salaries and expenses	R85-59	433		2-6-85		433	4-25-85	
International Trade Administration								
Operations and administration	R85-60	2,783		2-6-85		2,783	4-25-85	
	R85-60A	18,750		2-6-85		18,750	4-25-85	
Participation in United States expositions	R85-61	6		2-6-85		6	4-25-85	
Minority Business Development Agency								
Minority business development	D85-62	305		2-6-85		305	4-25-85	
United States Travel and Tourism Administration								
Salaries and expenses	R85-63	468		2-6-85		468	4-25-85	
	R85-63A	3,417		2-6-85		3,417	4-25-85	

Attachment A - Status of Rescissions - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
National Oceanic and Atmospheric Administration								
Operations, research, and facilities....	R85-64	4,140		2-6-85		4,140	4-25-85	
	R85-64A	100,200		2-6-85		100,200	4-25-85	
Fisheries loan fund.....	R85-65	1,550		2-6-85		1,550	4-25-85	
Patent and Trademark Office								
Salaries and expenses.....	R85-66	1,472		2-6-85		1,472	4-25-85	
National Bureau of Standards								
Scientific and technical research and services.....	R85-67	1,019		2-6-85		1,019	4-25-85	
National Telecommunications and Information Administration								
Salaries and expenses.....	R85-68	183		2-6-85		183	4-25-85	
Public telecommunications facilities, planning and construction.....	R85-69	32		2-6-85		32	4-25-85	
	R85-69A	9,968		2-6-85		9,968	4-25-85	
DEPARTMENT OF DEFENSE - CIVIL								
Corps of Engineers - Civil								
General investigations.....	R85-70	2,000		2-6-85		2,000	4-25-85	
Construction, general.....	R85-71	4,000		2-6-85		4,000	4-25-85	
Operation and maintenance, general.....	R85-72	8,000		2-6-85		8,000	4-25-85	
General expenses.....	R85-73	1,200		2-6-85		1,200	4-25-85	
Flood control, Mississippi River and tributaries.....	R85-74	1,000		2-6-85		1,000	4-25-85	
Revolving fund.....	R85-75	3,900		2-6-85		3,900	4-25-85	
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Special programs.....	R85-76	80,000		2-6-85		80,000	4-25-85	
Office of Bilingual Education and Minority Languages Affairs								
Grants to schools with substantial numbers of immigrants.....	R85-77	30,000		2-6-85		30,000	4-25-85	
Office of Postsecondary Education								
Higher education.....	R85-78	59,750		2-6-85		59,750	4-25-85	
Departmental Management								
Salaries and expenses.....	R85-79	4,189		2-6-85		4,189	4-25-85	
DEPARTMENT OF ENERGY								
Atomic Energy Defense Activities								
Atomic energy defense activities.....	R85-80	8,280		2-6-85		8,280	4-25-85	
Energy Programs								
General science and research activities.	R85-81	38		2-6-85		38	4-25-85	
Energy supply, research and development activities.....	R85-82	2,676		2-6-85		2,676	4-25-85	
Uranium supply and enrichment activities	R85-83	968		2-6-85		968	4-25-85	
Fossil energy research and development..	R85-84	3,276		2-6-85		3,276	4-25-85	
	R85-85	860		2-6-85		860	4-25-85	
Naval petroleum and oil shale reserves..	R85-86	181		2-6-85		181	4-25-85	
Energy conservation.....	R85-87	931		2-6-85		931	4-25-85	
Strategic petroleum reserve.....	R85-88	156		2-6-85		156	4-25-85	
Energy Information Administration.....	R85-89	846		2-6-85		846	4-25-85	
Emergency preparedness.....	R85-90	51		2-6-85		51	4-25-85	
Economic regulation.....	R85-91	156		2-6-85		156	4-25-85	
Federal Energy Regulatory Commission....	R85-92	204		2-6-85		204	4-25-85	
Alternate fuels production.....	R85-93	23		2-6-85		23	4-25-85	

Attachment A - Status of Rescissions - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Power Marketing Administration								
Operation and maintenance, Alaska Power Administration	R85-94	29		2-6-85		29	4-25-85	
Operation and maintenance, Southeastern Power Administration	R85-95	15		2-6-85		15	4-25-85	
	R85-243		23,402	5-16-85				
Operation and maintenance, Southwestern Power Administration	R85-96	243		2-6-85		243	4-25-85	
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	R85-97	432		2-6-85		432	4-25-85	
Departmental Administration								
Departmental administration	R85-98	2,786		2-6-85		2,786	4-25-85	
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Food and Drug Administration								
Salaries and expenses	R85-99	2,194		2-6-85		2,194	4-25-85	
Health Resources and Services Administration								
Health resources and services	R85-100	2,263		2-6-85		2,263	4-25-85	
Indian health	R85-101	161		2-6-85		161	4-25-85	
Centers for Disease Control								
Disease control	R85-102	2,261		2-6-85		2,261	4-25-85	
National Institutes of Health								
National Cancer Institute	R85-103	4,362		2-6-85		4,362	4-25-85	
National Heart, Lung and Blood Institute	R85-104	1,401		2-6-85		1,401	4-25-85	
National Institute of Dental Research	R85-105	166		2-6-85		166	4-25-85	
National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases	R85-106	1,171		2-6-85		1,171	4-25-85	
National Institute of Neurological and Communicative Disorders	R85-107	462		2-6-85		462	4-25-85	
National Institute of Allergy and Infectious Diseases	R85-108	428		2-6-85		428	4-25-85	
National Institute of General Medical Sciences	R85-109	211		2-6-85		211	4-25-85	
National Institute of Child Welfare and Human Development	R85-110	309		2-6-85		309	4-25-85	
National Eye Institute	R85-111	173		2-6-85		173	4-25-85	
National Institute of Environmental Health Sciences	R85-112	542		2-6-85		542	4-25-85	
National Institute on Aging	R85-113	196		2-6-85		196	4-25-85	
Research resources	R85-114	250		2-6-85		250	4-25-85	
John E. Fogarty International Center	R85-115	241		2-6-85		241	4-25-85	
National Library of Medicine	R85-116	354		2-6-85		354	4-25-85	
Office of the Director	R85-117	182		2-6-85		182	4-25-85	
Alcohol, Drug Abuse, and Mental Health Administration								
Alcohol, drug abuse, and mental health	R85-118	3,972		2-6-85		3,972	4-25-85	
Office of Assistant Secretary for Health								
Public health service management	R85-119	493		2-6-85		493	4-25-85	
Health Care Financing Administration								
Program management	R85-120	1,540		2-6-85		1,540	4-25-85	
Human Development Services								
Human development services	R85-121	1,334		2-6-85		1,334	4-25-85	
Family social services	R85-122	396		2-6-85		396	4-25-85	
Community services block grant	R85-123	34		2-6-85		34	4-25-85	
Departmental Management								
General departmental management	R85-124	1,246		2-6-85		1,246	4-25-85	
Office of the Inspector General	R85-125	496		2-6-85		496	4-25-85	

Attachment A - Status of Rescissions - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Public and Indian Housing Programs								
Payments for operation of low income housing projects	R85-126	253,138		2-6-85		253,138	4-25-85	
Management and Administration								
Salaries and expenses	R85-127	6,919		2-6-85		6,919	4-25-85	
DEPARTMENT OF INTERIOR								
Bureau of Land Management								
Management of lands and resources	R85-128	5,778		2-6-85		5,778	4-25-85	
Oregon and California grant lands	R85-129	679		2-6-85		679	4-25-85	
Working capital fund	R85-130	2,951		2-6-85		2,951	4-25-85	
Minerals Management Service								
Minerals and royalty management	R85-131	1,764		2-6-85		1,764	4-25-85	
Office of Surface Mining Reclamation and Enforcement								
Regulation and technology	R85-132	546		2-6-85		546	4-25-85	
Abandoned mine reclamation fund	R85-133	333		2-6-85		333	4-25-85	
	R85-133A	2,900		2-6-85		2,900	4-25-85	
Bureau of Reclamation								
Construction program	R85-134	2,571		2-6-85		2,571	4-25-85	
General investigations	R85-135	209		2-6-85		209	4-25-85	
Operation and maintenance	R85-136	1,540		2-6-85		1,540	4-25-85	
General administrative expenses	R85-137	1,468		2-6-85		1,468	4-25-85	
Geological Survey								
Surveys, investigations and research	R85-138	4,519		2-6-85		4,519	4-25-85	
Bureau of Mines								
Mines and minerals	R85-139	1,355		2-6-85		1,355	4-25-85	
United States Fish and Wildlife Service								
Resource management	R85-140	3,869		2-6-85		3,869	4-25-85	
Construction	R85-141	40		2-6-85		40	4-25-85	
National Park Service								
Operation of the national park system	R85-142	8,598		2-6-85		8,598	4-25-85	
National recreation and preservation	R85-143	94		2-6-85		94	4-25-85	
Construction	R85-144	397		2-6-85		397	4-25-85	
Land acquisition and state assistance	R85-145	52		2-6-85		52	4-25-85	
	R85-146	30,000		2-6-85		30,000	4-25-85	
Bureau of Indian Affairs								
Operation of Indian programs	R85-147	5,570		2-6-85		5,570	4-25-85	
Office of Territorial Affairs								
Administration of territories	R85-148	107		2-6-85		107	4-25-85	
DEPARTMENT OF JUSTICE								
General Administration								
Salaries and expenses	R85-149	166		2-6-85		166	4-25-85	
Working capital fund	R85-150	3,000		2-6-85		3,000	4-25-85	
Legal Activities								
Salaries and expenses, General Legal Activities	R85-151	470		2-6-85		470	4-25-85	
Salaries and expenses, Antitrust Division	R85-152	65		2-6-85		65	4-25-85	
Salaries and expenses, United States Attorneys and Marshals	R85-153	889		2-6-85		889	4-25-85	
Fees and expenses of witnesses	R85-154	309		2-6-85		309	4-25-85	
Salaries and expenses, Community Relations Service	R85-155	43		2-6-85		43	4-25-85	
Federal Bureau of Investigation								
Salaries and expenses	R85-156	3,505		2-6-85		3,505	4-25-85	

Attachment A - Status of Rescissions - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Drug Enforcement Administration								
Salaries and expenses	R85-157	876		2-6-85		876	4-25-85	
Immigration and Naturalization Service								
Salaries and expenses	R85-158	947		2-6-85		947	4-25-85	
Federal Prison System								
Salaries and expenses	R85-159	451		2-6-85		451	4-25-85	
National Institute of Corrections	R85-160	894		2-6-85		894	4-25-85	
Buildings and facilities	R85-161	13		2-6-85		13	4-25-85	
Office of Justice Programs								
Justice assistance	R85-162	2,031		2-6-85		2,031	4-25-85	
DEPARTMENT OF LABOR								
Employment and Training Administration								
Program administration	R85-163	218		2-6-85		218	4-25-85	
	R85-163A	1,703		2-6-85		1,703	4-25-85	
Training and employment services	R85-164	11,447		2-6-85		11,447	4-25-85	
	R85-164A	244,291		2-6-85		244,291	4-25-85	
Labor-Management Services Administration								
Salaries and expenses	R85-165	1,678		2-6-85		1,678	4-25-85	
Employment Standards Administration								
Salaries and expenses	R85-167	1,635		2-6-85		1,635	4-25-85	
	R85-167A	600		2-6-85		600	4-25-85	
Occupational Safety and Health Administration								
Salaries and expenses	R85-168	1,694		2-6-85		1,694	4-25-85	
Mine Safety and Health Administration								
Salaries and expenses	R85-169	1,776		2-6-85		1,776	4-25-85	
Bureau of Labor Statistics								
Salaries and expenses	R85-170	765		2-6-85		765	4-25-85	
	R85-170A	5,000		2-6-85		5,000	4-25-85	
Departmental Management								
Salaries and expenses	R85-171	728		2-6-85		728	4-25-85	
Inspector General salaries and expenses	R85-172	3,766		2-6-85		3,766	4-25-85	
Special foreign currency program	R85-173	20		2-6-85		20	4-25-85	
DEPARTMENT OF STATE								
Administration of Foreign Affairs								
Salaries and expenses	R85-174	2,432		2-6-85		2,432	4-25-85	
DEPARTMENT OF TRANSPORTATION								
Federal Highway Administration								
Motor carrier safety	R85-175	164		2-6-85		164	4-25-85	
National Highway Traffic Safety Administration								
Operations and research	R85-176	767		2-6-85		767	4-25-85	
Trust fund share of operations and research	R85-177	408		2-6-85		408	4-25-85	
Highway traffic safety grants	R85-178	250		2-6-85		250	4-25-85	
Federal Railroad Administration								
Office of the Administrator	R85-179	100		2-6-85		100	4-25-85	
Railroad research and development	R85-180	170		2-6-85		170	4-25-85	
Rail service assistance	R85-181	90		2-6-85		90	4-25-85	
Railroad safety	R85-182	140		2-6-85		140	4-25-85	
Northeast corridor improvement program	R85-183	200		2-6-85		200	4-25-85	
Urban Mass Transportation Administration								
Urban mass transportation fund, administrative expenses	R85-184	265		2-6-85		265	4-25-85	
Federal Aviation Administration								
Operations	R85-185	18,888		2-6-85		18,888	4-25-85	
Headquarters administration	R85-186	1,065		2-6-85		1,065	4-25-85	
Operation and maintenance, Washington metropolitan airports	R85-187	17		2-6-85		17	4-25-85	

Attachment A - Status of Rescissions - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Facilities and equipment (Airport and airway trust fund)	R85-188	10,000		2-6-85		10,000	4-25-85	
Coast Guard								
Operating expenses	R85-189	14,724		2-6-85		14,724	4-25-85	
Acquisition, construction and improvements	R85-190	500		2-6-85		500	4-25-85	
Reserve training	R85-191	441		2-6-85		441	4-25-85	
Research, development, test, and evaluation	R85-192	135		2-6-85		135	4-25-85	
Maritime Administration								
Operations and training	R85-193	888		2-6-85		888	4-25-85	
Office of the Inspector General								
Salaries and expenses	R85-194	300		2-6-85		300	4-25-85	
Office of the Secretary								
Salaries and expenses	R85-195	435		2-6-85		435	4-25-85	
Transportation planning, research and development	R85-196	65		2-6-85		65	4-25-85	
DEPARTMENT OF THE TREASURY								
Office of the Secretary								
Salaries and expenses	R85-197	969		2-6-85		969	4-25-85	
Office of Revenue Sharing								
Salaries and expenses	R85-198	90		2-6-85		90	4-25-85	
Federal Law Enforcement Training Center								
Salaries and expenses	R85-199	75		2-6-85		75	4-25-85	
Financial Management Service								
Salaries and expenses	R85-200	972		2-6-85		972	4-25-85	
Bureau of Alcohol, Tobacco and Firearms								
Salaries and expenses	R85-201	397		2-6-85		397	4-25-85	
United States Customs Service								
Salaries and expenses	R85-202	1,223		2-6-85		1,223	4-25-85	
Bureau of the Mint								
Salaries and expenses	R85-203	87		2-6-85		87	4-25-85	
Bureau of the Public Debt								
Administering the public debt	R85-204	52		2-6-85		52	4-25-85	
Internal Revenue Service								
Salaries and expenses	R85-205	198		2-6-85		198	4-25-85	
Processing tax returns and executive direction	R85-206	781		2-6-85		781	4-25-85	
Examinations and appeals	R85-207	1,588		2-6-85		1,588	4-25-85	
Investigation, collection, and taxpayer service	R85-208	1,633		2-6-85		1,633	4-25-85	
United States Secret Service								
Salaries and expenses	R85-209	1,465		2-6-85		1,465	4-25-85	
ENVIRONMENTAL PROTECTION AGENCY								
Salaries and expenses	R85-210	1,863		2-6-85		1,863	4-26-85	
Research and development	R85-211	4,125		2-6-85		4,125	4-26-85	
Abatement, control, and compliance	R85-212	7,413		2-6-85		7,413	4-26-85	
GENERAL SERVICES ADMINISTRATION								
Real Property Activities								
Federal buildings fund	R85-213	3,204		2-6-85		3,204	4-25-85	
Personal Property Activities								
Operating expenses	R85-214	300		2-6-85		300	4-25-85	
General supply fund	R85-215	30,848		2-6-85		30,848	4-25-85	
Office of Information Resources Management								
Operating expenses	R85-216	45		2-6-85		45	4-25-85	
Consumer information center fund	R85-217	63		2-6-85		63	4-25-85	

Attachment A - Status of Rescissions - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
Federal telecommunications fund.....	R85-218	415		2-6-85		415	4-25-85	
Automatic data processing fund.....	R85-219	145		2-6-85		145	4-25-85	
Federal Property Resources Activities								
Operating expenses.....	R85-220	207		2-6-85		207	4-25-85	
Expenses, disposal of surplus real and related personal property.....	R85-221	1,832		2-6-85		1,832	4-25-85	
General Activities								
General management and administration, salaries and expenses.....	R85-222	403		2-6-85		403	4-25-85	
Office of the Inspector General.....	R85-223	35		2-6-85		35	4-25-85	
Allowances and staff for former Presidents.....	R85-224	19		2-6-85		19	4-25-85	
Working capital fund.....	R85-225	8		2-6-85		8	4-25-85	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Research and program management.....	R85-226	4,000		2-6-85		4,000	4-25-85	
OFFICE OF PERSONNEL MANAGEMENT								
Salaries and expenses.....	R85-227	1,161		2-6-85		1,161	4-25-85	
SMALL BUSINESS ADMINISTRATION								
Salaries and expenses.....	R85-228	3,781		2-6-85		3,781	4-25-85	
VETERANS ADMINISTRATION								
Medical care.....	R85-229	10,261		2-6-85		10,261	4-25-85	
Medical and prosthetic research.....	R85-230	323		2-6-85		323	4-25-85	
Medical administration and miscellaneous operating expenses.....	R85-231	2,109		2-6-85		2,109	4-25-85	
General operating expenses.....	R85-232	4,334		2-6-85		4,334	4-25-85	
Construction, minor projects.....	R85-233	377		2-6-85		377	4-25-85	
OTHER INDEPENDENT AGENCIES								
ACTION								
Operating expenses.....	R85-234	1,139		2-6-85		1,139	4-25-85	
Corporation for Public Broadcasting								
Public broadcasting fund.....	R85-244		14,000	5-16-85				
Federal Emergency Management Agency								
Salaries and expenses.....	R85-235	786		2-6-85		786	4-25-85	
Emergency management planning and assistance.....	R85-236	1,287		2-6-85		1,287	4-25-85	
National Archives and Records Administration								
Operating expenses.....	R85-237	166		2-6-85		166	4-25-85	
National Labor Relations Board								
Salaries and expenses.....	R85-238	1,070		2-6-85		1,070	4-25-85	
National Science Foundation								
Research and related activities.....	R85-239	2,002		2-6-85		2,002	4-25-85	
Nuclear Regulatory Commission								
Salaries and expenses.....	R85-240	4,329		2-6-85		4,329	4-25-85	
Tennessee Valley Authority								
Tennessee Valley Authority fund.....	R85-241	1,538		2-6-85		1,538	4-25-85	
United States Information Agency								
Salaries and expenses.....	R85-242	433		2-6-85		433	4-25-85	
Subtotal, rescissions.....		1,805,913	37,402			1,805,913 1/		

1/ Recission proposals transmitted with the FY 1986 Budget were released on April 25, 1985, the day following expiration of the 45 day clock on recissions under the Impoundment Control Act. However, the proposals continue to be subject to Congressional action.

Attachment B - Status of Deferrals - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 6-1-85
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs..	D85-1	10,000		10-1-84					10,000
International Security Assistance									
Foreign military sales credit.....	D85-24	4,939,500		11-29-84	4,458,500				481,000
Economic support fund.....	D85-2	280,500		10-1-84					
	D85-2A		3,826,000	11-29-84					
	D85-2B		73,233	1-4-85	3,834,233				345,500
Military assistance.....	D85-3	18,500		10-1-84					
	D85-3A		782,770	11-29-84	704,145				97,125
International military education and training.....	D85-25	55,521		11-29-84	55,521				0
Peacekeeping operations.....	D85-38	7,000		1-4-85	7,000				0
African Development Foundation									
African Development Foundation.....	D85-40	2,287		2-6-85					2,287
DEPARTMENT OF AGRICULTURE									
Forest Service									
Timber salvage sales.....	D85-4	9,704		10-1-84					
	D85-4A		3,471	3-1-85	5,000			5,000	13,175
Expenses, brush disposal.....	D85-5	55,850		10-1-84					
	D85-5A		22,063	3-1-85					77,913
Soil Conservation Service									
Watershed and flood prevention operations.....	D85-59	8,365		3-1-85					8,365
DEPARTMENT OF COMMERCE									
Patent and Trademark Office									
Salaries and expenses.....	D85-41	15,993		2-6-85					15,993
DEPARTMENT OF DEFENSE - MILITARY									
Military Construction									
Military construction, all services.....	D85-6	300,008		10-1-84					
	D85-6A		906,322	11-29-84	887,671			80,094	398,753
Family Housing									
Family housing, all services.....	D85-26	230,790		11-29-84	120,390				110,400
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation.....	D85-7	1,127		10-1-84					
	D85-7A		64	1-4-85	190			135	1,137
DEPARTMENT OF ENERGY									
Energy Programs									
Energy supply research and development.....	D85-70	15,000		5-16-85					15,000
Uranium Supply and Enrichment Activities...	D85-65	90,000		3-22-85					90,000
Fossil energy research and development.....	D85-27	4,871		11-29-84					
	D85-27A		43,525	2-6-85	10,760				37,637
Fossil energy construction.....	D85-28	2,165		11-29-84					
	D85-28A		2,973	2-6-85					5,137
Naval petroleum and oil shale reserves.....	D85-29	23		11-29-84					
	D85-29A		155,644	2-6-85					
	D85-29B		1	3-22-85					155,668
Energy conservation.....	D85-30	3,398		11-29-84					
	D85-30A		2,374	3-22-85					5,772
Strategic petroleum reserve.....	D85-31	401		11-29-84					
	D85-31A		270,337	2-6-85					270,738
SPR petroleum account.....	D85-42	827,028		2-6-85					827,028

Attachment B - Status of Deferrals - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 6-1-85
Energy security reserve and alternative production	D85-32	852		11-29-84					
	D85-32A		297	2-6-85					
	D85-32B		89	3-22-85					1,238
Power Marketing Administration									
Southeastern Power Administration, Operation and maintenance	D85-16	12,467		10-31-84					
	D85-16A		3,494	2-6-85	1,216				14,745
Southwestern Power Administration, Operation and maintenance	D85-17	7,260		10-31-84					
	D85-17A		1,514	2-6-85					8,774
Western Area Power Administration, Construction, rehabilitation, operation and maintenance	D85-18	3,000		10-31-84					
	D85-18A		27,300	2-6-85					
	D85-18B		2,000	5-16-85					32,300
Departmental Administration									
Departmental administration	D85-43	8,501		2-6-85					8,501
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Office of Assistant Secretary for Health									
Scientific activities overseas (special foreign currency program)	D85-8	424		10-1-84					
	D85-8A		590	1-4-85					1,013
Health Care Financing Administration									
Program management	D85-66	4,271		3-22-85					4,271
Social Security Administration									
Limitation on administrative expenses (construction)	D85-9	15,488		10-1-84					
	D85-9A		224	3-1-85					15,712
Limitation on administrative expenses (information technology systems)	D85-44	81,926		2-6-85					81,926
Limitation on administrative expenses	D85-67	9,176		3-22-85					9,176
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management									
Payments for proceeds, sale of water, Mineral Leasing Act of 1920, sec. 40 (d)	D85-10	49		10-1-84					49
National Park Service									
Construction (trust fund)	D85-45	38,172		2-6-85	38,172				0
Land Acquisition	D85-68	3,356		3-22-85					3,356
Bureau of Indian Affairs									
Construction	D85-33	8,918		11-29-84	893				8,025
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	D85-46	3,890		2-6-85					3,890
Legal Activities									
Support of United States prisoners	D85-47	5,319		2-6-85					5,319
Federal Prison System									
Buildings and facilities	D85-19	44,534		10-31-84					44,534
Office of Justice Programs									
Justice assistance	D85-60	13,026		3-1-85					13,026
DEPARTMENT OF LABOR									
Employment and Training Administration									
Program administration	D85-61	162		3-1-85					162
State unemployment insurance and employment service operations	D85-34	3,767		11-29-84					
	D85-34A			3-1-85					3,767
	D85-62	37,000		3-1-85					37,000

Attachment B - Status of Deferrals - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 6-1-85
Unemployment trust fund (veterans employment and training)	D85-63	119		3-1-85					119
Pension Benefit Guaranty Corporation									
Pension Benefit Guaranty Corporation	D85-64	228		3-1-85					228
Bureau of Labor Statistics									
Salaries and expenses	D85-35	5,000		11-29-84	5,000				0
DEPARTMENT OF STATE									
Other									
United States emergency refugee and migration assistance fund	D85-20	32,928		10-31-84					
	D85-20A		153	1-4-85	24,905				8,175
DEPARTMENT OF TRANSPORTATION									
Federal Highway Administration									
Limitation on general operating expenses	D85-48	2,155		2-6-85					2,155
Federal Railroad Administration									
Rail service assistance	D85-49	413		2-6-85					413
Northeast corridor improvement program	D85-50	30,000		2-6-85					30,000
Railroad rehabilitation and improvement financing funds	D85-51	7,200		2-6-85					7,200
Urban Mass Transportation Administration									
Research, training and human resources	R85-52	25,206		2-6-85					25,206
Federal Aviation Administration									
Construction, metropolitan Washington airports	D85-53	910		2-6-85					910
Facilities and equipment (airport and airway trust)	D85-11	537,205		10-1-84					
	D85-11A		652,957	1-4-85					
	D85-11B		93,731	2-6-85	163,000			163,000	1,283,894
Maritime Administration									
Operations and training	D85-54	8,500		2-6-85					8,500
Office of the Secretary									
Salaries and expenses	D85-55	800		2-6-85					800
Payments to air carriers	D85-69	14,741		3-22-85					14,741
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
Local government fiscal assistance trust fund	D85-12	55,400		10-1-84	32,458			31,395	54,337
	D85-13	19,900		10-1-84	11,186			33	8,747
OTHER INDEPENDENT AGENCIES									
Board for International Broadcasting									
Grants and expenses	D85-21	4,408		10-1-84	4,408				0
National Archives and Records Service									
Operating expenses	D85-36	4,700		11-29-84					4,700
National Science Foundation									
Science and engineering education activities	D85-56	31,450		2-6-85					31,450
Panama Canal Commission									
Operating expenses	D85-37	6,346		11-29-84	6,346				0
Pennsylvania Avenue Development Corporation									
Land acquisition and development fund	D85-14	14,300		10-1-84	5,000				9,300
Railroad Retirement Board									
Milwaukee railroad restructuring, administration	D85-15	108		10-1-84					
	D85-15A		7	2-6-85					115
Limitation on administration	D85-57	3,098		2-6-85					3,098

Attachment B - Status of Deferrals - Fiscal Year 1985

As of June 1, 1985 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congressionally Required Releases	Congressional Action	Cumulative Adjustments	Amount Deferred as of 6-1-85
Limitation on Railroad Unemployment Insurance Administration fund.....	D85-58	502		2-6-85					502
Tennessee Valley Authority Tennessee Valley Authority fund.....	D85-71	9,000		5-16-85					9,000
U. S. Information Agency Salaries and expenses.....	D85-22	2,433		10-31-84					2,433
Salaries and expenses, special foreign currency program.....	D85-23	852		10-31-84					852
U.S. Institute of Peace U.S. Institute of Peace.....	D85-39	4,000		1-4-85					4,000
TOTAL, DEFERRALS.....		8,001,489	6,871,133		10,375,994	0		279,657	4,776,286

Notes: All of the above amounts represent budget authority except the Local Government Fiscal Assistance Trust Fund (D85-13) of outlays only.

The Bureau of Labor Statistics deferral of $5.0 million (D85-35) was released and the funds were proposed for rescission as part of R85-170A.

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FEDERAL REGISTER PAGES AND DATES, JUNE

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List May 30, 1985

The authentic text behind the news . . .

The Weekly Compilation of **Presidential Documents**

Administration of Ronald Reagan

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Monday, January 7, 1985
Volume 21—Number 1
Pages 1-21

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