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Thursday
June 6, 1985

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Air Carriers
Immigration and Naturalization Service

Air Pollution Control
Environmental Protection Agency

Animal Biologics
Animal and Plant Health Inspection Service

Color Additives
Food and Drug Administration

Endangered and Threatened Species
Fish and Wildlife Service

Hazardous Materials Transportation
Research and Special Programs Administration

Imports
Animal and Plant Health Inspection Service

Marine Safety
Coast Guard

Military Personnel
Navy Department

Motor Vehicle Safety
National Highway Traffic Safety Administration

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

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

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Air Specialties Corp. d.b.a. Total Air

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Air Specialties Corp. d.b.a. Total Air to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: May 23, 1985.

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

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with Air Specialities Corp. d.b.a. Total Air on April 22, 1985, to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

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

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

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

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

List of Subjects in 8 CFR Part 238

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

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

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

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

§ 238.3 [Amended]

2. In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by: Adding in alphabetical sequence, Air Specialties Corp. d.b.a. Total Air.

Dated: May 28, 1985.

Andrew J. Carmichael, Jr.,
Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 85-13632 Filed 6-5-85; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 238

Contracts With Transportation Lines; Addition of Haiti Air

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

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

EFFECTIVE DATE: May 17, 1985.

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

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with Haiti Air on May 17, 1985 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

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

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

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

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

List of Subjects in 8 CFR Part 238

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

PART 238—CONTRACTS WITH TRANSPORTATION LINES

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

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

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

§ 238.3 [Amended]

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

* * * * *

Dated: May 24, 1985.

Andrew J. Carmichael, Jr.,
Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 85-13633 Filed 6-5-85; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 85-043]

Horses From CEM Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning the treatment and testing of stallions and mares over 731 days of age for importation into the United States from countries where contagious equine metritis (CEM) exists. Prior to the effective date of this document, the regulations required that a salaried veterinary officer of the national government of the country of origin supervise certain treatment and specimen collection for stallions and mares and that the veterinarian sign a certificate indicating such supervision. This action allows veterinarians authorized by the National Veterinary Services of the country or origin, in addition to salaried veterinarians of the National Veterinary Services of the country of origin, to supervise such treatment and specimen collection. This document further provides that, if the certificate is signed by a veterinarian authorized by the National Veterinary Services of the country of origin, that the certificate be endorsed by a salaried veterinarian of the National Veterinary Services of the country of origin, thereby representing that the veterinarian signing the certificate was authorized to do so. This action is necessary because it has been determined that supervision of the treatment and testing by veterinarians authorized by the National Veterinary Services of the country of origin and subsequent endorsement by a salaried veterinarian of the National Veterinary Services of the country of origin would be adequate to help ensure that such horses are free from CEM without imposing an unwarranted burden on the animal health authority of the country of origin.

EFFECTIVE DATE: July 8, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. A.A. Furr, VS, APHIS, USDA, Room 846, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 92 (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.

Section 92.2(i) of the regulations, among other things, authorizes the importation of certain stallions and mares over 731 days of age into the United States from countries affected with contagious equine metritis (CEM) if specific requirements to prevent their introducing CEM into the United States are met, and if the animals imported are moved into approved States for further inspection, treatment, and testing.

Prior to the effective date of this document, the regulations in § 92.2(i)(2)(iv) required, for stallions over 731 days of age imported for permanent entry, that among other things, certain scrubbing, packing, and collection of specimens be conducted in the country of origin under the supervision of a salaried veterinary officer of the national government of the country of origin. Also, prior to the effective date of this document, the regulations in § 92.2(i)(2)(iv) required that compliance with these requirements be reflected on the certificate accompanying the stallions and that the certificate be signed by the salaried veterinary officer who supervises the scrubbing, packing, and collection of specimens.

In addition, prior to the effective date of this document, the regulations in § 92.2(i)(2)(v) required, for mares over 731 days of age, that, among other things, certain surgery, topical treatment, and specimen collection be conducted in the country of origin under the supervision of a salaried veterinary officer of the national government of the country of origin. Prior to the effective date of this document, the regulations in § 92.2(i)(2)(v) also required that compliance with these requirements be reflected on the certificate accompanying the mares and that the certificate be signed by the salaried veterinary officer who supervises the surgery, topical treatment, and specimen collection.

In a document published in the **Federal Register** on February 21, 1985 (50 FR 7181-7182), the Department proposed to amend the regulations by providing that the supervision of the treatment and specimen collection for stallions and mares required by § 92.2(i)(2) (iv) and (v) shall be allowed to be conducted either by a salaried veterinarian of the National Veterinary Services of the country of origin or by any veterinarian who is authorized to do so by the National Veterinary Services of the country of origin. Further, it was proposed to provide that the certificate must be signed by the veterinarian who supervised the required treatment and specimen collection. It was further proposed that if the person who conducted the supervision was not a salaried veterinarian of the National Veterinary Services of the country of origin, that the certificate must be endorsed by a salaried veterinary officer of the National Veterinary Services of the country of origin, thereby representing that the veterinarian signing the certificate was authorized to do so.

The document of February 21, 1985, invited the submission of written comments on or before April 22, 1985. The only comment received, from the Ministry of Agriculture, Fisheries and Food (MAFF) of Great Britain, endorsed the proposal.

Based on the rationale set forth in the proposal, the regulations are amended as proposed.

Executive Order 12291 and Regulatory Flexibility Act

This rule has been reviewed in conformance 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 government 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 action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

It is anticipated that this amendment will not have any significant effect on the number of horses imported into the United States or on the cost of importing these animals.

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 92

Animal diseases, Canada, Imports, Livestock & livestock products, Mexico, Poultry & poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, 9 CFR Part 92 is amended as follows:

1. The authority citation for Part 92 continues to read as follows:

Authoriy: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.2 [Amended]

2. In paragraph (i)(2)(iv) of § 92.2 "signed by a salaried veterinary officer of the national government of the country of origin" is changed to "either signed by a salaried veterinarian of the National Veterinary Services of the country of origin or signed by a veterinarian authorized by the National Veterinary Services of the country of origin and endorsed by a salaried veterinarian of the National Veterinary Services of the country of origin, thereby representing that the veterinarian signing the certificate was authorized to do so,".

3. In paragraph (i)(2)(iv)(A) of § 92.2 "veterinary officer" is changed to "veterinarian".

4. In paragraph (i)(2)(iv)(B) of § 92.2 "veterinary officer" is changed to "veterinarian".

5. In paragraph (i)(2)(v)(A)(*2*) of § 92.2 "signed by a salaried veterinary officer of the national government of the country of origin" is changed to "either signed by a salaried veterinarian of the National Veterinary Services of the country of origin or signed by a veterinarian authorized by the National Veterinary Services of the country of origin and endorsed by a salaried veterinarian of the National Veterinary Services of the country of origin, thereby representing that the veterinarian signing the certificate was authorized to do so,".

6. In paragraph (i)(2)(v)(A)(*2*)(*i*) of § 92.2 "the salaried veterinary officer of the national government of the country of origin" is changed to "the veterinarian signing the certificate".

Done at Washington, D.C., this 3rd day of June 1985.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 85–13659 Filed 6–5–85; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 113

[Docket No. 84–127]

Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The regulations in 9 CFR 113.65 through 113.166 which prescribe Standard Requirements for live bacterial vaccines, inactivated bacterial products, killed virus vaccines, and live virus vaccines have been reviewed in accordance with the Agency's plan to periodically review existing regulations. As a result of this review, proposed revisions were published in the Federal Register on Wednesday, October 27, 1982, and on Wednesday, November 24, 1982, which would update certain aspects of this group of Standard Requirements. This proposed action would conclude the proposals to revise them at this time.

This final rule revises the requirements for tests conducted on Brucella Abortus Vaccine; Anthrax Vaccine; Erysipelothrix Rhusiopathiae Vaccine; Erysipelothrix Rhusiopathiae Bacterin; Feline Panleukopenia Vaccine, Killed Virus; Bluetongue Vaccine; Encephalomyelitis Vaccine, Venezuelan; and Rabies Vaccine, Modified Live Virus. Certain live animal tests (*in vivo* tests) have been replaced by *in vitro* procedures.

EFFECTIVE DATE: This amendment becomes effective June 6, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. David F. Long, Senior Staff Veterinarian, Veterinary Biologics Staff, VS, APHIS, USDA, Room 829, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8674.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This final rule contains no new or amended recordkeeping, reporting, or application requirements or any type of information collection requirement subject to the Paperwork Reduction Act of 1980.

Executive Order 12291

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "Nonmajor Rule."

The final rule would not have a significant effect on the economy and would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets. These revisions reduce regulatory requirements.

Certification Under the Regulatory Flexibility Act

The Administrator of the Animal and Plant Health Inspection Service has determined that this action would not result in an adverse economic impact on a substantial number of small entities. Small entities are defined as independently owned firms not dominant in the field of veterinary biologics manufacturing. This action permits use of more economical methods in potency testing of certain vaccines and bacterins.

Background

Standard Requirements consist of test methods, procedures, and criteria established by Veterinary Services for evaluating biological products for purity, safety, potency, and efficacy. Until such Standard Requirements are developed by Veterinary Services and are codified in the regulations (9 CFR Part 113), the test methods, procedures, and criteria to be used in the evaluation of a product are developed by the licensees and are written into the applicable Outlines of Production which are required to be approved by and filed with Veterinary Services.

When Standard Requirements for a biological product have been developed by Veterinary Services, they are proposed for codification in the regulations. Such codification assures uniformity and general availability of such Standard Requirements to all licensees, applicants, and to the general public.

These proposed amendments revise the Standard Requirements for evaluating licensed Brucella Abortus Vaccine; Anthrax Spore Vaccine; Erysipelothrix Rhusiopathiae Vaccine; Erysipelothrix Rhusiopathiae Bacterin; Feline Panleukopenia Vaccine, Killed Virus; Bluetongue Vaccine; Encephalomyelitis Vaccine, Venezuelan; and Rabies Vaccine, Modified Live Virus.

Potency tests for serial release of Anthrax Spore Vaccine currently require tests by spore count and by vaccination and challenge of guinea pigs. Experience has shown that serials which meet the

required spore count satisfactorily meet the requirements of the guinea pig test and vice versa. This revision makes the continued use of guinea pigs unnecessary. The highly persistent nature of this organism has caused manufacturers to set aside space solely for conducting these animal tests. This revision removes the continuing need for providing these special facilities for evaluation of Anthrax Spore Vaccine.

Results of research studies conducted over the last 5 or 6 years have shown that Brucella Abortus Vaccine containing fewer viable organisms than currently required by the Standards gave equal protection. The product containing fewer organisms sharply reduced the number of vaccinated animals with persistent titers. These titers are used to disclose infected animals in control and eradication programs. Presence of animals with titers resulting from vaccine increases the difficulty and cost of the control and eradication effort. This revision provides a new dosage form which reduces the number of organisms from a minimum of 25 billion per dose to 3 billion per dose at expiration. It establishes a maximum number of organisms at release of 10 billion per dose for this dosage form. A two-stage potency test is provided to ensure that an unsatisfactory serial will not be accepted and that a satisfactory serial will not be rejected. The new dosage form also reduces the dose volume from 5 ml to 2 ml. This results in more doses per volume of culture and reduces container and shipping costs. In order to have properly evaluated Brucella Abortus Vaccine available for use in control programs in States where the number of organisms per dose is established at current levels by legislation, provision for continued production of standard vaccine is made by continuing the present potency test in 9 CFR 113.65(c).

Potency tests for serial release of Erysipelothrix Rhusiopathiae Vaccine currently require tests in either mice or swine. These were adapted from tests applied to bacterins. Advances in manufacturing and testing techniques have made application of the Master Seed concept to this bacterial vaccine feasible. This concept provides for one host animal test and a concurrent *in vitro* test to measure protective ability and relative strength of the product. Following this, potency is measured by the *in vitro* test, eliminating the need for animals to test each serial.

Test requirements for Erysipelothrix Rhusipathiae Bacterin in 9 CFR 113.104 currently provide for a choice of a mouse potency test or a swine potency test. Historically, the mouse test has been more difficult to pass satisfactorily but the swine test is substantially more expensive. Cooperative efforts with industry members have resulted in improvement of the mouse potency test to reduce the likelihood of rejecting a serial which would protect the host species. This revision substitutes the improved mouse test for the current mouse test and deletes the swine potency test. This represents another step in the recent efforts to substitute *in vitro* procedures and small laboratory animal tests for tests in pet and large domestic species.

Standard Requirements for killed virus Feline Panleukopenia Vaccines were established in 9 CFR 113.123 when all or nearly all were produced by inactivating virus-bearing tissues obtained from cats which had been inoculated with virulent feline panleukopenia virus. The most effective method for detecting uninactivated virus in these preparations was the inoculation of susceptible cats and observing changes associated with exposure to the virus. The only killed virus Feline Panleukopenia Vaccines licensed at present are those produced in cell cultures. Because of the high cost and difficulty in maintaining consistent quality in the tissue origin vaccines, all licensed vaccines are now produced in cell cultures. There is no reason to accept tissue origin vaccines for licensure nor to expect any applications for such licensure. This revision of 9 CFR 113.123 deletes reference to tissue origin vaccine and eliminates the special blood studies needed for safety tests of that type of vaccine. More suitable, less expensive tests for inactivation would remain for cell culture products as specified in 9 CFR 113.120(a).

When the current requirements were established for Bluetongue Vaccine, only one serotype was considered. The virus used in production had been carefully studied and was known to be free from risk of transmission from vaccinated sheep to unvaccinated susceptible sheep. Serological response in sheep had been clearly correlated with protection. As a result, there was no need to require tests for transmissibility nor vaccination-challenge studies for efficacy. Recently, additional serotypes have been found for which protective vaccines are needed. It is necessary to assure that newly developed modified live vaccine viruses will not be transmitted and revert to virulence. This revision of 9 CFR 113.138 utilizes an improved *in vitro* method as the sole measure of serial potency. This *in vitro* method would be correlated with protection in accordance with the Master Seed principle. This removes the need for sheep to be used for each serial potency test and will result in substantial savings in time and money.

Standard Requirements for evaluating vaccine for Venezuelan equine encephalomyelitis were developed and adopted at a time when a serious disease emergency existed in the United States. The test methods were based in part on the evaluation of vaccine intended for human use. Some of the requirements were also based on the possible interaction between this and other arthropod-borne encephalitides. Newly developed methods and years of experience with the vaccine virus have shown that a number of these restrictions are no longer necessary. *In vitro* tests can be used instead of guinea pigs to measure serial potency. Horses used in the immunogenicity trial do not have to be seronegative to Eastern and Western equine encephalomyelitis. Evaluations of serological response on prevaccination day 14 and postvaccination day 14 have been found unnecessary and are deleted from the immunogenicity test. The number of mice used to detect increased vaccine virus virulence are reduced without risk of failing to detect adverse serial to serial changes.

Current standards for potency tests of modified live Rabies Vaccines were developed at a time when production was limited to Flury strain viruses which were well adapted to mouse titrations. New virus strains and test methods have made this restriction inappropriate. *In vitro* tests correlated with host animal protection have been shown to be equally reliable and substantially less expensive. This revision permits use of any method supported by data acceptable to Veterinary Services which accurately measures product potency.

Comments Received

On June 11, 1984, a notice of proposed rulemaking was published in the Federal Register at 49 FR 24025 discussing this revision and soliciting comments.

Comments were received from 10 licensed manufacturers, one Department research laboratory and one Department testing laboratory. All recommended adoption of the proposed amendment.

Three comments were received in regard to the proposed amendment to the requirements for Brucella Abortus Vaccine in 9 CFR 113.65. The Department testing laboratory suggested deletion of the potato agar slant in 9 CFR 113.65(a)(2) because this same

medium is specified in the test prescribed in 9 CFR 113.65(a)(3)(i). The Agency agrees that this portion of the test is redundant and unnecessary. Therefore, the requirement for inoculation of a potato agar slant has been deleted. The Department testing laboratory also suggested changing the method of measurement in 9 CFR 113.65(b)(1) from "per mil" to "per dose" to be consistent with the evaluation criteria in (b)(3) which specifies the required number of organisms per dose. This was accepted. At the suggestion of the testing laboratory, conditions for incubation of samples specified in the testing standards in 9 CFR 113.65 (a)(2), (b)(1), and (c)(1) have been added to ensure consistent results. Two licensees suggested increasing the range of acceptable organism count from 3 to 10 billion organisms to 2.7 to 11 billion organisms. Regulations and procedural directives governing the Department Brucellosis Eradication Program, developed in cooperation with representatives of the livestock industry, specify that a dose of vaccine must contain between 3 and 10 billion organisms per dose. The licensees also suggested alternatives for disposition of serials containing more than 10 billion organisms per dose. These special alternative provisions are considered unnecessary. Serial containing more than 10 billion organisms per dose when prepared may be held until the organism count has declined, a retest conducted, and release granted under the provisions of 9 CFR 114.18. Therefore, these recommendations were not adopted.

The testing laboratory suggested retaining the description of plating procedures currently described in 9 CFR 113.66(c)(2). Continued use of this description will assist in assuring consistent results and avoid rejection of satisfactory serials. Therefore, this suggestion was adopted.

Three licensees, while agreeing with the proposed rulemaking, suggested increasing the interval between the original immunogenicity test and the repeat test in 9 CFR 113.66 for Anthrax Spore Vaccine and 113.138 for Bluetongue Vaccine from 3 to 5 years. The extended time was recommended in order to allow for more extensive evaluation of the product before the repeat test is required. This repeat immunogenicity test was established at 3 years to allow for early detection of changes attributable to storage and to correct, as soon as possible, any unexpected or adverse reaction attributable to the product. The Agency believes that conducting the repeat immunogenicity test at 3 years, rather than 5 years, has good scientific merit. Therefore, the suggested change was not adopted.

The Department's testing laboratory suggested that the tests in 9 CFR 113.67(c)(2) for potency of Erysipelothrix Rhusiopathiae Vaccine be revised by specifying two replicates titrations per sample, rather than the five replicate titrations specified in (b)(2). Five replicate titrations would be unnecessary for a valid test for serial release, therefore, the suggested change was adopted.

One licensee suggested that a revision be made in 9 CFR 113.104(c) to provide for an alternate swine potency test of Erysipelothrix Rhusiopathiae Bacterin to be described in a filed Outline of Production. The suggestion was made because the deleted swine test is essential for testing products inherently lethal for mice. Reference to an exemption from a prescribed test is not considered necessary in 9 CFR 113.104. Provisions for conducting an alternate potency test on mouse lethal products is contained in 9 CFR 113.4. A special note to this effect was not deemed necessary in the revision of 9 CFR 113.104(c). Another licensee requested addition of a provision requiring that new lots of the Standard Reference Bacterin specified in 9 CFR 113.104(c)(1) for Erysipelothrix Rhusiopathiae Bacterin be subjected to evaluation by potential users before adoption for use. Inclusion of these stipulations in Standard Requirements would not be appropriate. Other more appropriate means are available to ensure the uniformity of test results when a new reference is distributed. Lot-to-lot variations have been shown to be very small, because each new lot is evaluated by the Department's testing laboratory against the previous lot. Supplies of each new lot are supplied to manufacturers for comparative studies before their supply of the previous lot is expended. Therefore, this regulatory restriction was not adopted.

One licensee proposed deletion of the restriction in 9 CFR 113.123 limiting preparation of Feline Panleukopenia Vaccine to the fifth passage from Master Seed. Such limit is considered necessary to ensure that changes in immunogenicity through cultural passage of the virus do not occur. Use of serum neutralization tests in a small number of cats in the potency test would be unlikely to detect small, but significant, changes in protective ability. The limit does not unduly restrict the amount of production seed which can be prepared without recourse to a new Master Seed. Therefore, this proposal was not accepted.

Four comments were received regarding the evaluation of transmissibility of new Bluetongue Vaccine viruses. Two considered the 10^{3} pfu per ml in 9 CFR 113.138(b) too low and two considered it too high. One suggested that vector transmission studies be conducted if any detectable viremia were shown. Another suggested that laboratory vector transmission studies are not reliable. Other comments involving the proposed tests for transmissibility included need for a provision to judge a virus where the viremia was precisely $10^{3.0}$ per ml. One licensee suggested a less specific interval for blood collection. Another licensee wanted to increase the period needed to ascertain the viremia. Because of the potential inadequacy of the viremia studies to adequately evaluate all vaccine viruses, the Agency has determined that this method should not be specified. The need remains for assurance that vaccine virus will not be transmitted from vaccinated sheep and cause disease in susceptible sheep. Therefore, a general statement has been added to 9 CFR 113.138(b) to require demonstration of safety from transmission and reversion to virulence in a test acceptable to Veterinary Services. This will allow for acceptance of data appropriate to the specific vaccine virus under consideration.

Two suggestions were made to disregard or lower the temperature response as a measure of bluetongue infection in 9 CFR 113.138(c)(4) for evaluation of Bluetongue Vaccine. Another strongly concurred with this inclusion. Temperature response of at least 3° F is is considered to be a consistent finding in bluetongue infection. Therefore, this measurement was retained.

One licensee suggested that the challenge virus prescribed in 9 CFR 113.138(c)(4) be standardized at 10^{5} egg lethal doses or greater and that the postchallenge observation period be extended from 14 to 21 days. The effectiveness of a challenge virus in the host animal is not related to the lethality in chicken embryos. Maximum effect from such challenges can be seen in less than 14 days. Therefore, these suggestions were not adopted.

One licensee suggested extending the perchallenge period specified in 9 CFR 113.138(c)(4) from 21 to 28 days to 28 to 35 days. No evidence has been presented to indicate that immunization of susceptible sheep would require more than 21 days. Therefore this suggestion was not adopted.

One licensee suggested deleting the required serum neutralization response in 9 CFR 113.138(c)(4)(ii) as measure of immunization. This suggestion was based on the belief that certain effective vaccines may not produce neutralizing antibodies in vaccinated animals. No experimental or field evidence has been reported to support this belief. Therefore, this suggestion was not adopted.

One licensee recommended against licensure of live virus vaccines for bluetongue because of the possibility of viral recombination which would result in the appearance of new serotypes. These new serotypes would result in increased incidence of disease and attendant losses. At present, five serotypes of bluetongue virus are known to exist in the United States. The proposed revision does not suggest that multivalent bluetongue vaccines or that heterologous serotype bluetongue vaccines will be approved. No increased risk of recombinant serotypes will occur as a result of new modified monovalent homologous vaccine serotypes. Therefore, this recommendation was not adopted.

Two licensees suggested that the range of virus titer used in the serum neutralization tests in 9 CFR 113.138(c)(1) for Bluetongue Vaccine and 113.143(b)(2) for Encephalomyelitis Vaccine, Venezuelan, should be increased. The Agency agrees that the range should be increased. Newer test methods have been developed which can ensure accurate results outside the proposed parameters. Therefore, each of the values was changed to "60 to 300 $TCID^{50}$."

List of Subjects in 9 CFR Part 113

Animal biologics.

PART 113—STANDARD REQUIREMENTS

Accordingly, 9 CFR Part 113 is amended as follows:

1. The authority citation for Part 113 continues to read as follows:

Authority: 21 U.S.C. 151-158; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 113.65 is amended by revising paragraphs (a)(2), (b) and by adding paragraph (c) to read as follows:

§ 113.65 Brucella Abortus Vaccine.

(a) * * *

(2) Two final container vials of completed product shall be tested by inoculating one tube of Dextrose Andrades broth with gas tube and one tube of thioglycollate broth from each vial. The inoculated media shall be incubated at 35 to 37 °C for 96 hours. If growth not typical of *Brucella abortus* organisms is evident, the serial or subserial is unsatisfactory.

* * * * *

(b) *Bacterial count requirements for reduced dose vaccine.* Each serial and each subserial shall be tested for potency.

(1) Two final container vials of completed product shall be tested for the number of viable organisms per dose of rehydrated vaccine. A bacterial count per vial shall be made on tryptose agar plates from suitable dilutions using 1 percent peptone as a diluent. The inoculated media shall be incubated at 35 to 37 °C for 96 hours.

(2) If the average count of the two final container samples of freshly prepared vaccine contains less than 3.0 or more than 10.0 billion organisms per dose, the serial or subserial is unsatisfactory.

(3) If the average count on the initial test is less than the minimum or greater than the maximum required in paragraph (b)(2) of this section, the serial or subserial may be retested one time using four additional final container vials. The average count of the retest is determined. If the average count of the four vials retested is less than the required minimum or greater than the required maximum, the serial or subserial is unsatisfactory. If the average count of the four vials retested is within the required limits described in paragraph (b)(2) of this section, the following shall apply:

(i) If the average count obtained in the initial test is less than one-third or more than three times the average count obtained on the retest, the average count of the initial test shall be considered the result of test system error and the serial or subserial is satisfactory.

(ii) If the average count obtained in the initial test is one-third or more than the average retest count or three times or less than the average retest count, a new average count shall be determined from the counts of all six vials. If the new average is less than the minimum or greater than the maximum required in paragraph (b)(2) of this section, the serial or subserial is unsatisfactory.

(4) If tested at any time within the expiration period, each dose of rehydrated vaccine must contain at least 3.0 billion viable organisms per dose.

(c) *Bacterial count requirements for standard vaccine.* Each serial and subserial shall be tested for potency.

(1) Two final container samples shall be tested for the number of viable organisms per milliliter of rehydrated vaccine. One bacterial count per vial shall be made on tryptose agar plates from suitable dilutions using 1 percent peptone as a diluent. The inoculated media shall be incubated at 35 to 37 °C for 96 hours.

(2) If the average count of the two final container samples of freshly prepared vaccine does not contain at least 10 billion viable organisms per milliliter, the serial or subserial is unsatisfactory.

(3) If the initial bacterial count is less than 10 billion organisms per milliliter, the serial or subserial may be retested one time using four samples. If the average count of the four vials retested is less than the required minimum, the serial or subserial is unsatisfactory.

(4) If tested at any time within the expiration period, each milliliter of rehydrated vaccine does not contain at least 5 billion viable organisms per milliliter, the serial or subserial is unsatisfactory.

3. Section 113.66 is revised to read:

§ 113.66 Anthrax Spore Vaccine—Nonencapsulated.

Anthrax Spore Vaccine—Nonencapsulated shall be a live spore suspension prepared from nonencapsulated variants of *Bacillus anthracis*. Only Master Seed which has been established as pure, safe, and immunogenic shall be used for production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed.

(a) The Master Seed shall meet the applicable general requirements prescribed in § 113.64 and the requirements in this section.

(b) Each lot of Master Seed shall be tested for immunogenicity as follows:

(1) Forty-two susceptible guinea pigs from the same source each weighing 400 to 500 grams, shall be used as test animals (30 vaccinates and 12 controls).

(2) An arithmetic mean spore count of vaccine produced from the highest passage of the Master Seed shall be established before the immunogenicity test is conducted. The guinea pigs used as vaccinates shall be injected as recommended on the label with a predetermined number of vaccine spores. To confirm the dosage, five replicate spore counts shall be conducted on a sample of the vaccine dilution used.

(3) Fourteen to fifteen days postvaccination the vaccinates and controls shall each be challenged with not less than 4,500 guinea pig LD_{50} of a virulent suspension of *Bacillus anthracis* furnished or approved by Veterinary Services and observed for 10 days.

(4) If at least 10 of the 12 controls do not die from *Bacillus anthracis* within the 10-day postchallenge observation period the test is invalid and may be repeated.

(5) If at least 27 of 30 of the vaccinates do not survive the 10-day postchallenge observation period, the Master Seed is unsatisfactory.

(6) The Master Seed shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. The vaccinates and controls must meet the criteria prescribed in paragraphs (b)(4) and (b)(5) of this section.

(7) An Outline of Production change shall be made before authority for use of a new lot of Master Seed shall be granted by Veterinary Services.

(c) *Test Requirements for Release.* Each serial and subserial shall meet the applicable general requirements prescribed in 9 CFR 113.64 and the requirements in this paragraph. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety test.* Samples of completed product from each serial or first subserial shall be tested for safety in sheep or goats by the methods described in 9 CFR 113.45(a).

(2) *Spore Count Requirements.* Final container samples of completed product shall be tested for spore count. Samples shall be diluted in tenfold steps. Each dilution expected to yield 30 to 300 colonies per plate shall be plated in triplicate on tryptose agar, inverted, and incubated at 35 to 70° C for 24 hours to 28 hours. Each plate having uniformly distributed colonies shall be counted and an average count determined. To be eligible for release, each serial and each subserial shall have a spore count sufficiently greater than that of the vaccine used in the immunogenicity test to assure that when tested at any time within the expiration period, each serial and subserial shall have a spore count of at least twice that used in the immunogenicity test but not less than 2,000,000 spores per dose.

4. Section 113.67 is revised to read:

§ 113.67 Erysipelothrix Rhusiopathiae Vaccine.

Erysipelothrix Rhusiopathiae Vaccine shall be prepared as a desiccated live culture of an avirulent or modified strain of *Erysipelothrix rhusiopathiae.* Only Master Seed which has been established as pure, safe, and immunogenic shall be used for vaccine production.

(a) The Master Seed shall meet the applicable requirements prescribed in § 113.64 and the requirements in this section.

(b) Each lot of Master Seed used for vaccine production shall be tested for immunogenicity. The selected bacterial count from the lot of Master Seed shall be established as follows:

(1) Thirty *Erysipelothrix rhusiopathiae* susceptible swine shall be used as test animals (20 vaccinates and 10 controls) for each route of administration recommended on the label.

(2) An arithmetic mean count of the colony forming units from vaccine produced from the highest passage of the Master Seed shall be established before the immunogenicity test is conducted. The 20 swine to be used as vaccinates shall be injected as recommened on the label with a predetermined quantity of vaccine bacteria. The 10 control swine shall be held separately from the vaccinates. To confirm the dosage calculation, an arithmetic mean count shall be established by conducting five replicate titrations on a sample of the bacterial vaccine dilution used. Only plates containing between 30 and 300 colonies shall be considered in a valid test.

(3) The vaccinates and controls shall be examined and their average body temperature determined prior to challenge. Fourteen to twenty-one days postvaccination, the vaccinates and controls shall be challenged with a virulent *Erysipelothrix rhusiopathiae* culture and observed for 7 days. The challenge culture and instructions for preparation and use shall be obtained from Veterinary Services.

(4) A satisfactory challenge shall be evidenced in the controls by a high body temperature or clinical signs including, but not limited to acute illness with hyperemia of the abdomen and ears, possibly terminating in sudden death; moribundity, with or without metastatic skin lesions; depression with anorexia, stiffness, and/or joint involvement; or any combination of these symptoms and lesions.

(5) If at least 80 percent of the controls do not show characteristic signs during the observation period including, but not limited to a body temperature of 105.6 °F or higher on at least 2 consecutive days, the test shall be considered inconclusive: *Provided,* That control pigs which meet the criteria requirements for susceptibility except for high body temperature shall be considered susceptible if sacrificed and organisms identified as *Erysipelothrix rhusiopathiae* can be isolated from the blood, spleen, or other organs.

(6) To demonstrate immunity after challenge, the vaccinates shall remain free of clinical signs and the body temperature shall not exceed 104.6 °F on 2 or more consecutive days. If at least 90 percent of the vaccinates do not remain free from clinical signs and high body temperature throughout the observation period, the Master Seed is unsatisfactory.

(7) The Master Seed shall be retested for immunogenicity in 3 years. Only five vaccinates and five controls need to be used in the retest: *Provided,* That at least four of five vaccinates and four of the five controls shall meet the criteria prescribed in paragraphs (b)(5) and (b)(6) of this section.

(8) An Outline of Production change shall be made before authority for use of a new Master Seed shall be granted by Veterinary Services.

(c) *Test requirements for release.* Each serial and subserial shall meet the applicable requirements in § 113.64 and the requirements in this paragraph. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety test.* Samples of completed product from each serial or first subserial shall be tested for safety in young adult mice as prescribed in § 113.33(b) and in swine as prescribed in § 113.44.

(2) *Bacterial count requirements.* Final container samples of completed product from each serial and each subserial shall be tested for bacterial count using the method used in paragraph (b)(2) of this section. Two replicate titrations shall be conducted on each sample. To be eligible for release, each serial and subserial shall have a bacterial count sufficiently greater than that of the vaccine used in the immunogenicity test to assure that, when tested at any time within the expiration period, each serial and subserial shall have a bacterial count two times greater than that used in such immunogenicity test.

5. Section 113.104 is amended by revising paragraph (c) to read as follows:

§ 113.104 Erysipelothrix Rhusiopthiae Bacterin.

* * * * *

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the mouse protection test provided in this paragraph. A mouse dose shall be 1/10 of the least dose recommended on the label for swine. Such swine dose shall not be less than 1 ml.

(1) The ability of the bacterin being tested (Unknown) to protect mice shall be compared with a Standard Reference Bacterin (Standard) which is either

supplied by or acceptable to Veterinary Services.

(2) At least three threefold dilutions shall be made with the Standard and the same threefold dilutions shall be made for each Unknown. Dilutions shall be made with physiological saline solution.

(3) For each dilution of the Standard and each dilution of an Unknown, a group of at least 20 mice, each weighing 16 to 22 grams, shall be used. Each mouse in each group shall be injected subcutaneously with one mouse dose of the appropriate dilution.

(4) Each of 20 injected mice from each group shall be challenged subcutaneously 14 to 21 days after being injected. A dose containing at least 100 mouse LD_{50} of a suitable culture of *Erysipelothrix rhusiopathiae* shall be used. All survivors in each group of mice shall be recorded 10 days postchallenge.

(5) Test for valid assay: At least two dilutions of the Standard shall protect more than 0 percent and two dilutions shall protect less than 100 percent of the mice injected. The lowest dilution of the Standard shall protect more than 50 percent of the mice. The highest dilution of the Standard shall protect less than 50 percent of the mice.

(6) The relative potency (RP) of the Unknown is determined by comparing the 50 percent endpoint dilution (highest bacterin dilution protecting 50 percent of the mice) of the Unknown with that of the standard by the following formula:

$$RP = \frac{\text{Reciprocal of 50 percent endpoint dilution of Unknown}}{\text{Reciprocal of 50 percent endpoint dilution of Standard}}$$

(7) If the RP of the Unknown is less than 0.6, the serial being tested is unsatisfactory.

(8) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested in a manner identical to the initial test: *Provided*, That, if the Unknown is not retested or if the protection provided by the lowest dilution of the Standard exceeds the protection provided by the lowest dilution of the Unknown by six mice or more; or, if the total number of mice protected by the Standard exceeds the total number of mice protected by the Unknown by eight mice or more, the serial is unsatisfactory.

(9) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the highest dilution exceeds 50 percent protection, the Unknown is satisfactory without additional testing.

(10) If the RP is less than 0.6, the serial may be retested by conducting two independent replicate tests in a manner identical to the initial test. The average of the RP values obtained in the retests shall be determined. If the average RP is less than 0.6, the serial is unsatisfactory without further testing. If the average RP obtained in the retests is equal to or greater than 0.6, the following shall apply:

(i) If the RP obtained in the original test is one-third or less than the average RP obtained in the retests, the initial RP may be considered a result of test system error and the serial is satisfactory for potency.

(ii) If the RP value obtained in the original test is more than one-third the average RP obtained in the retests, a new average shall be determined using the RP values obtained in all tests. If the new average is less than 0.6, the serial is unsatisfactory.

6. Section 113.123 is amended by revising the introductory text and paragraph (a) to read:

§ 113.123 Feline Panleukopenia Vaccine, Killed Virus.

Feline Panleukopenia Vaccine, Killed Virus, shall be prepared from virus-bearing cell culture fluids. Only Master Seed which has been established as pure, safe, and immunogenic shall be used for preparing seeds for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed. The Master Seed shall meet the applicable requirements prescribed in § 113.120. Each serial shall meet the applicable general requirements prescribed in § 113.120 and the special requirements for safety and potency provided in this section.

(a) *Safety test.* The vaccinates used in the potency test in paragraph (b) of this section shall be observed each day during the postvaccination observation period. If unfavorable reactions occur which are attributable to the vaccine, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the vaccine, the test is inconclusive and may be repeated: *Provided*, That, if not repeated, the serial is unsatisfactory.

* * * * *

7. Section 113.138 is revised to read:

§ 113.138 Bluetongue Vaccine.

Bluetongue Vaccine shall be prepared from virus-bearing cell culture fluids. Only Master Seed which has been established as pure, safe, and immunogenic shall be used for preparing the seeds for vaccine production. All serials of vaccine shall be prepared from the first through the tenth passage from the Master Seed.

(a) The Master Seed shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this section.

(b) Each lot of Master Seed shall be tested for transmissibility and reversion to virulence in sheep using a method acceptable to Veterinary Services. If reversion to virulence is demonstrated, the Master Seed is unsatisfactory.

(c) Each lot of Master Seed used for vaccine production shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed shall be established as follows:

(1) Twenty-five lambs, susceptible to the bluetongue virus serotype contained in the vaccine, shall be used as test animals (20 vaccinates and 5 controls). Blood samples shall be drawn from these animals and individual serums tested. A lamb shall be considered susceptible if there is no neutralization at a 1:2 final serum dilution in a constant virus varying serum neutralization test with 60 to 300 $TCID_{50}$ of bluetongue virus or another method acceptable to Veterinary Services.

(2) A geometric mean titer of the vaccine produced from the highest passage from the Master Seed shall be established before the immunogenicity test is conducted. The 20 lambs to be used as vaccinates shall be administered a predetermined quantity of vaccine virus by the method recommended on the label. To confirm the virus dosage administered, five replicate virus titrations shall be conducted on a sample of the vaccine used.

(3) At least once during the period of 14 to 18 days postvaccination, individual serum samples shall be collected from each of the vaccinates and tested for virus neutralizing antibody using the 60 to 300 $TCID_{50}$ of bluetongue virus.

(4) Twenty-one to twenty-eight days postvaccination the vaccinates and the controls shall each be challenged with virulent bluetongue virus and observed for 14 days. The rectal temperature of each animal shall be taken and recorded for 17 consecutive days beginning 3 days prechallenge. The presence or absence of lesions or other clinical signs of bluetongue noted and recorded on each of 14 consecutive days postchallenge.

(i) If at least four of the five controls do not show clinical signs of bluetongue and a temperature rise of 3° F or higher over the prechallenge mean temperature, the test shall be considered inconclusive and may be repeated.

(ii) If at least 19 of the 20 vaccinates tested as prescribed in paragraph (c)(3)

of this section do not have bluetongue neutralizing antibody titers of 1:4 final serum dilution or higher, or if more than one of the vaccinates shows a temperature rise of 3 °F or higher than its prechallenge mean temperature for 2 or more days, or if more than one of the vaccinates exhibits clinical signs of bluetongue, the Master Seed is unsatisfactory.

(5) An Outline of Production change shall be made before authority for use of a new lot of Master Seed shall be granted by Veterinary Services.

(6) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need be used in the retest: *Provided*, That five of five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraphs (c)(4) of this section.

(d) *Test requirements for release.* Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and the requirements in this paragraph. Final container samples of completed product shall be tested. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety test.* The mouse safety test prescribed in 113.33(a) and the lamb safety test prescribed in 113.45 shall be conducted.

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in such immunogenicity test.

8. Section 113.143 is revised to read:

§ 113.143 Encephalomyelitis Vaccine, Venezuelan.

Encephalomyelitis Vaccine, Venezuelan, shall be prepared from virus-bearing cell culture fluids. Only Master Seed which has been established as pure, safe, and immunogenic shall be used for preparing seeds for vaccine production. All serials of vaccine shall be prepared from the first through the fifth passage from the Master Seed.

(a) The Master Seed shall meet the applicable general requirements prescribed in § 113.135 except (b), and the requirements prescribed in this section.

(b) Each lot of Master Seed shall be tested for immunogenicity. The selected virus dose from the lot of Master Seed shall be established as follows:

(1) Tests conducted by the Department have established that horses having Venezuelan equine encephalomyelitis antibody titers of 1:20 by the hemagglutination-inhibition (HI) method or 1:40 by the serum neutralization (SN) method were immune to challenge with virulent virus. The immunogenicity test is based on the demonstration of a serological response of at least that magnitude following vaccination of serologically negative horses.

(2) At least 22 horses (20 vaccinates and 2 controls), susceptible to Venezuelan equine encephalomyelitis, shall be used as test animals. Blood samples shall be taken from each horse and the serums individually tested for neutralizing antibody. Horses shall be considered susceptible if there is no neutralization at a 1:2 final serum dilution in a constant virus-varying serum neutralization test using 60 to 300 $TCID_{50}$ of Venezuelan equine encephalomyelitis virus.

(3) A geometric mean titer of the vaccine produced from the highest passage of the Master Seed shall be established using a method acceptable to Veterinary Services before the immunogenicity test is conducted. The 20 horses used as vaccinates shall be injected with a predetermined quantity of vaccine virus by the method to be recommended on the label. To confirm the dosage administered, five replicate virus titrations shall be conducted on a sample of the vaccine virus dilution used.

(4) Twenty-one to twenty-eight days postvaccination, blood samples shall be drawn from all test animals. For a valid test, the controls shall remain seronegative at 1:2 final serum dilution. In a valid test, if at least 19 of 20 vaccinates do not have antibody titers of at least 1:20 in a haemagglutination-inhibition test or at least 1:40 in a serum neutralization test, the Master Seed is unsatisfactory.

(5) The Master Seed shall be retested for immunogenicity in 3 years unless use of the lot is discontinued. Only five vaccinates and two controls need to be used in the retest: *Provided*, That five of five vaccinates and the two controls shall meet the criteria in paragraph (b)(4) of this section.

(6) An Outline of Production change shall be made before authority for use of a new lot of Master Seed shall be granted by Veterinary Services.

(c) *Test requirements for release.* Each serial and subserial shall meet the applicable general requirements prescribed in § 113.135 and special requirements in this paragraph. Any serial or subserial found unsatisfactory by a prescribed test shall not be released.

(1) *Safety test.* The mouse safety test prescribed in § 113.33(b) shall be conducted.

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the method in paragraph (b)(3) of this section. To be eligible for release, each serial and subserial shall have a virus titer sufficiently greater than the titer of the vaccine used in the immunogenicity test prescribed in paragraph (b) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test, but not less than $10^{2.5}$ $TCID_{50}$ per dose.

9. Section 113.147 is amended by revising paragraph (d)(2) to read as follows:

§ 113.147 Rabies Vaccine.

* * * * *

(d) * * *

(2) *Virus titrations.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (b)(1) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently higher than the titer of the vaccine virus used in paragraph (b) of this section to assure that, when tested at any time within the expiration period, each serial and subserial shall have a virus titer equal to or greater than that used in the immunogenicity test.

Done at Washington, D.C., this 31st day of May 1985.

Gerald J. Fichtner,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85-13577 Filed 6-5-85; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 314

[Docket No. 82N-0293]

New Drug and Antibiotic Regulations; OMB Approval of Requirements; Clarifications

Correction

In FR Doc. 85-12358 beginning on page 21237 in the issue of Thursday, May 23, 1985, make the following correction:

§ 314.430 [Corrected]

On page 21238, third column, in § 314.430, the paragraph designated as "(l)" should have been designated as "(e)".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS LONG BEACH (CGN 9) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect on this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: May 10, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS LONG BEACH (CGN 9) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and Annex I, section 3(a) pertaining to the horizontal distance between the forward and aft masthead lights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on the technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority for Part 706 continues to read in part as follows:

Authority: Executive Order 11964 and 33 U.S.C. 1605 * * *.

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following naval ship to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light Annex I, sec. 2(a) (ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim, Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light not less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS LONG BEACH.	CGN 9						X	X	13.5

Dated: May 10, 1985.

James P. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 85-13501 Filed 6-5-85; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS NICHOLSON (DD 982) and USS COMTE DE GRASSE (DD 974) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special functions as naval destroyers. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: May 10, 1985.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS NICHOLSON (DD 982) and USS COMTE DE GRASSE (DD 974) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a), pertaining to the placement of the forward masthead light in the forward quarter of the ship, and Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with their special functions as naval destroyers. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner differently from that prescribed herein will adversely affect the ships' abilities to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority for Part 706 continues to read in part as follows:

Authority: Executive Order 11964 and 33 U.S.C. 1605 * * *.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following Navy ships to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarters of ship. Annex I, sec. 3(a)	After masthead light not less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS NICHOLSON	DD 982						X	X	46.4
USS COMTE DE GRASSE	DD 974						X	X	46.4

Dated: May 10, 1985.

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 85-13502 Filed 6-5-85; 8:45 am]

BILLING CODE 3810-AE-M

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32 CFR Part 719

Regulations Supplementing the Manual for Courts-Martial

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending the regulations supplementing the Manual for Courts-Martial in order to reflect changes to Chapter I of the Manual of the Judge Advocate General.

EFFECTIVE DATE: July 17, 1984.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander P. M. Jones, JAGC, U.S. Navy, Military Justice Division, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, Virginia 22332, Telephone Number: (202) 325-9890.

SUPPLEMENTARY INFORMATION: Pursuant to the authority cited below, the Department of the Navy amends 32 CFR Part 719, which is derived from Chapter I of the Manual of the Judge Advocate General, to reflect changes in that regulation. The amendment relates to internal Naval management and personnel practices, and is being published by the Department of the Navy solely for the guidance and interest of the public in accordance with 5 U.S.C. 552(a)(1). It has been determined that invitation of public comment on this amendment prior to adoption would be impracticable and is not required under the public rulemaking provisions of 32 CFR Parts 296 and 701. It has also been determined that his final rule is not a "major rule" within the criteria specified in Executive Order 12498, and does not have substantial impact on the public.

List of Subjects in 32 CFR Part 719

Military law, Military personnel.

PART 719—[AMENDED]

Accordingly, 32 CFR Part 719 is amended as follows:

1. The authority citation for Part 719 continues to read as follows:

Authority: 3 U.S.C. 301; 5 U.S.C. 301; 10 U.S.C. 815; 5031, and 5148; 32 CFR 700.206 and 700.1202.

2. Section 719.112 is amended by revising the italicized heading and the first sentence of paragraph (a), the italicized heading and the first and second sentences of paragraph (b), the italicized heading and the first sentence of paragraph (c), the italicized heading and the second sentence of paragraph (d), paragraph (f), and the italicized

heading and the first and second sentences of paragraph (g), to read as follows:

§ 719.112 Authority to grant immunity from prosecution.

(a) *General.* In certain cases involving more than one participant, the interests of justice may make it advisable to grant immunity, either transactional or testimonial, to one or more of the participants in the offense in consideration for their testifying for the Government or the defense in the investigation and/or the trial of the principal offender. * * *

(b) *Procedure.* The written recommendation that a certain witness be granted either transactional or testimonial immunity in consideration for testimony deemed essential to the Government or the defense shall be forwarded to an officer competent to convene a general court-martial for the witness for whom immunity is requested, i.e., any officer exercising general court-martial jurisdiction. Such recommendation will be forwarded by the trial counsel or defense counsel in cases referred for trial, the pretrial investigating officer conducting an investigation upon preferred charges, the counsel or recorder of any other fact-finding body, or the investigator when no charges have yet been preferred. * * *

(c) *Civilian witnesses.* Pursuant to 18 U.S.C. 6002 and 6004, if the testimony or other information of a civilian witness at a court-martial may be necessary in the public interest, and if the civilian witness has refused or is likely to refuse to testify or provide other information on the basis of a privilege against self-incrimination, then the approval of the Attorney General of the United States or his designate must be obtained prior to the execution or issuance of an order to testify to such civilian witness. * * *

(d) * * * See section 0116f of the Manual of the Judge Advocate General regarding relations between the Departments of Defense and Justice. * * *

* * * * *

(f) *Post-testimony procedure.* After a witness immunized in accordance with paragraphs (c) and (d) of this section has testified, the following information should be provided to the United States Department of Justice, Criminal Division, Immunity Unit, Washington, D.C. 20530 via the Judge Advocate General (Code 20).

(1) Name, citation, or other identifying information, of the proceeding in which the order was requested.

(2) Date of the examination of the witness.

(3) Name and residence address of the witness.

(4) Whether the witness invoked the privilege.

(5) Whether the immunity order was used.

(6) Whether the witness testified pursuant to the order.

(7) If the witness refused to comply with the order, whether contempt proceedings were instituted, or are contemplated, and the result of the contempt proceeding, if concluded. A verbatim transcript of the witness' testimony, authenticated by the military judge, should be provided to the Judge Advocate General at the conclusion of the trial. No testimony or other information given by a civilian witness pursuant to such an order to testify (or any information directly or indirectly derived from such testimony or other information) may be used against him in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(g) *Review.* Under some circumstances, the officer granting immunity to a witness may be disqualified from taking reviewing action on the record of the trial before which the witness granted immunity testified. A successor in command not participating in the grant of immunity would not be so disqualified under those circumstances.

* * * * *

3. Section 719.115 is amended by revising paragraph (a)(1), the first sentence of paragraph (a)(3)(ii), paragraph (a)(4)(i), paragraph (a)(4)(iv), the italicized heading, and the introductory text of paragraph (a)(5), paragraph (a)(6), paragraph (b)(1), and the heading and the first sentence of paragraph (b)(2), to read as follows:

§ 719.115 Release of information pertaining to accused persons; spectators at judicial sessions.

(a) *Release of information*—(1) *General.* There are valid reasons for making information available to the public concerning the administration of military justice. The task of striking a fair balance among the protection of individuals accused of offenses, improper or unwarranted publicity pertaining to their cases, public understanding of the problems of controlling misconduct in the military service, and the workings of military justice, requires the exercise of sound judgment by those responsible for administering military justice and by representatives of the press and other news media. At the heart of all guidelines pertaining to the furnishing of information concerning an accused or the allegations against him is the mandate that no statements or other information shall be furnished to news media for the purpose of influencing the outcome of an accused's trial, or which could reasonably be expected to have such an effect.

* * * * *

(3) * * *

(ii) Except in unusual circumstances, information which is subject to release under the regulation should be released by the cognizant public affairs officer; requests for information received from representatives of news media should be referred to the public affairs office for action. * * *

(4) * * *

(i) The accused's name, grade, age, unit, regularly assigned duties, duty station, and sex.

* * * * *

(iv) The identity of the apprehending and investigative agency, and the identity of accused's counsel, if any.

* * * * *

(5) *Prohibited information.* The following information concerning a person accused or suspected of an offense or offenses generally may not be released, except as provided in paragraph (a)(6) of this section.

* * * * *

(6) *Exceptional cases.* The provisions of this section are not intended to restrict the release of information designed to enlist public assistance in apprehending an accused or suspect who is a fugitive from justice or to warn the public of any danger that a fugitive accused or suspect may present. Further, since the purpose of this section is to prescribe generally applicable guidelines, there may be exceptional circumstances which warrant the release of information prohibited under paragraph (a)(5) of this section or the nonrelease of information permitted under paragraph (a)(4) of this section. Attention should be given to the Secretary of the Navy instructions implementing the Freedom of Information Act (5720.42 series) and the Privacy Act (5211.5C series). Consultation with the command judge advocate, if one is assigned, or with the cognizant Naval Legal Service Office concerning interpretation and application of these instructions is encouraged.

(b) *Spectators.* (1) The sessions of courts-martial shall be open to the public, which includes members of both the military and civilian communities. In order to maintain the dignity and decorum of the proceedings or for other

good cause, the military judge may reasonably limit the number of spectators in, and the means of access to, the courtroom, exclude specific persons from the courtroom, and close a session. Video and audio recording and taking of photographs, except for the purpose of preparing the record of trial, in the courtroom during the proceedings and radio or television broadcasting of proceedings from the courtroom shall not be permitted. The military judge may, as a matter of discretion, permit contemporaneous closed-circuit video or audio transmission to permit viewing or hearing by an accused removed from the courtroom or by spectators when courtroom facilities are inadequate to accommodate a reasonable number of spectators.

(2) *At pretrial hearings.* In any preliminary hearing, including a hearing conducted pursuant to 10 U.S.C. 832 or a court of inquiry or investigation conducted pursuant to the Manual of the Judge Advocate General, the presiding officer, upon motion of the Government or the defense or upon his motion, may direct that all or part of the hearing be held in closed session and that all persons not connected with the hearing be excluded therefrom. * * *

4. Section 719.138 is amended by revising paragraph (a), the heading and first and second sentence of paragraph (b), paragraph (d), the italicized heading and the introductory paragraph of paragraph (i)(1), paragraph (i)(2), paragraph (j), the heading of paragraph (k) and paragraph (k)(1), and the first sentence of paragraph (k)(3).

§ 719.138 Fees of civilian witnesses.

(a) *Method of Payment.* The fees and mileage of a civilian witness shall be paid by the disbursing officer of the command of a convening authority or appointing authority or by the disbursing officer at or near the place where the tribunal sits or where a deposition is taken when such disbursing officer is presented a properly completed public voucher for such fees and mileage, signed by the witness and certified by one of the following:

(1) Trial counsel or assistant trial counsel of the court-martial;

(2) Summary court officer;

(3) Counsel for the court in a court of inquiry;

(4) Recorder or junior member of a board to redress injuries to property, or

(5) Military or civil officer before whom a deposition is taken. The public voucher must be accompanied by a subpoena or invitational orders (Joint Travel Regulations, vol. 2, chap. 6), and by a certified copy of the order appointing the court-martial, court of inquiry, or investigation. If, however, a deposition is taken before charges are referred for trial, the fees and mileage of the witness concerned shall be paid by the disbursing officer at or near the place where the deposition is taken upon presentation of a public voucher, properly completed as hereinbefore prescribed, and accompanied by an order from the officer who authorized the taking of the deposition, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher. When the civilian witness testifies outside the United States, its territories and possessions, the public voucher must be accompanied by a certified copy of the order appointing the court-martial, court of inquiry, or investigation, and by an order from the convening authority or appointing authority, subscribed by him and directing the disbursing officer to pay to the witness the fees and mileage supported by the public voucher.

(b) *Obtaining money for advance tender or payment.* Upon written request by one of the officers listed in paragraph (a) of this section, the disbursing officer under the command of the convening or appointing authority, or the disbursing officer nearest the place where the witness is found, will, at once, provide any of the persons listed in paragraph (a) of this section, or any other officer or person designated for the purpose, the required amount of money to be tendered or paid to the witness for mileage and fees for one day of attendance. The person so receiving the money for the purpose named shall furnish the disbursing officer concerned with a proper receipt.

* * * * *

(d) *Certificate of person before whom deposition is taken.* The certificate of the person named in paragraph (a) of this section, before whom the witness gave his deposition, will be evidence of the fact and period of attendance of the witness and the place from which summoned.

* * * * *

(i) *Rates for civilian witnesses prescribed by law*— (1) *Civilian witnesses not in Government employ.* A civilian not in Government employ, who is compelled or required to testify as a witness before a Naval tribunal at a specified place or to appear at a place where his deposition is to be taken for use before a court or fact-finding body, will receive fees, subsistence, and mileage as provided in 28 U.S.C. 1821. Witness and subsistence fees are not prorated. Instead any fractional part of a calendar day expended in attendance or qualifying for subsistence entitles the witness to payment for a full day. Further, nothing in this paragraph shall be construed as authorizing the payment of attendance fees to witnesses for:

* * * * *

(2) *Civilian witnesses in Government employ.* When summoned as a witness, a civilian in the employ of the Government shall be paid as authorized by Joint Travel Regulations.

(j) *Supplemental construction of section.* Nothing in this paragraph shall be construed as permitting or requiring the payment of fees to those witnesses not requested or whose testimony is determined not to meet the standards of relevancy and materiality set forth in accordance with MCM, 1984, R.C.M. 703.

(k) *Expert witnesses.* (1) The convening authority will authorize the employment of an expert witness and will fix the limit of compensation to be paid such expert on the basis of the normal compensation paid by United States attorneys for attendance of a witness of such standing in United States courts in the area involved. Information concerning such normal compensation may be obtained from the nearest officer exercising general court-martial jurisdiction having a judge advocate assigned in other than an additional duty, temporary duty, or temporary additional duty capacity. Convening authorities at overseas commands will adhere to fees paid such witnesses in the Hawaiian area and may obtain information as to the limit of such fees from the Commander, Naval Base, Pearl Harbor. See paragraph (1) of this section for fees payable to foreign nationals.

* * * * *

(3) An expert witness employed in strict accordance with MCM, 1984, R.C.M. 703(d), may be paid compensation at the rate prescribed in advance by the official empowered to authorize his employment (11 Comp. Gen. 504). * * *

* * * * *

5. Section 719.142 is revised to read as follows:

§ 719.142 Suspension of counsel.

(a) *Report of Allegations of Misconduct or Disability.* When information comes to the attention of a member of a court-martial, a military judge, trial or defense counsel, staff judge advocate, member of the Navy-Marine Corps Court of Military Review or other directly interested or concerned party that a judge advocate or civilian

who is acting or is about to act as counsel before a proceeding conducted under the UCMJ or MCM is or has been unable to discharge properly all the duties of his or her position by reason of mental or physical disability or has been engaged in professional or personal misconduct of such a serious nature as to demonstrate that he or she is lacking in integrity or is failing to meet the ethical standards of the profession or is otherwise unworthy or unqualified to perform the duties of a judge advocate or attorney, such information should be reported to the commanding officer of that judge advocate or, in the case of civilian counsel, to the officer exercising general court-martial jurisdiction over the command convening the proceedings or to the Judge Advocate General.

(b) *Form of Report.* The report shall:

(1) Be in writing, under oath or affirmation, and made and signed by the individual reporting the information.

(2) State that the individual reporting the information has personal knowledge or belief or has otherwise received reliable information indicating that:

(i) The counsel is, or has been, unable to discharge properly all the duties of his or her office by reason of mental or physical disability; or

(ii) The counsel is or has been engaged in professional or personal misconduct of such a serious nature as to demonstrate that he or she is lacking in integrity or is failing to meet the ethical standards of the profession; or

(iii) The counsel is unworthy or unqualified to perform his or her duties;

(3) Set forth the grounds of the allegation together with all relevant facts; and

(4) Be forwarded to the appropriate authority as set forth in paragraph (a).

(c) *Consideration of the Report*—(1) *Action by the Commanding Officer of a judge advocate.* Upon receipt of the report, the commanding officer:

(i) Shall dismiss any report relating to the performance of a judge advocate more properly appealed under law or any report that is frivolous, unfounded, or vague and return it to the reporting individual;

(ii) May make further inquiry into the report at his or her discretion to determine the merits of the report. The commanding officer may appoint an officer to investigate informally the allegations of the report to determine whether further action is warranted. Any officer so appointed should be a judge advocate senior in rank to the judge advocate being investigated;

(iii) May take appropriate action to address and dispose of the matter being mindful of such measures as warning, counseling, caution, instruction, proceedings in contempt, therapy, and other punitive or administrative action; or

(iv) Shall, if the commanding officer is of the opinion that evidence of disability or professional or personal misconduct exists, and that remedial measures short of suspension or decertification are not appropriate or will not be effective, forward the original complaint, a written report of the inquiry or investigation, all other relevant information, and his or her comments and recommendations to the officer in the chain of command exercising general court-martial authority.

(2) *Action by Officer Exercising General Court-Martial Authority.* (i) Upon receipt of a report of an allegation of misconduct or disability of a counsel, the officer exercising general court-martial convening authority:

(A) May take the action authorized by subsections (c)(1)(i), (ii) or (iii); or

(B) Shall, if he or she considers that evidence of disability or professional or personal misconduct exists and that other remedial measures short of suspension or decertification are not appropriate or will not be effective, appoint a board of officers to investigate the matter and to report its findings and its recommendations. This board shall be comprised of at least three officers, each an Article 27(b), Uniform Code of Military Justice, certified judge advocate. If practicable, each of the officers of the board should be senior to the judge advocate under investigation. If the counsel is a member of the Marine Corps, a majority of the members of the board should be Marine Corps judge advocates. The senior officer of the board shall cause notice to be given to the counsel, judge advocate or civilian (respondent), informing him or her of the misconduct or other disqualification alleged and affording him or her the opportunity to appear before the board for a hearing. The respondent shall be permitted at least ten (10) days' notice prior to the hearing. Failure to appear on a set date after notice shall constitute waiver of appearance, absent good cause shown. The respondent shall be generally afforded the rights of a party as set out in section 0304 of this Manual, except that, in the event the judge advocate respondent wishes to have military counsel appointed, he or she shall not have the right to select or identify a particular military counsel. A civilian respondent may not be represented by military counsel, but may be represented by civilian counsel at no expense to the Government. Upon ascertaining the relevant facts after notice and hearing, a written report of the findings and recommendations of the board shall be made to the officer who convened the board. In all cases, a written copy of the board's findings and recommendations shall be provided to the respondent. The respondent shall be given an opportunity to comment on the report in writing.

(ii) Upon receipt of the report of the board of investigation, the officer exercising general court-martial authority shall:

(A) Return the report to the board for further investigation, if the investigation is determined to be incomplete; or

(B) Forward the report of the board of investigation to the Judge Advocate General together with comments and recommendations concerning suspension of the counsel involved.

(3) *Action by the Judge Advocate General.* (i) Upon receipt of a report of an allegation of misconduct or disability of a counsel, the Judge Advocate General:

(A) May take the action authorized by subsections (c)(1)(i), (ii), or (iii);

(B) May appoint a board of officers for investigation and hearing in accordance with subsections (c)(2)(i)(B) or

(C) May request the officer exercising general court-martial jurisdiction over the command of the respondent (if judge advocate counsel) or over the proceedings (if civilian counsel) to take the matter for investigation and hearing in accordance with subsection (c)(2)(i)(B).

(ii) Upon receipt of the report of the investigating board, the Judge Advocate General:

(A) May determine whether the respondent is to be suspended or decertified and, if so, whether for a stated term or indefinitely;

(B) May determine that the findings of the board do not warrant further action; or

(C) May return the report to the sending officer with appropriate instructions for further inquiry or action. The Judge Advocate General may, sua sponte, or upon petition of the respondent, modify or revoke any prior order of suspension or dismissal of a report. Further, if the Judge Advocate General suspends counsel, the Judge Advocates General of the other armed forces will be notified.

(d) *Grounds justifying suspension of counsel or suspension or decertification of a Judge Advocate.* (1) Suspension or decertification is to be employed only after it has been established that a counsel has been unable to discharge properly all the duties of his or her office by reason of mental or physical disability or has been engaged in professional or personal misconduct of

such a serious nature as to demonstrate that he or she is lacking in integrity or is failing to meet the ethical standards of the profession or is otherwise unworthy or unqualified to perform the duties of a counsel Action to suspend or decertify should not be initiated because of personal prejudice or hostility toward counsel, nor should such action be initiated because counsel has initiated an aggressive, zealous or novel defense, or the apparent misconduct stems from inexperience or lack of instruction.

(2) Specific grounds for suspension or decertification include, but are not limited to, the following:

(i) Demonstrated incompetence while acting as counsel before, during or after a court-martial.

(ii) Preventing or obstructing justice, including the deliberate use of frivolous or unwarranted dilatory tactics.

(iii) Fabricating papers or other evidence.

(iv) Tampering with a witness.

(v) Abusive conduct toward the court-martial, the Navy-Marine Corps Court of Military Review, the military judge, or opposing counsel.

(vi) Flagrant or repeated violations of any specific rules of conduct prescribed for counsel in the Manual for Courts-Martial.

(vii) Conviction of an offense involving moral turpitude or conviction for violation of article 48, UCMJ.

(viii) Disbarment by a State Bar, Federal Court, or the United States Court of Military Appeals.

(ix) Suspension as counsel by the Judge Advocate General of the Navy, Army, or Air Force or the General Counsel of the Department of Transportation.

(x) Flagrant or repeated violations of the *Uniform Rules of Practice Before Navy-Marine Corps Courts-Martial* as outlined in Appendix A-1-p(1) of the Manual of the Judge Advocate General.

(xi) Flagrant or repeated violations of the provisions of section 0134 of this Manual of the Judge Advocate General dealing with the *Release of Information Pertaining to Accused Persons; Spectators at Judicial Sessions.*

(xii) Failure to meet the rules set forth in the ABA Code of Professional Responsibility and the ABA Standards on *Fair Trial and Free Press* and *The Prosecution Function and the Defense Function.* In view of the unique mission and personal requirements of the military, many of the rules and principles of the ABA Code or Standards are not applicable to the military lawyer. Accordingly, the rules are to be used as a guide only, and a failure to comply with the specific wording of a rule is not to be construed as a violation of the rule where common sense would indicate to a reasonable person that there is a distinction between the civilian context, which the codes were drafted to embrace, and the unique concerns of the military setting, where the codes serve as a general guide.

6. Section 719.143 is revised to read as follows:

§ 719.143 Petition for new trial under 10 U.S.C. 873.

(a) *Statutory provisions.* 10 U.S.C. 873, provides, "At any time within 2 years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused's case is pending before a Court of Military Review or before the Court of Military Appeals, that Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition."

(b) *Submission Procedures:* At any time within 2 years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the ground of newly discovered evidence or fraud on the court-martial. The petition for new trial may be submitted by the accused personally, or by accused's counsel, regardless of whether the accused has been separated from the service. A petition may not be submitted after the death of the accused.

(c) *Contents of petitions:* The form and contents of petitions for new trial are specified in MCM, 1984, R.C.M. 1210(c). The petition for a new trial shall be written and shall be signed under oath or affirmation by the accused, by a person possessing the power of attorney of the accused for that purpose, or by a person with the authorization of an appropriate court to sign the petition as the representative of the accused. The petition shall contain the following information, or an explanation why such matters are not included:

(1) The name, service number, and current address of the accused;

(2) The date and location of the trial;

(3) The type of court-martial and the title or position of the convening authority;

(4) The request for the new trial;

(5) The sentence or a description thereof as approved or affirmed, with any later reduction thereof by clemency or otherwise,

(6) A brief description of any finding or sentence believed to be unjust;

(7) A full statement of the newly discovered evidence or fraud on the court-martial which is relied upon for the remedy sought;

(8) Affidavits pertinent to the matters in subsection (6)i; and

(9) Affidavit of each person whom the accused expects to present as a witness in the event of a new trial. Each affidavit should set forth briefly the relevant facts within the personal knowledge of the witness.

(d) *Who may act on petition.* If the accused's case is pending before a Court of Military Review or the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise, the Judge Advocate shall act on the petition.

(3) *Ground for New Trial.* A new trial may be granted only on grounds of newly discovered evidence or fraud on the court-martial.

(1) A new trial shall not be granted on the grounds of newly discovered evidence unless the petition shows that:

(i) The evidence was discovered after the trial,

(ii) The evidence is not such that it would have been discovered by the petitioner at the time of trial in the exercise of due diligence; and

(iii) The newly discovered evidence, if considered by a court-martial in the light of all other pertinent evidence, would probably produce a substantially more favorable result for the accused.

(2) No fraud on the court-martial warrants a new trial unless it had a substantial contributing effect on a finding of guilty or the sentence adjudged.

(f) *Action on the petition.* (1) The authority considering the petition may cause such additional investigation to be made and such additional information to be secured as that authority believes appropriate. Upon written request, and in his discretion, the authority considering the petition may permit oral argument on the matter.

(2) When a petition is considered by the Judge Advocate General, any hearing may be before the Judge Advocate General or before an officer or officers designated by the Judge Advocate General.

(3) If the Judge Advocate General believes meritorious grounds for relief under Article 74, Uniform Code of Military Justice have been established but that a new trial is not appropriate, the Judge Advocate General may act under article 74, Uniform Code of Military Justice, if authorized, or transmit the petition and related papers

to the Secretary concerned with a recommendation.

(4) The Judge Advocate may also, in cases which have been finally reviewed but have not been reviewed by a Court of Military Review, act under article 69, Uniform Code of Military Justice.

7. Section 719.144 is revised to read as follows:

§ 719.144 Application for relief under 10 U.S.C. 869, is cases which have been finally reviewed.

(a) *Statutory provisions.* 10 U.S.C. 869 provides in pertinent part, "The findings or sentence, or both, in a court-martial case not reviewed under subsection (a) or under section 866 of this title (article 66) may be modified or set aside, in whole or in part, by the Judge Advocate General on the ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or the appropriateness of the sentence. If such a case is considered upon application of the accused, the application must be filed in the Office of the Judge Advocate General by the accused on or before the last day of the two-year period beginning on the date the sentence is approved under section 860(c) of this title (article 60(c)), unless the accused establishes good cause for failure to file within that time."

(b) *Time Limitations.* In order to be considered by the Judge Advocate General, an application for relief must be placed in military channels if the applicant is on active duty, or be deposited in the mail if the applicant is no longer on active duty, on or before the last day of the two-year period beginning on the date the sentence is approved by the convening authority. An application not filed in compliance with these time limits may be considered if the Judge Advocate General determines, in his or her sole discretion, that "good cause" for failure to file within the time limits has been established by the applicant.

(c) *Submission procedures.* Applications for relief may be submitted to the Judge Advocate General by letter. If the accused is on active duty, the application shall be submitted via the applicant's commanding officer, and the command that convened the court, and the command that reviewed the case under 10 U.S.C. 864(a) or (b). If the original record of trail is held by the command that reviewed the case under 10 U.S.C. 864(a) or (b), it shall be forwarded as a enclosure to the endorsement. If the original record of trial has been filed in the National Personnel Records Center, the endorsement will include all necessary retrieval data (accession number, box number, and shelf location) obtained from the receipt returned from the National Personnel Records Center to the sending activity. This endorsement shall also include information and specific comment on the grounds for relief asserted in the application, and an opinion on the merits of the application. If the applicant is no longer on active duty, the application may be submitted directly to the Judge Advocate General.

(d) *Contents of applications.* All applications for relief shall contain:

(a) Full name of the applicant;

(2) Social Security number and branch of service, if any;

(3) Present grade if on active duty or retired, or "civilian" or "deceased" as applicable;

(4) Address at time the application is forwarded;

(5) Date of trial;

(6) Place of trial;

(7) Command title of the organization at which the court-martial was convened (convening authority);

(8) Command title of the officer exercising review authority in accordance with 10 U.S.C. 864 over the applicant at the time of trial, if applicable;

(9) Type of court-martial which convicted the applicant, and sentence adjudged;

(10) General grounds for relief which must be one or more of the following:

(i) Newly discovered evidence;

(ii) Fraud on the court;

(iii) Lack of jurisdiction over the accused or the offense;

(iv) Error prejudicial to the substantial rights of the accused;

(v) Appropriateness of the sentence;

(11) An elaboration of the specific prejudice resulting from any error cited. (Legal authorities to support the applicant's contentions may be included, and the format used may take the form of a legal brief if the applicant so desires.);

(12) Any other matter which the applicant desires to submit;

(13) Relief requested; and

(14) Facts and circumstances to establish "good cause" for a failure to file the application within the time limits prescribed in paragraph (b) of this section, if applicable; and

(15) If the application is signed by a person other than the applicant pursuant to subsection e, an explanation of the circumstances rendering the applicant incapable of making application. The applicant's copy of the record of trial will *not* be forwarded with the application for relief, unless specifically requested by the Judge Advocate General.

(e) *Signatures on applications.* Unless incapable of making application, the applicant shall personally sign the application under oath before an official authorized to administer oaths. If the applicant is incapable of making application, the application may be signed under oath and submitted by the applicant's spouse, next of kin, executor, guardian or other person with a proper interest in the matter. In this regard, one is considered incapable of making application for purposes of this section when unable to sign the application under oath due to physical or mental incapacity.

8. Section 719.155 is amended by revising paragraphs (b) and (c).

§ 719.155 Application under 10 U.S.C. 874(b) for the substitution of an administrative form of discharge for a punitive discharge or dismissal.

* * * * *

(b) *Submission procedures.* Applications for relief will be submitted to the Secretary using the following address: Secretary of the Navy (Judge Advocate General, Code 20), 200 Stovall Street, Alexandria, VA 22332-2400. Except in unusual circumstances, applications will not normally be considered if received within five (5) years of the execution of the punitive discharge or dismissal, or within five (5) years of disapproval of a prior request under 10 U.S.C. 874(b).

(c) *Contents of the application.* All applications shall contain:

(1) Full name of the applicant;

(2) Social Security Number, service number (if different), and branch of service of the applicant;

(3) Present age and date of birth of the applicant;

(4) Present residence of the applicant;

(5) Date and place of the trial, and type of court-martial which resulted in the punitive discharge or dismissal;

(6) Command title of the convening authority of the court-martial which resulted in the punitive discharge or dismissal;

(7) Offense(s) of which the applicant was convicted, and sentence finally approved from the trial which resulted in the punitive discharge or dismissal;

(8) Date the punitive discharge or dismissal was executed;

(9) Applicant's present marital status and number and ages of dependents, if any;

(10) Applicant's civilian criminal record (arrest(s) with disposition, and conviction(s)), both prior and subsequent to the court-martial which

resulted in the punitive discharge or dismissal;

(11) Applicant's entire court-martial record (offense(s) of which convicted and finally approved sentence(s)), and nonjudicial punishment record (including offense(s) and punishment(s) awarded);

(12) Any military administrative discharge proceedings (circumstances and disposition) initiated against the applicant;

(13) Applicant's full employment record since the punitive discharge or dismissal was executed;

(14) The specific type and character of administrative discharge requested pursuant to 10 U.S.C. 874(b) (a more favorable administrative discharge than that requested will not be approved);

(15) At least three but not more than six character affidavits. (The character affidavits must be notarized, must indicate the relationship of the affiant to the applicant, and must include the address of the affiant as well as specific reasons why the affiant believes the applicant to be of good character. The affidavits should discuss the applicant's character primarily as reflected in the civilian community subsequent to the punitive discharge or dismissal which is the subject of the application);

(16) Any matters, other than the character affidavits, supporting the considerations described in subparagraph (18) below;

(17) Any other relief sought within the Department of the Navy and outside the Department of the Navy including dates of application and final dispositions;

(18) A statement by the applicant, setting forth the specific considerations which the applicant believes constitute "good cause," so as to warrant the substitution of an administrative form of discharge for the punitive discharge or dismissal previously executed. (In this connection, 10 U.S.C. 874(b) does not provide another regular or extraordinary procedure for the review of a court-martial. Questions of guilt or innocence, or legal issues attendant to the court-martial which resulted in the punitive discharge or dismissal, are neither relevant nor appropriate for consideration under 10 U.S.C. 874(b). As used in the statute, "good cause" was envisioned by Congress to encompass only Secretarial exercise of clemency and ultimate control of sentence uniformity. Accordingly, in determining what constitutes "good cause" under 10 U.S.C. 874(b), the primary Secretarial concern will be with the applicant's record in the civilian community subsequent to his or her punitive separation. Material submitted by the 10 U.S.C. 874(b) applicant should be consistent with the foregoing.)

* * * * *

Dated: May 29, 1985

William F. Roos, Jr.,

Lieutenant, Judge Advocate Generals Corps, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85-11386 Filed 6-5-85; 8:45 am]

BILLING CODE 3810-AE-M

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1903

Security Protective Service

AGENCY: Central Intelligence Agency.

ACTION: Final rule—Correction.

SUMMARY: This document corrects the authority citation for FR Doc 85-11047, which promulgated regulations to protect foreign intelligence facilities within the United States, appearing at page 19154, 6 May 1985, as follows:

Authority: Sec. 401, Intelligence Authorization Act for Fiscal Year 1985 (50 U.S.C. 403o).

FOR FURTHER INFORMATION CONTACT: David Holmes, Office of General Counsel, Centeral Intelligence Agency, (703) 351-5648.

Dated: May 30, 1985.

David Holmes,

Office of General Counsel, Central Intelligence Agency.

[FR Doc. 85-13671 Filed 6-5-85; 8:45 am]

BILLING CODE 6310-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-85-07]

Special Local Regulations; International Freedom Festival Fireworks Display, Detroit River

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: Special local regulations are being adopted for the International Freedom Festival Fireworks Display. This event will be held on the Detroit River on 01 July 1985. In case of inclement weather, the event will be held on 02 July 1985. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective and terminate on July 1, 1985.

FOR FURTHER INFORMATION CONTACT: MSTC CARY H. LINDSAY, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The application to hold this event was not received until April 10, 1985, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are MSTC Cary H. Lindsay, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The International Freedom Festival Fireworks Display will be conducted on the Detroit River on 01 July 1985. An unusually large concentration of spectator boats could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Group, Detroit, MI).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

PART 100—[AMENDED]

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

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

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

2. Part 100 is amended to add a temporary § 100.35-0907 to read as follows:

§ 100.35-0907 International Freedom Festival Fireworks Display, Detroit River.

(a) *Regulated Area.* (1) The following area will be closed to vessel navigation or anchorage for vessels of 65 feet in length or greater from 8:00 p.m. (local time) until 12:00 p.m. on 1 July 1985:

The U.S. waters of the Detroit River between the Ambassador Bridge and the downstream end of Belle Isle.

(2) The following portion of the Detroit River will be closed to all vessel

traffic, from 8:00 p.m. (local time) until 12:00 p.m. on 01 July 1985:

The area bound on the south by the International Boundary, on the west by 083 degrees 03 minutes West, on east by 083 degrees 02 minutes West, and the north by the U.S. shoreline.

(b) *Special Local Regulations.* (1) Vessels under 65 feet shall begin clearing the shipping channels at 11:30 p.m. local or when the foreworks display ends, whichever comes first.

(2) Fireworks barges will be moved to positions in the Detroit River after 5:00 p.m. on 01 July 1985, and will be removed immediately after the fireworks display. The barges will be located within 950 feet of the U.S. riverbank opposite each of the following landmarks; COBO HALL, VETERANS MEMORIAL BLDG., and the FORD AUDITORIUM. Vessel masters shall pass with caution. Each barge will be marked in accordance with rule 30 of the Inland Rules of the Road for a vessel at anchor, and a fixed white light on each corner of the barges will be shown at night and an orange bouy with horizontal white bands will mark each special mooring.

(3) If the weather on 01 July 1985 is inclement, the fireworks display and the river closure will be postponed until 8:00 p.m. to 12:00 p.m. on 03 July 1985. If postponed, notice will be given on 01 July 1985 over the U.S. Coast Guard Radio Net.

(4) Vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a "no wake" speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of their assigned duties.

(5) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

Dated: May 24, 1985

B.K. Schaeffer,

Chief of Staff, Captain, U.S. Coast Guard, Ninth Coast Guard District.

[FR Doc. 85-13559 Filed 6-5-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 100

[CGD3 85-16]

Regatta; Harvard-Yale Regatta, Thames River, New London, CT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the annual Harvard-Yale Regatta. This crew shell race is being sponsored by the Harvard-Yale Regatta Committee of Needham, Massachusetts. This regulation is needed to provide for the safety of participants and spectators on navigable waters during the event.

EFFECTIVE DATE: This regulation is effective on June 8, 1985.

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

SUPPLEMENTARY INFORMATION: On April 25, 1985, the Coast Guard published a notice of proposed rule making in the **Federal Register** for this regulation (50 FR 16314). Interested persons were requested to submit comments, and one comment was received. The regulation is being made effective in less than 30 days from the date of publication. There was not sufficient time remaining in advance of the event to provide for a delayed effective date.

Drafting Information

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

Discussion of Regulations

The annual Harvard-Yale Regatta is a crew race event to be held on the Thames River in New London, Connecticut. It is sponsored by the Harvard-Yale Regatta Committee and is well known to the boaters and residents of this area. This event is traditionally held each year on the first or second Saturday in June. Because of the annual nature of this event, the Coast Guard has decided to promulgate a permanent amendment to Part 100 of Title 33, Code of Federal Regulations and thereafter provide the public with full and adequate notice of this annual crew race by publication in the Third District Local Notice to Mariners. Due to the large number of spectator boats present on the river for the purpose of watching this crew race it is anticipated that there will be considerable congestion in the area. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the area prior to, during, and after the races. The crew shells will race upriver again this year. This has helped to reduce congestion at the Penn Central Draw Bridge at the conclusion of the races last year and ensured the safe movement of the spectator fleet down the Thames River after the races. Any races not held will be postponed until the next day. Three races are scheduled, starting with a 2 mile freshman race followed by the junior varsity's 3 mile race and the 4 mile varsity race. The sponsor is providing patrol vessels in conjunction with Coast Guard and local resources to patrol this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the race course area and will establish spectator anchorages for what is expected to be a large spectator fleet.

Discussion of Comments

One comment was received from the sponsor mentioning that the spelling of Monocoke Hill in paragraph (c)(6)(i) was incorrect. The spelling has been corrected to read Mamacoke Hill.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area early in the boating season for the duration of the races. This should have a favorable impact on commercial facilities providing services to the spectators. This area is used primarily by recreational boaters; any impact on commercial traffic in the area will be negligible.

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

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulation

PART 100—[AMENDED]

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

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

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

2. Part 100 is amended by adding § 100.304 to read as follows:

§ 100.304 Harvard-Yale Regatta, Thames River, New London CT.

(a) *Regulated area.* The Thames River at New London, Connecticut, from the Penn Central Draw Bridge to Bartlett Cove.

(b) *Effective period.* This regulation will be effective from 10:00 a.m. to 1:30 p.m. on June 8, 1985, and thereafter annually on the first or second Saturday in June as published in the Third District Local Notice to Mariners and in a Federal Register notice. In case of postponement due to weather, this regulation will be in effect the following day.

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

(2) No spectator or press boats shall be allowed out onto or across the race course without Coast Guard escort.

(3) No person or vessel may transit through the regulated area during the effective period unless participating in the event, or as authorized by the sponsor or Coast Guard Patrol personnel. The Patrol Commander may open up the regulated area to allow for vessel movement between scheduled races.

(4) Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event at least 30 minutes prior to the start of the races. They must remain moored or at anchor until the men's varsity have passed their positions. At that time, spectator vessels located south of the Harvard Boathouse may proceed downriver at a reasonable speed. Vessels situated between the Harvard Boathouse and the finish line must remain stationary until both crews return safely to their boathouses. If for any reason the men's varsity crew race is postponed, spectator vessels will remain in position until notified by Coast Guard or regatta patrol personnel.

(5) The last 1000 feet of the race course near the finish line will be delineated by four (4) temporary white buoys provided by the sponsor. All spectator craft shall remain behind these buoys during the event.

(6) Spectator craft shall not anchor:

(i) To the west of the race course, between Mamacoke Hill and Bartlett Point Light.

(ii) Within the race course boundaries or in such a manner that would allow their vessel to drift or swing into the race course.

(7) During the effective period all vessels shall proceed at a speed not to exceed six (6) knots in the regulated area.

(8) Spectator vessels shall not follow the crews during the races.

(9) Swimming is prohibited in the vicinity of the race course during the races.

(10) A vessel operating in the vicinity of the Submarine Base may not cause waves which result in damage to submarines or other vessels in the floating drydocks.

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

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

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

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

(iii) $250 for any other person.

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

Dated May 24, 1985.

P. A. Welling,

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

[FR Doc. 85-13562 Filed 6-5-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 09-85-09]

Special Local Regulations; Budweiser Unlimited Hydroplane Regatta

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Budweiser Unlimited Hydroplane Regatta to be held on Onondaga Lake. This event will be held on 14, 15 and 16 June 1985. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective on June 14, 1985 and terminate on June 16, 1985.

FOR FURTHER INFORMATION CONTACT: MSTC CARY H. LINDSAY, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A notice of Proposed Rule Making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The appliction to hold this event was not received with sufficient time remaining to publish proposed rules in advance of the event or to provide for delayed effective date.

Drafting Information

The drafters of this regulation are MSTC CARY H. LINDSAY, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The Budweiser Unlimited Hydroplane Regatta will be conducted on Onondaga Lake on 14, 15 and 16 June 1985. This event will have 10 hydroplanes which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Station, Oswego, NY).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

PART 100—[AMENDED]

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

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

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

2. Part 100 is amended to add a temporary § 100.35-0909 to read as follows:

§ 100.35-0909 Budweiser Unlimited Hydroplane Regatta

(a) *Regulated Area.* That portion of Onondaga Lake bounded by a line between Lakeview Point; thence, the end of the northern Liverpool breakwall; thence, the shoreline to Onondaga Outlet Lighted Aid "5" to Onondaga Outlet Lighted Aid "6"; thence, the shoreline to Lakeview Point.

(b) *Special Local Regulations.* (1) The above area will be closed to navigation or anchorage from 8:30 A.M. (local time) until 6:30 P.M. on the 14, 15 and 16 June 1985.

(2) Vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event of any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of their assigned duties.

(3) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

Dated: May 24, 1985.

B.K. Schaeffer,

Captain, U.S. Coast Guard, Chief of Staff, Ninth Coast Guard District.

[FR Doc. 85-13560 Filed 6-5-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 09-85-06]

Special Local Regulations; Stroh Thunderfest, Detroit River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Stroh Thunderfest to be held on the Detroit River. This event will be held on 27, 28, 29 and 30 June 1985. In the event of inclement weather, this event will be held on July 1 1985. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective on June 27, 1985 and terminate on July 1, 1985.

FOR FURTHER INFORMATION CONTACT: MSTC CARY H. LINDSAY, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The application to hold this event was not received with sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are MSTC CARY H. LINDSAY, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The Stroh Thunderfest will be conducted on the Detroit River on the 27-29, and 30 June 1985. This event will have an estimated 25 Hydroplanes which could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Group Detroit, MI).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

PART 100—[AMENDED]

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

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

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

2. Part 100 is amended to add a temporary § 100.35-0906 to read as follows:

§ 100.35-0906 Stroh Thunderfest, Detroit River.

(a) *Regulated Area:* That portion of the Detroit River lying between Belle Isle and the U.S. shoreline, bound on the west by the Belle Isle Bridge and on the east a north-south line drawn through the Waterworks Intake Crib Light (LL 1022).

(b) *Special Local Regulations.* (1) The above area will be closed to navigation or anchorage from 8:00 A.M. (local time) until 12:00 A.M. and from 1:00 P.M. until 5:00 P.M. on the 27, 28, 29 and 30 June 1985.

(2) In addition, two safety zones for race craft will be established. The first will be from the Waterworks Intake Crib Light (LL 1022) eastward to the Detroit Edison Lighted Buoy 1A (LL 1023) then north to the Edison Boat Club. The second safety zone will be within an area bound by a line drawn from the center span of the Belle Isle Bridge to the stacks at the Uniroyal Plant, north to the U.S. shore.

(3) An escape zone for recreational craft will also be established from the Rooster Tail Marina out to Lake St. Clair.

(4) Special care shall be exercised by the Master or operator of every vessel proceeding up or down the main channel of the Detroit River between Belle Isle and Windmill Point.

(5) Vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of their assigned duties.

(6) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

Dated: May 24, 1985.

B.K. Schaeffer,

Captain, U.S. Coast Guard, Chief of Staff, Ninth Coast Guard District.

[FR Doc. 85-13563 Filed 6-5-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 09-85-08]

Special Local Regulations; 4th of July Fireworks Display, Toledo/Maumee River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Toledo 4th of July Fireworks Display to be held on the Maumee River on July 4, 1985. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective and terminate on July 4, 1985.

FOR FURTHER INFORMATION CONTACT: MSTC Cary H. Lindsay, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The application to hold this event was not received with sufficient time remaining to publish proposed rules

in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are MSTC Cary H. Lindsay, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The Toldeo 4th of July Fireworks Display will be conducted on the Maumee River on July 4, 1985. An unusually large concentration of spectator boats could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Station, Toledo, OH).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

PART 100—[AMENDED]

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

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

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

2. Part 100 is amended to add a temporary § 100.35-0908 to read as follows:

§ 100.35-0908 4th of July Firework Display, Toledo/Maumee River.

(a) *Regulated Area.* (1) The following area will be closed to vessel navigation or anchorage for vessels of 65 feet in length or greater from 9:00 p.m. (local time) until 11:00 p.m. on July 4, 1985:

That portion of the Maumee River within a 500 foot radius of the fireworks barges located at the City of Toledo Division of Streets, Harbor and Bridges Building Dock.

(2) The following portion of the Maumee River will be closed to all vessel traffic, from 9:00 p.m. (local time) until 11:00 p.m. on July 4, 1985.

That portion of the Maumee River from the Cherry Street Bridge to the Anthony Wayne Bridge.

(b) *Special Local Regulations.* (1) Vessels under 65 feet shall begin clearing the shipping channels at 11:30 p.m. local or when the fireworks display ends, whichever comes first.

(2) Two 60 foot fireworks barges will be moved to positions in the Maumee River at the City of Toledo Division of Streets, Harbor and Bridges Building Dock after 5:00 p.m. on July 4, 1985, and will be removed immediately after the fireworks display ends.

(3) Vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels mill be operated at a "no wake" speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of their assigned duties.

(4) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

Dated: May 24, 1985.

B.K. Schaeffer,

Captain, U.S. Coast Guard, Chief of Staff, Ninth Coast Guard District.

[FR Doc. 85-13561 Filed 6-5-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP Baltimore, MD Regulation 85-06]

Safety Zone Regulations; Chesapeake Bay, Baltimore Harbor, Baltimore, MD

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in the Baltimore Inner Harbor, Fort McHenry National Monument, Baltimore, Maryland. This safety zone is needed to protect watercraft from a possible safety hazard associated with the June 14th fireworks display. Entry into this zone is prohibited unless authorized the Captain of the Port Baltimore.

EFFECTIVE DATES: This regulation becomes effective beginning at 6:00 PM EDT June 14, 1985 and terminates at 10:30 PM EDT June 14, 1985 unless terminated earlier by the Captain of the Port Baltimore.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander D.E. Henrickson, Chief Port Operations Department, USCG Marine Safety Office, Custom House, 40 South Gay Street, Baltimore, Maryland 21202, (301) 962-5105.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying the effective date of this safety zone would be contrary to the public interest since action is needed to safeguard watercraft and their occupants on this scheduled fireworks date.

Drafting Information

The drafters of this regulation are CWO D.L. Hutchinson, project officer for the Captain of the Port Baltimore, MD and LCDR M.J. Perrone, Project Attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation will occur on 14 June 1985. This safety zone is necessary due to the hazards involved with the location of the barge used for the display platform and the flammable nature of the fireworks. This action will prevent possible damage to watercraft and their occupants in the event of a collision with the barge or a stray pyrotechnic projectile.

List of Subjects in 33 CFR Part 165

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

PART 105—[AMENDED]

Regulation

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

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

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.49 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T0506 is added to read as follows:

§ 165.T0506 Safety Zone: Chesapeake Bay, Severn River, Annapolis, MD.

(a) *Location.* The following area in the Baltimore Harbor is a safety zone: A line beginning at the Fort McHenry Front Range Light (LLN 2790) approximate position 39-15-50N, 076-34-41W then following the shoreline south to the southeast bottom corner of the Fort McHenry reservation approximate position 39-15-40N, 076-34-48W then following a line due east to the charted western edge of the east channel approximate position 39-15-40N, 076-34-32W then north following the edge of the charted channel to approximate position 39-15-50N, 076-34-34W then following a line due west to the point of beginning. The barge used for fireworks platform shall be anchored within the safety zone approximate position 39-15-48N, 076-34-37W.

(b) *Regulations.* (1) In accordance with the general regulation in § 165.23 of this part, entry into this zone is

prohibited unless authorized by the Captain of the Port Baltimore, MD.

Dated: May 23, 1985.

R.C. Pickup,

Captain, U.S. Coast Guard, Captain of the Port Baltimore, Maryland.

[FR Doc. 85-13564, Filed 6-5-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 28-45-5]

Approval and Promulgation of Implementation Plans; Vermont; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects errors in a table which summarizes approval actions already taken to incorporate Vermont Air Pollution regulations into the State Implementation Plan (SIP). The table was published November 23, 1984 (49 FR 46141) and is located at 40 CFR 52.2381.

FOR FURTHER INFORMATION CONTACT: Beth M. Hassett, FTS 223-4880; (617) 223-4880.

SUPPLEMENTARY INFORMATION: On November 23, 1984, EPA published a table identifying Vermont regulations which have been submitted to and adopted by EPA as revisions to the Vermont State Implementation Plan (SIP). This table was for informational purposes only and did not have any independent regulatory effect. The table, located at 40 CFR 52.2381, incorrectly listed information for Subchapter V of the Vermont SIP. For sections 5-501 and 5-502, the original section entitled "Comments" inaccurately listed or omitted State regulations which are not federally approved. This notice corrects these errors and prints Subchapter V in its entirety.

(42 U.S.C. 7401, 7410, 7411, 7601)

Dated: May 23, 1985.

Paul Keough,

Acting Regional Administrator, Region I.

PART 52—[AMENDED]

§ 52.2381 [Corrected]

On page 46142, § 52.2381, is corrected by revising Subchapter V to read as follows:

TABLE 52.2381—TABLE OF EPA APPROVED REGULATIONS

[Vermont SIP regulations 1972 to present]

State citation, title and subject	Date adopted by State	Date approved by EPA	Federal Register Citation	Section 52.2370	Comments
* * *	*	*	*	*	*
Subchapter V Review of New Air Contaminant Sources					
Section 5-501 Review of construction or modification of air contaminant sources.	12/10/72	5/31/72	37 FR 10899	(b)	
	12/10/72	5/14/73	38 FR 12713	(c)(3)	
	1/25/78	12/21/78	43 FR 59496	(c)(8)	
	3/24/79	1/30/80	45 FR 6781	(c)(9)	Except 5-501(3).
	11/04/79	2/19/80	45 FR 10775	(c)(10)	Except 5-501(3).
	11/03/81	2/10/82	47 FR 6014	(c)(15)	
Section 5-502 Major stationary sources and major modifications	3/24/79	1/30/80	45 FR 6781	(c)(9)	Except 5-502(5).
	11/04/79	2/19/80	45 FR 10775	(c)(10)	Except 5-502(5).
	11/03/81	2/10/82	47 FR 6014	(c)(15)	
* * *	*	*	*	*	*

[FR Doc. 85-13518 Filed 6-4-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-10-FRL-2842-4]

Approval and Promulgation of State Implementation Plan; Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rulemaking addresses the State Implementation Plan (SIP) revision submitted on May 29, 1984 by the State of Idaho Department of Health and Welfare pursuant to the requirements of Part D of the 1977 Clean Air Act (hereinafter referred to as the Act) and later supplemented with additional material on January 3, 1985, and March 25, 1985. In today's action EPA is approving the 1984 carbon monoxide (CO) plan for the Boise-Ada County nonattainment area based on review of the mentioned materials. With this Notice the Boise-Ada County CO plan is now a federally enforceable part of the SIP as required by the Act. The plan includes the implementation of a mandatory inspection and maintenance program in Ada County which started on August 1, 1984.

EFFECTIVE DATE: August 5, 1985.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460

Air Programs Branch (10A-81-7), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Idaho, Department of Health and Welfare, 450 W. State Street, Boise, Idaho 83720

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Loren C. McPhillips, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-7369, (FTS) 399-4233.

SUPPLEMENTARY INFORMATION:

I. Background

On May 29, 1984, the State of Idaho Department of Health and Welfare (IDHW) officially submitted to EPA a revision to the carbon monoxide (CO) SIP for the Boise-Ada County area. The plan included the implementation of a

mandatory inspection and maintenance (I/M) program on August 1, 1984. This program successfully started on that date. On September 18, 1984 (49 FR 36511), EPA proposed to approve the revision. Additional material was then submitted on January 3, 1985 and March 25, 1985. Today's action gives final approval to that Boise-Ada County CO SIP revision. Additional background information and plan description can be found in the September 18, 1984 proposed rulemaking.

II. Response to Comments

No comments were received.

III. Summary of Rulemaking Action

With this notice EPA is approving the 1984 Boise CO attainment plan and establishing a new attainment date of December 31, 1986. This approval is based on review of the SIP revision submitted by the IDHW to EPA on May 29, 1984 and additional material submitted on January 3, 1985 and March 25, 1985.

IV. Administrative Review

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410(b) and 7502))

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Incorporation by reference.

Note.—Incorporation by reference of the Implementation Plan for the State of Idaho was approved by the Director of the Office of Federal Register in July 1, 1982.

Dated: May 22, 1985.

Lee M. Thomas,
Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7410(b) and 7502

Subpart N—Idaho

2. In § 52.670, paragraph (c)(23) is added as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

(23) On May 29, 1984, the State of Idaho Department of Health and Welfare submitted the Boise-Ada County carbon monoxide attainment plan as an official State Implementation Plan revision. The submittal was then supplemented on January 3, 1985.

3. In Section 52.679, the entry for Chapter VIII—Nonattainment Area Plans is revised as follows:

§ 52.679 Contents of Idaho State Implementation Plan.

* * * * *

Chapter

VIII—Non-Attainment Area Plans (submitted 1/15/80)

VIII-a—Silver Valley Nonattainment Plan (submitted 1/15/80).

VIII-b—Lewiston Nonattainment Plan (submitted 12/4/80)

VIII-c—Transportation Control Plan for the carbon monoxide of Ada County (submitted on 5/24/84, 1/3/85, and 3/25/85)

VIII-d—Pocatello TSP Nonattainment Plan (submitted 3/7/85)

VIII-e—Soda Springs Nonattainment Plan (submitted 1/15/80)

* * * * *

4. Section 52.680 is revised to read as follows:

§ 52.680 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information in Idaho's plan, except where noted.

Air Quality Control Regions	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Eastern Idaho Intrastate	b	d	d	d	a	a	a
Eastern Washington-Northern Idaho Interstate (Idaho)	b	d	d	d	a	a	a
Idaho Intrastate	d	d	a	a	a	a	a
Metropolitan Boise Interstate:							
1. Boise-Ada County area	d	d	a	a	a	c	a
2. Remainder of AQCR	d	d	a	a	a	a	a

a. Air Quality levels presently below secondary standards.
b. Dec. 31, 1982.
c. Dec. 31, 1986.
d. Date not established.

[FR Doc. 85-12841 Filed 6-5-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket HM-193, Amt. No. 173-186]

Tritium and Carbon-14; Low Specific Activity Radioactive Materials Transported for Disposal or Recovery

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The Materials Transportation Bureau (MTB) is amending § 173.425 of the Hazardous Materials Regulations (HMR) to except certain low specific activity radioactive materials containing tritium (hydrogen-3) or carbon-14 from most requirements of the HMR when the materials are being transported for disposal or reclamation. This amendment allows the shipment of waste materials such as scintillation counting media, animal carcasses and tissue containing not more than 0.05 microcuries per gram (1.9 megabecquerels per kilogram) of tritium or carbon-14 without further consideration of their radioactive hazards. This action is consistent with the Nuclear Regulatory Commission (NRC) provisions specified in new section 20.306, Title 10, Code of Federal Regulations relating to the disposal by NRC licensees of tritium and carbon-14 low specific activity radioactive materials.

EFFECTIVE DATE: These amendments are effective August 1, 1985. However, compliance with the regulations as amended herein is authorized immediately.

FOR FURTHER INFORMATION CONTACT: R.R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-2313.

SUPPLEMENTARY INFORMATION:

I. Background

On August 23, 1984, MTB published a notice of proposed rulemaking (Notice 84-8) in the **Federal Register** (49 FR 33469). That notice proposed allowing materials containing low levels of tritium or carbon-14 to be transported without regard to their radioactive properties. The proposal would relax requirements of the HMR for transportation to be consistent with NRC provisions in 10 CFR 20.306 for disposal of tritium and carbon-14 containing wastes that have specific activities of 0.05 microcuries per gram (1.9 megabecquerels per kilogram) or less.

The requirements of § 173.425 address most shipments of low-level radioactive waste transported from NRC or Agreement State licensees to licensed disposal facilities. Medical, biomedical, and related research institutions generate relatively large volumes of tritium and carbon-14 contaminated wastes that meet the definition of low specific activity radioactive material (§ 173.403(n)(4)(iii)). Much of the waste from these institutions is several orders of magnitude below the maximum activity level limit established for low specific activity radioactive materials. However, they still exceed the statutory definition of radioactive materials (49 U.S.C. 1807) which includes any material having a specific activity greater than 0.002 microcuries per gram (74 kilobecquerels per kilogram) of material.

Most scintillation media wastes also meet the definition of a flammable liquid and are suspected to be carcinogens as well. Animal carcasses and tissues are not classified as hazardous materials *per se* but their disposal is often times handled in the same manner as hazardous materials. The flammability of the very low specific activity scintillation media is considered by MTB to present a greater hazard in transportation than their radiotoxicity. The propsal was, therefore, to require that very low specific activity scintillation media be packaged, marked, labeled and otherwise prepared for shipment and transported on the basis of their flammability or another acute hazard, if present. Animal carcasses and tissues containing low levels of tritium or carbon-14 which do not meet the definition of another hazard class could be transported as materials not subject to the HMR.

The NRC investigation of problems associated with these low activity wastes from the biomedical community resulted in rules documents published in the **Federal Register** on October 8, 1980 (45 FR 67018) for the proposed rule, and March 11, 1981 (46 FR 16230) for the final rule. As adopted, the new § 20.306 in 10 CFR allows licensees greater latitude in the disposal of certain wastes containing low concentrations of tritium and carbon-14. In essence, if the specific activity of animal carcasses and tissues and liquid scintillation media is not greater than 0.05 uCi/g (1.9 MBq/kg) they may be disposed of without regard to the radioactive nature of the materials. When compared to other radionuclides, the fundamentally lower radiation hazards of tritium and carbon-14 allow these low activity wastes to be disposed of safely when emphasis is placed on the other hazardous or noxious properties presented by the materials.

II. Comments Received

MTB received comments on the proposed rule change from nine companies and one individual. All but one of the comments expressed a position and were supportive of the proposal. Several encouraged expansion of the scope of the change and some raised specific points as needing clarification.

Several commenters pointed out that the term "disposal" is used differently by the NRC and Environmental Protection Agency. In some cases "disposals" is used in a narrow manner and refers only to land burial or incineration. In other usages "disposal" is expanded to include beneficial reuse. The commenters encouraged MTB to ensure that the scope of the final rule incorporates the broader application of the term.

The NRC has determined that these materials may meet their ultimate disposition without regard to their radioactivity. MTB further believes that transportation of these waste materials presents less of a hazard than their disposition. Consequently, the radiological safety aspects of their transportation is assured regardless of their ultimate method of disposition. MTB agrees that transport of these materials for beneficial reuse should be included and so the words "or recovery" are added to "disposal" in § 173.425(d).

One commenter believed that the proposed rule implied that these low specific activity (less than 0.05 μCi/g or 1.9 MBq/kg) *must* be transported in accordance with § 173.425 in all situations. MTB would like to clarify that this is not the case.

Disregarding for a moment any other hazardous properties of these materials, there are several different situations which may apply to a low specific activity material. If the material has a specific activity of 0.002 μCi/g (74 kBq/kg) or less, then it is not regulated as radioactive by the HMR. If the material has a high enough specific activity to be regulated but the total activity in each package does not exceed 2.0 mCi (74 MBq) of tritium or 6.0 mCi (222 MBq) of carbon-14, then the package could be shipped as a "limited quantity" in accordance with §§ 173.421 and 173.421-1 (multiple hazard radioactive materials in this category would be governed by § 173.421-2). If the material exceeds both the threshold specific activity for regulation in transportation and the total activity limit for limited quantities, then the material would be transported in accordance with § 173.425. There is also the option of packaging and transporting these materials as Type A quantities (§ 173.415).

It should also be noted that a recent MTB rulemaking (Docket HM-139C) has been published (50 FR 11700) which allows yet another option for shipping flammable scintillation media waste such as xylene, toluene and acetone containing low levels of tritium and carbon-14. Since the new § 173.425(d) allows disregard of the radioactive nature of the material, it can be shipped in accordance with the recently added § 173.12. Alternatively, a shipper of these materials could prepare them for transportation in accordance with §§ 173.118 or 173.119 of the HMR.

One commenter suggested increasing the number of radionuclides which would be covered by this rule. MTB is relying, in part, on the regulatory evaluation performed by the NRC in their earlier rulemaking action. Since the NRC action was specifically limited to tritium and carbon-14, MTB is limiting its actions to these radionuclides as well. If the NRC adds other

radionuclides to CFR 20.306, they would automatically be incorporated into the provisions of this final rule since §173.425(d) refers generically to the NRC requirement.

One commenter questioned whether or not facilities would be allowed to incinerate the low specific activity (less than 0.05 μCi/g or 1.9 MBq/kg) tritium and carbon-14 wastes. This rulemaking has absolutely no effect on the Federal, State or local requirements which govern acceptable techniques for disposal or processing. The licensing or permitting of these operations are not under the jurisdiction of DOT. This rulemaking only relaxes the regulatory requirements for transportation in the course of disposal or recovery of the materials.

III. Administrative Notices

A. Executive Order 12291

The MTB has determined that the effect of this final rule will not meet the criteria specified in section 1(b) of Executive Order 12291 and is, therefore, not a major rule. This is not a significant rule under DOT regulatory procedures (44 FR 11034) and requires neither a Regulatory Impact Analysis, nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.) A regulatory evaluation is available for review in the Docket.

B. Impact on Small Entities

Based on limited information concerning size and nature of entities likely affected, I certify this final rule will not, as promulgated, have a significant economic impact on a substantial number of small entities under criteria of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation.

In consideration of the foregoing, Part 173 of Title 49, Code of Federal Regulations is amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. The authority citation for Part 173 continues to read in part as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR 1.53(e). * * *

2. In 173.425, paragraph (d) is added to read as follows:

§ 173.425 Transport requirements for low specific activity (LSA) radioactive materials.

* * * * *

(d) Except for transportation by aircraft, low specific activity material that conforms with the provisions specified in 10 CFR 20.306 is excepted from all requirements of this subchapter pertaining to radio-active materials when offered for transportation for disposal or recovery. A material which meets the definition of another hazard class is subject to the provisions of this subchapter relating to that hazard class.

Issued in Washington, D.C., on May 31, 1985.

L.D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 85-13602 Filed 6-5-85; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 83-12; Notice 5]

Lamps, Reflective Devices, and Associated Equipment; Clarifications

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; clarifying amendments.

SUMMARY: This notice clarifies the final rule published on November 26, 1984 (49 FR 46386), relating to lamps, reflective devices, and associated equipment through non-substantive amendments to paragraph S4.1.1.11 and Figure 1a.

EFFECTIVE DATE: June 6, 1985.

FOR FURTHER INFORMATION CONTACT: Ken Rutland, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2154).

SUPPLEMENTARY INFORMATION: Following publication of the harmonization amendments to Standard No. 108 on November 26, 1984 (49 FR 46386), the agency received several requests for clarification. After due consideration, it has decided that clarification is best provided by non-substantive amendments to the provisions in question.

The harmonization amendments substituted new paragraphs S4.1.1.11 and S4.1.1.12 for the old ones, requiring new Figures 1a, 1b, and 1c to replace former Figure 1. With respect to motorcycle turn signal lamps, the values of Figure 1b have been substituted for those specified in paragraph S4.1.1.30 (which was unchanged and which allowed alternative compliance with either one-half of certain SAE values, or those of Figure 1). This means that S4.1.1.30 has been superseded, is technically incorrect, and may be eliminated from the standard. However, because new paragraph S4.1.11 has omitted stating that motorcycle turn signal lamps need meet only one-half the sums given in Figure 1b, the impression has been created that the grouped minimum candlepower method for testing motorcycle turn signal lamps is no longer available. The agency intended no change in this requirement. NHTSA is therefore amending paragraph S4.1.1.11 to correct the misimpression, and to delete paragraph S4.1.1.30.

Paragraph S4.1.1.11 also references values in Figures 1a and 1b that are substituted for those in Table 1 of SAE "J585e Taillamps (at H or above)". The agency intended to state "(Maximum at H or above)", an omission which could create confusion and is now being corrected.

Finally a footnote is being added to Figure 1a to clarify that values shall be truncated after one digit to the right of the decimal point. For example, 95 cd×12.6%=11.875 cd, but the value to use is 11.8 cd, dropping the last two digits. The Figure is also being changed graphically to assure easier reading of the test grid percentages.

Because these amendments are non-substantive and provide clarifications, it is hereby found for good cause shown that notice and comment are unnecessary and an effective date earlier than 180 days after issuance is in the public interest. The amendments are effective upon publication in the Federal Register.

List of Subject in 49 CFR Part 571

Imports, Motor vehicles safety, Motor vehicles.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

The authority citation for Part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

Section 571.108 is amended as follows:

1. The last sentence in paragraph S4.1.1.11 is revised to read:

S4.1.1.11 * * * The values specified in Figure 1a and Figure 1b are substituted for those specified in Table 1 of the following SAE Standards: J222 *Parking Lamps*, J585e *Taillamps* (maximum at H or above), J585c *Stop Lamps*, and J588e *Turn Signal Lamps*, except that motorcycle turn signal lamps need meet only one-half of the minimum

photometric values specified in Figure 1b".

2. Paragraph S4.1.1.30 is removed.

3. Figure 1a is revised as follows:

FIGURE 1a.—REQUIRED PERCENTAGES OF MINIMUM CANDLEPOWER OF FIGURE 1b.

Test points (deg)		Turn signal	Stop	Parking	Tail
10U, 10D	5L, 5R	20	20	20	20
5U, 5D	20L, 20R	12.5	12.5	10	15
	10L, 10R	37.5	37.5	20	40
	V	87.5	87.5	70	90
H	10L, 10R	50	50	35	40
	5L, 5R	100	100	90	100
	V	100	100	100	100

Note.—Minimum design candlepower requirements are determined by multiplying the percentages given in this Figure by the minimum allowable candlepower values in Figure 1b. The resulting values shall be truncated after one digit to the right of the decimal point.

The lawyer and program official principally responsible for this notice are Z. Taylor Vinson and Ken Rutland, respectively.

Issued on: May 30, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85-13488 Filed 6-5-85; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 50, No. 109
Thursday, June 6, 1985

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 85-338]

Importation of Mangoes From Belize

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Reopening of comment period for proposed rule.

SUMMARY: A document published in the Federal **Register** on May 6, 1985, proposed to amend the "Subpart—Fruits and Vegetables" regulations by adding provisions to allow the entry into the United States of mangoes from Belize if the mangoes originate from premises that have been subjected to aerial applications of technical malathion bait spray and meet certain other conditions. This document reopens the comment period for this proposal. This action is needed to allow industry representatives and other interested persons adequate time in which to prepare comments.

DATES: Comments on the proposed regulation must be received on or before August 5, 1985.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Robert G. Spaide, Assistant Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, APHIS, USDA, Room 663 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8295.

SUPPLEMENTARY INFORMATION: On May 5, 1985, the Department published in the Federal Register (50 FR 19158-19160) a proposal to amend the "Subpart—Fruits and Vegetables" regulations (contained in 7 CFR 319.56 *et seq.*) by adding provisions to allow the entry into the United States of mangoes from Belize if the mangoes originate from premises that have been subjected to aerial applications of technical malathion bait spray, and meet certain other conditions.

A 15-day period was provided for receiving comments on the proposal. This comment period expired on May 21, 1985. The Department has received two requests to reopen the comment period based on the assertion that additional time is needed for the development of comments.

In support of the 15-day comment period, the proposal indicated that a final rule would have to be adopted as soon as possible if it were to be adopted in time to allow mangoes from Belize to be imported into the United States during the 1985 mango season. It now appears that no mangoes could be eligible under the provisions of the proposal to be imported into the United States from Belize during the 1985 mango season. Further, it has been determined that additional time is needed to allow industry representatives and other interested persons adequate time in which to prepare comments. Accordingly, the comment period is reopened for 60 days.

Done at Washington, D.C., this 3rd day of June 1985.

H.L. Ford,

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

[FR Doc. 85-13658 Filed 6-5-85; 8:45 am]
BILLING CODE 3410-14-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 70, 74, 82, 201, and 701

[Docket Nos. 77N-0009 and 78P-0164]

Colors Additives; Proposed Use of Abbreviations for Labeling Foods, Drugs, Cosmetics, and Medical Devices

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations to permit the use of abbreviated names for certain color additives that are used in foods, drugs, cosmetics, and medical devices. FDA is also proposing to change the common or usual name of Ext. D&C Yellow No. 7 to D&C Yellow No. 12, so that D&C Yellow No. 7 and Ext. D&C Yellow No. 7 can be readily distinguished when their abbreviated names are used. For the same reason, FDA is also proposing to change the common or usual name of Ext. D&C Violet No. 2 to D&C Violet No. 3. The agency is proposing these actions as a result of petitions submitted by the Grocery Manufacturers of America, Inc. (GMA), and of FDA's reconsideration of earlier actions involving the names for color additives used on labels.

DATES: Written comments by August 5, 1985. The proposed effective date of any final rule based on this proposal is its date of publication in the **Federal Register.**

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

FOR FURTHER INFORMATION CONTACT: Raymond W. Gill, Center for Food Safety and Applied Nutrition (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0180.

SUPPLEMENTARY INFORMATION:

I. Background

A. Initial GMA Petitions

The GMA submitted two petitions to FDA that relate to how color additives are to be declared on the labeling of foods. One of these petitions (Docket No. 77N-0009) requested that the agency permit FD&C Yellow No. 5 to be declared by the abbreviated name "Yellow 5" when the name of this certified color additive is listed in the ingredient statement of a food label. By letter dated February 11, 1980, FDA denied this petition.

GMA's other petition (Docket No. 78P-0164) requested that FDA amend 21 CFR 101.22 to establish a uniform format for the label declaration of color additives in food, and that the agency permit abbreviated names to be used for certified color additives when these additives are listed in the ingredient statements of foods labels. In a second letter dated February 11, 1980, the

agency denied this petition because of the agency's concern that FD&C Yellow No. 5 be appropriately identified because of its known sensitizing and allergenic properties and also because of the potential for consumer confusion if abbreviated terms are used for certified color additives. One possible source of confusion was the similarity in the names "Citrus Red No. 2" and "FD&C Red No. 2." The agency noted that the appearance of the name "Red 2" in the labeling of a food containing Citrus Red No. 2 could suggest to consumers that the color additive present in the food is FD&C Red No. 2, which is no longer approved for food use.

B. Petitions for Reconsideration

Subsequently, GMA requested that FDA reconsider each of these decisions. The petitioner argued that, with the exception of FD&C Yellow No. 5, food manufacturers are not required to list the names of the individual color additives used in their products, and that by permitting the use of abbreviated names, FDA would be encouraging manufacturers to list voluntarily on the label of their products the names of the individual color additives that they used.

The petitioner also argued that consumers would not be confused if abbreviated names for certified color additives appear in the labeling of foods and the full common or usual appear in the labeling of drugs and cosmetics, because there is no overlap in the names of certified color additives approved for use in foods and the names of those approved for use only in drugs and cosmetics. GMA stated that the only possible source of confusion was in the names of D&C Violet No. 2 and Ext. D&C Violet No. 2 and D&C Yellow No. 7 and Ext. D&C Yellow No. 7, but that none of these color additives are listed for use in foods.

Finally, the petitioner acknowledged the possibility for confusion between Citrus Red No. 2 and FD&C Red No. 2 but argued that it is very unlikely that the abbreviated name "Red 2" would appear on the labeling of foods because the only use of Citrus Red No. 2 is to color the skins of oranges under specified circumstances.

II. Proposal To Permit the Use of Abbreviated Names

FDA has reviewed GMA's petitions for reconsideration and has tentatively decided that it is in the public interest to reconsider and to modify its earlier position. Under the Federal Food, Drug, and Cosmetic Act (the act), individual color additives, except FD&C Yellow No. 5, need be declared only by the collective term "coloring" when used to color foods. Therefore, if FDA permits the use of abbreviated names for these color additives, there is a possibility that more manufacturers will voluntarily declare on the product labels of foods the names of the color additives that they have used. These voluntary declarations will be more informative to consumers than the collective term required under the act. Morever, the labeling scheme that the agency is proposing should prevent any consumer confusion.

Consistent with these tentative views, on January 28, 1983, the agency issued an advisory opinion (Docket Nos. 77N–0009 and 78P–0164) in response to GMA's petitions for reconsideration that states that specified abbreviated terms may be used for color additives as an alternative to the use of the common or usual names when declaring these ingredients on food labels. FDA is now proposing to incorporate that advisory opinion into its regulations. A copy of FDA's advisory opinion to GMA has been placed on file in the Dockets Management Branch (address above).

FDA is therefore proposing to amend 21 CFR 70.25 by adding a new paragraph (e) to permit the use of abbreviated names for those certified color additives listed for use in food in 21 CFR Parts 74 and 82. However, FDA believes that the name "Citrus Red" is a more appropriate abbreviated name than "Red 2" for the color additive Citrus Red No. 2 and is proposing that this term be used as the abbreviated name for this color additive to avoid consumer confusion.

III. Other Proposed Actions

FDA further proposes to allow the use of abbreviated names for color additives in the labeling of drugs, cosmetics, and medical devices. The agency believes that the labeling requirements for these products should be consistent unless there are compelling reasons to do otherwise. Therefore, the agency is proposing to revise 21 CFR 201.20 and 701.3 to permit the use of abbreviated names in the labeling of drugs, cosmetics, and medical devices. FDA advises that although it is proposing to permit the use of either the abbreviated term "Yellow 5" or the complete common or usual name "FD&C Yellow No. 5" on the label of OTC and prescription drugs, it is not proposing any change in the requirement that the name "tartrazine" accompany the common or usual name (or, if the agency adopts this proposal, the abbreviated name) of this color additive on the label of these products.

The agency also is proposing to change the common or usual name of Ext. D&C Yellow No. 7 to D&C Yellow No. 12 to avoid confusion between this color additive and D&C Yellow No. 7. The agency is also proposing to change the common or usual name of Ext. D&C Violet No. 2 to D&C Violet No. 3 for the same reason. If these changes are adopted, the abbreviated names for these color additives could be used without concern about confusion or overlap with similar names for different color additives in drugs and cosmetics.

Food manufacturers have been able to use abbreviated names for color additives since FDA issued its advisory opinion in 1983. The agency believes that drug, cosmetic, and medical device manufacturers should have the same flexibility. Therefore, FDA is permitting the use of abbreviated names on labels in accordance with provisions of this proposal pending publication of a final rule. Additionally, if the final rule issues as proposed, FDA will permit manufacturers to continue to use labeling bearing the names Ext. D&C Yellow No. 7 and Ext. D&C Violet No. 2 until their stocks of that labeling have been exhausted.

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) (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.

V. Economic Impact

In accordance with Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–345), FDA has analyzed the economic impacts that the proposed rule would have, if promulgated. The effect of this proposal is to permit manufacturers to use 50 percent less label space for the same information covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action and that the proposed rule, if promulgated, will not be a major rule as defined by Executive Order 12291.

List of Subjects

21 CFR Part 70

Color additives, Cosmetics, Definitions, Foods, Drugs, Medical

devices, Labeling, Packaging and containers.

21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

21 CFR Part 82

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

21 CFR Part 201

Drugs, Labeling.

21 CFR Part 701

Cosmetics, Labeling.

Therefore, under the Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

A1. The authority citation for Parts 70, 74, and 82 is revised to read as follows:

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

PART 70—COLOR ADDITIVES

A2. Part 70 is amended in § 70.25 by adding new paragraph (e), to read as follows:

§ 70.25 Labeling requirements for color additives (other than hair dyes).

* * * * *

(e) *Declaration of the presence of certain color additives that have been certified for use in foods, drugs, cosmetics, and medical devices.* When the following certified color additives are declared by name in the list of ingredients of a food, drug, cosmetic, or medical device, they may be declared by the name specified in applicable color additive regulations in Parts 74 and 82 of this chapter, or they may be declared by the appropriate abbreviated names as follows:

(1) Citrus Red No. 2 may be abbreviated as "Citrus Red."

(2) Any color additive listed by a name beginning with "FD&C" or "D&C" may be abbreviated by omitting "FD&C," "D&C," and "No.". For example, FD&C Blue No. 1 may be abbreviated as "Blue 1" and D&C Violet No. 2 may be abbreviated as "Violet 2."

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

A3. Part 74 is amended:

a. In § 74.705 by revising paragraph (d)(2), to read as follows:

§ 74.705 FD&C Yellow No. 5.

* * * * *

(d) * * *

(2) Foods for human use that contain FD&C Yellow No. 5, including butter, cheese, and ice cream, shall specifically declare the presence of FD&C Yellow No. 5 by listing the color additive as FD&C Yellow No. 5 or Yellow 5 among the list of ingredients.

* * * * *

b. In § 74.1705 by revising paragraph (c)(2) and (3), to read as follows:

§ 74.1705 FD&C Yellow No. 5.

* * * * *

(c) * * *

(2) The label of OTC and prescription drug products intended for human use administered orally, nasally, rectally, or vaginally containing FD&C Yellow No. 5 shall specifically declare the presence of FD&C Yellow No. 5 by listing the color additive using the names FD&C Yellow No. 5 and tartrazine. The label shall bear a statement such as "Contains FD&C Yellow No. 5 (tartrazine) as a color additive" or "Contains color additives including FD&C Yellow No. 5 (tartrazine)", except that where the common or usual name FD&C Yellow No. 5 appears, the abbreviated term "Yellow 5" may be substituted. The labels of certain drug products subject to this labeling requirement that are also cosmetics, such as: antibacterial mouthwashes and fluoride toothpastes, need not comply with this requirement provided they comply with the requirements of § 701.3 of this chapter.

(3) The labeling required by § 201.100(d) of this chapter for prescription drugs for human use containing FD&C Yellow No. 5 that are administered orally, nasally, vaginally, or rectally shall, in addition to the label statement required under paragraph (c)(2) of this section, bear the warning statement "This product contains FD&C Yellow No. 5 (tartrazine) which may cause allergic-type reactions (including bronchial asthma) in certain susceptible individuals. Although the overall incidence of FD&C Yellow No. 5 (tartrazine) sensitivity in the general population is low, it is frequently seen in patients who also have aspirin hypersensitivity." This warning statement shall appear in the "Precautions" section of the labeling. The abbreviated term "Yellow 5" may be substituted for the common or usual name "FD&C Yellow No. 5."

* * * * *

§ 74.170a [Redesignated as § 74.1712]

c. By redesignating § 74.1707a *Ext. D&C Yellow No. 7* as § 74.1712 *D&C Yellow No. 12* and amending new § 74.1712 by removing the words "Ext. D&C Yellow No. 7" wherever they appear in the text and inserting in their place the words "D&C Yellow No. 12".

§ 74. 2602a [Redesignated as § 74.2603]

d. By redesignating § 74.2602a *Ext. D&C Violet No. 2* as § 74.2603 *D&C Violet No. 3* and amending new § 74.2603 by removing the words "Ext. D&C Violet No. 2" wherever they appear in the text and inserting in their place the words "D&C Violet No. 3".

§ 74.27070a [Redesignated as § 74.2712]

e. By redesignating § 74.2707a *Ext. D&C Yellow No. 7* as § 74.2712 *D&C Yellow No. 12* and amending new § 74.2712 by removing the words "Ext. D&C Yellow No. 7" wherever thay appear in the text and inserting in their place the words "D&C Yellow No. 12", and in paragraph (a) by revising the reference "§ 74.1707a" to read "§ 74.1712".

PART 82—LISTING OF CERTIFIED PROVISONALLY LISTED COLORS AND SPECIFICATIONS

§ 82.2702a [Redesignated as § 82.2712]

A4. Part 82 is amended by redesignating § 82.2702a *Ext. D&C Yellow No. 7* as § 82.2712 *D&C Yellow No. 12* and amending new § 82.2712 by removing the words "Ext. D&C Yellow No. 7" wherever they appear in the text

and inserting in their place the words "D&C Yellow No. 12", and by revising the reference "§ 74.1707a" to read "§ 74.1712".

PART 201—LABELING

B1. The authority citation for Part 201 is revised to read as follows:

Authority: Secs. 501, 502, 701, 52 Stat. 1049–1051 as amended, 1055–1056 as amended (21 U.S.C. 351, 352, 371); 21 CFR 5.10, 201.20 also issued under sec. 706, 74 Stat. 399–407 as amended (21 U.S.C. 376).

2. Part 201 is amended in § 201.20 by revising the second sentence in paragraph (a) and the last sentence in paragraph (b) to read as follows:

§ 201.20 Declaration of presence of FD&C Yellow No. 5 in certain drugs for human use.

(a) * * * The labeling shall bear a statement such as "Contains FD&C Yellow No. 5 (tartrazine) as a color additive" or "Contains color additives including FD&C Yellow No. 5 (tartrazine)", except that where the common or usual name FD&C Yellow No. 5 appears, the abbreviated term "Yellow 5" may be substituted. * * *

(b) * * * This warning statement shall appear in the "Precautions" section of the labeling. The abbreviated term "Yellow 5" may be substituted for the common or usual name "FD&C Yellow No. 5."

PART 701—COSMETIC LABELING

C1. The authority citation for Part 701 is revised to read as follows:

Authority: Secs. 601, 602, 701, 704, 52 Stat. 1054 as amended, 1055–1057 as amended (21 U.S.C. 361, 362, 371, 374); 21 CFR 5.10, 701.3 also issued under secs. 5(c), 6(a), 80 Stat. 1298, 1299 (15 U.S.C. 1454, 1455).

C2. Part 701 is amended in § 701.3 by revising paragraph (c)(1), to read as follows:

§ 701.3 Designation of ingredients.

* * * * *

(c) * * *

(1) The name specified in § 70.25(e) or Subpart C of Part 73 or Subpart C of Part 74 or Part 82 or § 701.30 as established by the Commissioner for that ingredient for the purpose of cosmetic ingredient labeling pursuant to paragraph (e) of this section;

* * * * *

Interested persons may, on or before August 5, 1985, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 1, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-13565 Filed 6-5-85; am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Subtitle A

Natural Resource Damage Assessment; Extension of Comment Period

AGENCY: Department of the Interior.

ACTION: Notice of Extension of Comment Period on the Development of the Natural Resource Damage Assessment Regulations.

SUMMARY: A notice requesting comments on the development of the Natural Resource Damage Assessment regulations, being developed in accordance with the mandates of section 301(c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), was published in the **Federal Register** on January 11, 1985, (50 FR 1550). The comment period was open through May 31, 1985. In response to a request that the comment period be extended, the comment period is extended by this notice to July 1, 1985.

DATE: Comments should be submitted by July 1, 1985. Comments received or postmarked after that date may not be considered in the decisionmaking process for the issuance of a proposed rule.

ADDRESS: Written comments or inquiries may be addressed to CERCLA 301 Project, Room 4354 Main Interior, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Keith Eastin, Associate Solicitor, (202) 343-4344.

Dated: June 3, 1985.

Keith Eastin,

Associate Solicitor.

[FR Doc. 85-13614 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 3

Federal Acquisition Regulation (FAR); Implementation of Executive Order 12448 Regarding Voiding and Rescinding Contracts; Correction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule; correction.

SUMMARY: This document corrects section 3.704, Policy, of the proposed rule published in the **Federal Register** on Friday, May 31, 1985 (50 FR 23157).

DATES: The period of comment is extended to July 8, 1985.

FOR FURTHER INFORMATION CONTACT: Roger M. Schwartz, Director, FAR Secretariat, Room 4041, GS Building, Washington, D.C. 20405, Telephone (202) 523-4755/

In FR Doc. 85-13105 issued Friday, May 31, 1985, make the following correction:

Section 3.704 is corrected to read as follows:

3.704 Policy.

(a) In cases in which there is a final conviction for any violation of 18 U.S.C. 201-224 involving or relating to contracts awarded by an agency, the agency head or designee shall consider the facts available and, if appropriate, may declare void and rescind contracts, and recover the amounts expended and property transferred, in accordance with the policies and procedures of this subpart.

(b) Since a final conviction under 18 U.S.C. 201-224 relating to a contract also may justify the conclusion that the party involved is not presently responsible, the agency should consider initiating debarment proceedings in accordance with FAR Subpart 9.4, Debarment, Suspension and Ineligibility, if debarment has not been initiated or is not in effect at the time the final conviction is entered.

Dated: June 3, 1985.

Roger M. Schwartz,

Director, FAR Secretariat.

[FR Doc. 85-13605 Filed 6-5-85; 8:45 am]

BILLING CODE 6820-61-M

Notices

Federal Register
Vol. 50, No. 109
Thursday, June 6, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Public Meeting of Assembly

Correction

In FR Doc. 85-13120 appearing on page 23169 in the issue of Friday, May 31, 1985, make the following correction: In the first column, last line, "254-7029" should read "254-7020".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Tracy Property Public Fish and Wildlife Development Measure, Resource Conservation and Development Program, Massachusetts

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of 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 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 Tracy Property Public Fish and Wildlife Development Measure, Berkshire County, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Rex O. Tracy, State Conservationist, Soil Conservation Service, 451 West Street, Amherst, Massachusetts, 01002, telephone (413) 256-0442.

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, Rex O. Tracy, State Conservationist, has determined that the preparation of the review of an environmental impact statement are not needed for this project.

The project concerns improving the fish and wildlife habitat within a 200 acre tract known as the "Tracy Property" as described in the Tracy Property Public Fish and Wildlife Development RC&D Measure Plan. The planned works of improvement includes: The installation of a gabion grade control structure at the outlet of an 11.4 acre pond; rock rip rap outlet protection; a twelve vehicle space gravel parking lot; entrance gate; two and one-half miles of hiking trails with vistas; two one-acre clear cut wildlife plots and vegetative releasing of an apple tree grove.

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 environmen'al assessment are on file and may be reviewed by contacting Rex O. Tracy.

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: May 22, 1985.

Rex O. Tracy,

State Conservationist.

[FR Doc. 85-13363 Filed 6-5-85; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Artificial Reef Plan

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

ACTION: Notice of availability of a draft artificial reef plan and request for comments.

SUMMARY: NOAA issues this notice that copies of a draft National Artificial Reef Plan are available and comments are requested. This draft plan has been developed to provide guidance on planning, siting, designing, permitting, installing, monitoring, managing, and maintaining artificial reefs. Copies of the draft plan may be obtained from the address below.

DATE: Comments on the draft plan should be submitted on or before July 15, 1985.

ADDRESS: Requests for copies and comments should be sent to Mr. Richard B. Stone, National Marine Fisheries Service, Page 2, Room 420, Washington D.C. 20235. Please mark, "National Artificial Reef Plan" on the envelope.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone (Recreational Fisheries Officer), 202-634-7449.

SUPPLEMENTARY INFORMATION: The National Fishing Enhancement Act of 1984 (Act) mandates the preparation of a long-term National Artificial Reef Plan. This draft plan has been formulated by the Federal Agencies involved in reviewing and approving permits for artificial reefs under direction of the Act, in consulation with representatives of Fishery Management Councils, Interstate Fisheries Commission, industry, recognized artificial reef authorities, and the public. Following public comment a final plan will be submitted to Congress prior to November 8, 1985, as required by the Act.

Artificial reefs can enhance recreational and commercial fishing opportunities; however, creating a successful reef entails more than placing miscellaneous materials in ocean, estuarine, or fresh water environments. Planning is needed to ensure the benefits of artificial reefs. If materials are improperly placed or constructed, all or part of a reef can disappear or break apart and interfere with commercial fishing operations or damage natural reefs. The purpose of this plan is to guide the management of artificial reefs to obtain maximum benefits.

Dated: June 3, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-13639 Filed 6-5-85; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Organization of the Joint Chiefs of Staff; National Defense University Board of Visitors; Meeting

AGENCY: National Defense University, DoD.

ACTION: Notice of meeting.

SUMMARY: The President, National Defense University has scheduled a meeting of the Board of Visitors.

DATE: The meeting will be held between 0900-1145 and 1330-1600, July 10, 1985.

ADDRESS: The meeting will he held in the Theodore Roosevelt Hall (Building 61), Fort Lesley J. McNair, Washington, DC.

FOR FURTHER INFORMATION CONTACT: To reserve space, interested persons should write or phone 475-1145, the Director, University Plans and Programs, National Defense University, Fort Lesley J. McNair, Washington, DC 20319.

SUPPLEMENTARY INFORMATION: The discussion will include progress and plans for the National Defense University and the curricula, faculty, and students of the Industrial College of the Armed Forces, the National War College, and the Armed Forces Staff College. The meeting is open to the public, but the limited space available for observers will be allocated on a first-come, first-serve basis.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

June 3, 1985.

[FR Doc. 85-13572 Filed 6-5-85; 8:45 am]

BILLING CODE 3810-01-M

Blue Ribbon Panel on Sizing DoD Medical Treatment Facilities; Meeting

AGENCY: Blue Ribbon Panel on Sizing DoD Medical Treatment Facilities, DoD.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of Subsection (a) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that an open meeting of the Blue Ribbon Panel on Sizing DoD Medical Treatment Facilities has been scheduled as follows:

DATE: 13 June 1985, 8:30 a.m. to 5:00 p.m.

ADDRESS: Crystal City Marriott Hotel, Arlington VA.

FOR FURTHER INFORMATION CONTACT: LTC Michael Averbuch, Deputy Staff Director, Blue Ribbon Panel on Sizing DoD MTF c/o ASD (HA), Room 3E349, The Pentagon, Washington, D.C. 20301 [(202) 653-0080/0081].

SUPPLEMENTARY INFORMATION: This meeting of the Panel will continue discussion of issues relevant to sizing of medical treatment facilities. The meeting is open to the public.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

June 3, 1985.

[FR Doc. 85-13631 Filed 6-5-85; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers; Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Section 10 and/or Section 9 and Section 404 Permits To Construct a Multi-Purpose Dam and Reservoir in St. Helena and East Feliciana Parishes, LA

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. *Proposed Action.* This statement will analyze work proposed in a permit applicaton submitted by Louisiana Department of Transportation and Development. This work would consist of a multi-purpose dam and reservoir in and across the Amite River at a point about 97.2 miles above the mouth of the waterway, approximately 6 miles southwesterly from Darlington, Louisiana. The primary purpose would be to reduce flooding potential in the Amite River Basin, south of the proposed dam. A secondary purpose would be to provide for water-related recreational activities. Hydrolectric power generation and potable water supply are potential features. The proposed dam, appurtenant structures and work would be located within an area about 19,550 feet long and 3,650 feet wide at the Amite River, 5,100 feet wide at the extreme eastern end, and with the dam being approximately 510 feet wide at its widest point. The top of the dam would be at 200.0 feet NGVD; the river channel bed is at about 114.0 feet NGVD. The minimum normal pool (at 170.0 feet NGVD) would cover 15,300 acres. The design surcharge elevation (1983 flood) would be 184.9 feet NGVD with a pool surface area of 17,200 acres. In the event of the probable maximum flood, water would reach 192.0 feet NGVD and would cover 19,500 acres.

2. *Alternatives.* Alternatives, such as no action, different normal pool sites, including a dry reservoir, the construction of several smaller reservoirs on tributaries entering the Amite River, and a combination of zoning, stormwater retention, and building restriction ordinances will be discussed in the DEIS.

3. *Scoping Process.* a. A public hearing was held October 3, 1984, to present the findings of the preliminary study made by the U.S. Army Corps of Engineers, New Orleans District, on flood control for the Amite River and tributaries and to solicit comments from the public, as well as Federal and state agencies. On the basis of this preliminary study, a 4,100-acre dual purpose reservoir (normal pool size) at this site was considered an economically feasible approach to flood control in the lower Amite. At the time of this meeting, the Governor of Louisiana announced that the State would build a reservoir at this site. The "Amite River and Tributaries Initial Evaluation Report on Flood Control", published in December 1984, contains the results of the study and public comments.

b. Significant issues to be discussed in the DEIS include: Flood protection, promotion of residential and commercial/industrial growth in wetlands, loss of sand and gravel resources, impact on quantity and quality of downstream flow and impact on salinity levels in Lake Maurepas, impact on fishery and wildlife resources resulting from construction, operation and maintenance.

c. No formal assignments are currently planned for input into the DEIS by other Federal and state agencies. The applicant anticipates close coordination with other state agencies. Informal meetings will be held, and communication maintained throughout the EIS process with all concerned agencies.

d. Periodic reviews will be held with various Federal, state, and local agencies; they will be kept apprised of the progress.

4. *Scoping Meetings.* Two public meetings will be held. The first will be in East Baton Rouge Parish, Baton Rouge, Louisiana, on Tuesday, June 25, 1985, at 7:00 p.m. at Southeast Middle School. The second will be in Greensburg, St. Helena Parish, Louisiana, on Thursday, June 27, 1985, at Greensburg High

School. The meeting will consist of an introduction and description of the proposed project, the EIS process, and scoping process, after which the atendees will be divided into workshop groups, allowing individuals more freedom to input their ideas and concerns. Comments made by individuals in the workshops will be recorded, compiled, and analyzed. A summary of the results will be forwarded to each participant who requests a copy.

5. *Availability.* The DEIS is scheduled to be available to the public in December 1986.

ADDRESS: Questions concerning the proposed action and DEIS may be directed to either Dr. Mary L. Plumb-Mentjes at (504) 838–2292 or Dr. Lloyd Baehr at (504) 838–2259, both at the New Orleans District, U.S. Army Corps of Engineers, Regulatory Assessment Section (LMNOD–SA), Post Office Box 60267, New Orleans, Louisiana 70160.

Eugene S. Witherspoon,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 85–13650 Filed 6–5–85; 8:45 am]

BILLING CODE 3710–84–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before July 8, 1985.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information collection requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract.

OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: June 3, 1985.

Linda M. Combs,

Deputy Under Secretary for Management.

Office of Elementary and Secondary Education

Type of Review Requested: Extension
Title: Application for Disaster Assistance under section 7 of Pub. L. 81–874
Agency Form Number: ED 423
Frequency: Non-recurring
Affected Public: Local educational agencies
Reporting Burden: Responses: 250; Burden Hours: 500
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This application provides data to determine eligibility of local educational agencies for disaster assistance under section 7 of Pub. L. 81–874.

Type of Review Requested: Reinstatement
Title: Financial and Performance Status Reports—State Educational Agency and Desegregation Assistance Center Programs
Agency Form Number: ED 296–1
Frequency: Annually
Affected Public: State or local governments; Non-profit institutions
Reporting Burden: Responses: 146; Burden Hours: 876
Recordkeeping Burden: Recordkeepers: 146; Burden Hours: 292

Abstract: Grantees under Title IV of the Civil Rights Act of 1964 are required to submit financial and performance status reports annually. These reports are used to monitor compliance with terms and conditions of grant awards.

Type of Review Requested: Extension
Title: Women's Educational Equity Act Performance Report
Agency Form Number: ED 436–2
Frequency: Annually
Affected Public: Individuals or households; State or local governments; Non-profit institutions
Reporting Burden: Responses: 70; Burden Hours: 350
Recordkeeping Burden: Recordkeepers: 70; Burden Hours: 14

Abstract: Grantees under the Women's Educational Equity Act Program are required to submit performance reports at the completion of their projects. Reports are used to monitor compliance with terms and conditions of grant awards.

Office of Postsecondary Education

Type of Review Requested: Revision
Title: Application for Federal Student Aid
Agency Form Number: ED 255
Frequency: Annually
Affected Public: Individuals or households
Reporting Burden: Responses: 5,800,000; Burden Hours: 6,670,000
Recordkeeping Burden: Recordkeepers: 5,800,000; Burden Hours: 116,000

Abstract: This form collects the data necessary to determine student eligibility for Federal student aid. The information is used to calculate a Student Aid Index for the distribution of Pell Grants and a uniform methodology number which financial aid administrators may use to award other types of financial aid.

Type of Review Requested: Extension
Title: Application for Grants Under the Graduate and Professional Opportunity Fellowships Program
Agency Form Number: ED 591
Frequency: Annually
Affected Public: Non-profit institutions
Reporting Burden: Responses: 174; Burden Hours: 3,480
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: This application is used to obtain data from institutions of higher education in order to competitively award grants under the Graduate and Professional Opportunity Fellowships Program.

[FR Doc. 85–13624 Filed 6–5–85; 8:45 am]

BILLING CODE 4000–01–M

Office of Postsecondary Education

Challenge Grant Program; Application Notice of Non-Competing Continuation Awards for Fiscal Year 1986

Applications are invited for non-competing continuation awards under the Challenge Grant Program. This program is one of the Institutional Aid Programs and is authorized by Title III of the Higher Education Act of 1965, as amended (HEA). Specifically, the Challenge Grant Program is authorized by sections 331–332 and 341–347 of the HEA (20 U.S.C. 1064–1069c).

Under this program, the Secretary awards development grants to eligible institutions of higher education to assist them in carrying out their long-range development plans, thereby assisting them in becoming self-sufficient. Federal assistance is provided on a matching basis as an incentive for institutions to seek alternative sources of funding to achieve self sufficiency. Institutions may use the funds awarded under the program to improve their academic quality and to strengthen their planning, management, and fiscal capabilities.

Closing date for transmittal of applications: To be assured of consideration for funding, an application for a non-competing continuation award should be mailed or hand-delivered by October 1, 1985.

If an application for a non-competing continuation awared is late, the Department may lack sufficient time to review it with other non-competing continuation applications and may decline to accept it.

Applications delivered by mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.031F (Institutional Aid Programs—Challenge Grant Program), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commerical 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.

Applications delivered by hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 4, 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) daly except Saturdays, Sundays, and Federal holidays.

Available funds: The Administration's budget for Fiscal Year 1986 requested an appropriation of $141,208,000 for the Institutional Aid Programs. Of that amount, approximately $4,800,000 has been requested to fund approximately 16 non-competing continuation grants under the Challenge grant program.

These estimates do not bind the U.S. Department of Education to a specific number of grants, or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Since the actual level of Fiscal Year 1986 appropriations for these programs has not yet been established by the Congress, it is not possible to provide data on the precise amount of funds available. Pending resolution of the final level of appropriations, applications are invite to allow sufficient time for evaluation of these applications.

Application forms: Application forms for non-competing continuation awards are expected to be ready for mailing no later than August 1, 1985. They will be mailed routinely to currently funded projects. If a grantee does not receive the forms by August 15, 1985, the grantee should telephone the Division of Institutional Development at (202) 245–9091 for the Challenge Grant Program applications.

Applications must be prepared and sumitted in accordance with the regulation, instructions, and forms included in the program information package. However, the program information package is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed eight (8) pages in length per activity. The Secretary further urges that the applicants not submit information that is not requested. (Approved by the Office of Management and Budget under Control Number 1840–0113).

Application regulations: The regulations applicable to this program include the following:

(a) Eduction Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77 and 78; and

(b) Regulations for the Institutional Air Programs in 34 CFR Parts 624–627.

Further information: 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) 245–9091.

(20 U.S.C. 1051–1069)

(Catalog of Federal Domestic Assistance Number : 84.031F—Challenge Grant Program)

Dated: June 3, 1985.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 85–13623 Filed 6–5–85; 8:45 am

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP84-444-001 et al.]

Natural Gas Certificate Filings; Columbia Gas Transmission Corp. et al.

Take notice that the following filings have been made with the Commission:

1. Columbia Gas Transmission Corporation

[Docket No. CP84-444-001]

May 30, 1985.

Take notice that on May 10, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP84-444-001 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to continue to transport natural gas on behalf of Cincinnati Paperboard Corporation (Paperboard) under the certificate issued in Docket No. CP83-76-000 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.

By request notice on June 12, 1984, in Docket No. CP84-444-000 pursuant to § 157.205 of the Commission's Regulations, Columbia was authorized to transport up to 2.2 billion Btu equivalent of natural gas per day through May 6, 1985, to Paperboard's Cincinnati, Ohio, plant.

Columbia proposes to continue the above-described transportation through December 31, 1985, on the same terms and conditions as the existing transportation authority.

Comment date: July 15, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Transcontinental Gas Pipe Line Corporation, United Gas Pipe Line Company

[Docket No. CP85-492-000]

May 30, 1985.

Take notice that on May 7, 1985, Transcontinental Gas Pipe Line Corporation (Transco), P.O Box 1396, Houston, Texas 77251, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-492-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and for permission and approval to abandon an existing transportation service all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to exchange up to a maximum daily quantity of 15,000 Mcf of natural gas. Applicants state that a portion of the gas reserves underlying Eugene Island (EI) Block 57, offshore Louisiana is committed to Transco by a gas purchase agreement with Amerada Hess Corporation and that a portion of the gas reserves underlying High Island Blocks 110, 111, 137 and 138 (HI Block 111 Field), offshore Texas, is committed to United by a gas purchase agreement with Texaco Producing Inc. As proposed, Transco would receive United's natural gas at HI Block 111 and United would receive equivalent quantities on behalf of Transco at EI Block 32. Applicants propose that any imbalances would be eliminated at existing interconnections located (1) at Starks in Calacsieu Parish, Louisiana; (2) in Victoria County, Texas; (3) at Johnson's Bayou in Cameron Parish, Louisiana; (4) at Gibson in Terrebonne Parish, Louisiana; and (5) at any other mutually agreeable points. Applicants state that the exchange agreement would remain in force for five years and would be continued year to year thereafter and that neither company would assess a transportation charge for the proposed service.

Applicants also request that Transco be granted authorizaton to abandon the transportation service currently provided for United pursuant to Transco's Rate Schedule X-164. Under this service, Transco was authorized by the Commission's August 8, 1978, order in Docket No. CP78-212 (4 FERC ¶ 61,130) to transport on a firm basis up to 30,000 Mcf per day of United's gas produced from the HI Block 111 field and deliver equivalent quantities to United in Victoria County, Texas. As part of the exchange agreement, Applicants agreed to terminate this transportation service, it is stated.

Comment date: June 20, 1985, in accordance with Standard Paragraph F at the end of this notice.

3. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP85-501-000]

May 29, 1985.

Take notice that on May 9, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-501-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to West Texas Gas, Inc. (West Texas), for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 40,000 Mcf of natural gas per day to West Texas for resale to residential, irrigation and other customers in Texàs. Applicant claims the proposed sales are the result of West Texas' acquisition of natural gas distribution properties from Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), known as the Dalhart system and the Spearman system. Applicant states that as a result of the acquisition by West Texas of the Dalhart and Spearman systems it has entered into an agreement with West Texas to sell and deliver up to 40,000 Mcf of natural gas per day to West Texas in order to serve the customers formerly served by Peoples. Applicant also proposes to sell West Texas overrun volumes of natural gas on a best-efforts basis.

It is stated that Applicant would charge West Texas the Panhandle Area Rate as filed in Volume No. 2 of Applicant's FERC Gas Tariff, currently said to be $3.4139 per Mcf.

Applicant claims West Texas is better able to serve the natural gas requirements of the Dalhart and Spearman systems in a more efficient manner because of West Texas' physical proximity to those systems.

Comment date: June 19, 1985, in accordance with Standard Paragraph F at the end of this notice.

4. Colorado Interstate Gas Company

[Docket No. CP85-481-000]

May 29, 1985.

Take notice that on May 2, 1985, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP85-481-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, on an interruptible basis, of up to 110,000 Mcf of natural gas per day for the account of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), and authorizing the addition and deletion of delivery and redelivery points, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to their April 18, 1980, agreement, as amended, volumes of gas delivered to CIG for Northern's account or gas volumes that Northern would deliver to CIG would at various delivery points in Colorado and Wyoming.

The gas being received by CIG for Northern's account is delivered to Mountain Fuel Resources, Inc., for redelivery to Wyoming Interstate Company, Ltd., and Trailblazer Pipeline Company for ultimate delivery to Northern in Gage County, Nebraska, it is asserted.

It is also ascertained that CIG cooperates with Northern in arranging for the transportation and redelivery to Northern of the gas supplies remote from Northern's system, but in the general vicinity of CIG's facilities. The proposed transportation service would assure Northern of long-term access to its assigned gas reserves and it would eliminate the filing of biennial contract amendments, it is noted. It is also noted that gas is currently being transported under Part 284 of the Regulations and is being used for Northern's system supply.

No new facilities are required to transport these gas supplies, it is asserted. It is explained that the term of the agreement has been extended to October 6, 1986, and year to year thereafter.

CIG states that it is currently charging Northern 36.08 cents per Mcf for each Mcf of natural gas transported. CIG has also indicated that the aggregate volume of natural gas currently being delivered to CIG by Northern or by others for Northern's account is approximately 3,370 Mcf per day.

Comment date: June 19, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Northern Natural Gas Company, Division of InterNorth Inc.

[Docket No. CP85-283-001]

May 29, 1985.

Take notice that on May 13, 1985, Northern Natural Gas Company, Division of InterNorth Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-283-001, an amendment to its pending application filed on February 14, 1985, in Docket No. CP85-283-000 pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) so as to reflect a proposed extension for the term of service proposed by Applicant, all as more fully set forth in the amendment on file with the Commission and open to the public inspection.

In Docket No. CP85-283-000, Applicant requested authorization to transport up to 20,000 Mcf of natural gas per day and up to 5,840,000 Mcf of natural gas per year on behalf of Northern Petrochemical Company (Shipper). It was stated that Shipper would purchase gas from Northern Gas Marketing, Inc., and would cause the natural gas to be delivered to Applicant at 13 receipt points in Kansas and Oklahoma as designated in the original gas transportation agreement dated December 14, 1984. Applicant also proposed to transport Shipper's volumes pursuant to its Rate Schedule EUT-1 and deliver thermally equivalent volumes to an existing interconnection located in Jo Davies County, Illinois, between Applicant and Northern Illinois Gas Company (Northern Illinois). Northern Illinois would then transport these volumes directly to Shipper's plant located in Morris, Illinois, it was stated. Applicant also requested flexible authority to add and delete receipt/delivery points under the proposed service. The proposed term-of-service would have expired on June 30, 1985.

Protests were filed by National By-Products Inc., and The Firestone Tire and Rubber Company and as a result, Applicant's original request in Docket No. CP85-283-000 is currently being treated as an application for authorization pursuant to section 7(c) of the Natural Gas Act, it is noted. On May 13, 1985, Applicant filed an amendment to the December 14, 1984, transportation agreement. Applicant's amended service would continue until November 30, 1985, it is proposed. No other change to the original request under blanket authorization was proposed.

Comment date: June 19, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

6. Consolidated Gas Transmission Corporation

[Docket No. CP85-480-000]

June 3, 1985.

Take notice that on May 2, 1985, as supplemented May 13, 1985, Consolidated Gas Transmission Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP85-480-000 an application pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and § 284.107 of the Commission's Regulations authorizing Applicant to exchange natural gas with Cranberry Pipeline Corporation (Cranberry) for a period in excess of two years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the terms of an exchange agreement dated August 18, 1983, as amended February 22, 1985, it would exchange up to 5,000 dt equivalent of gas per day with Cranberry for a term to expire March 1, 1998. Applicant further states that it commenced such exchange service for Cranberry on January 16, 1985, pursuant to § 284.102 of the Commission's Regulations and would continue under such authority for a term of two years.

It is asserted that the proposed service would be rendered on a gas-for-gas exchange basis, therefore no rate would be charged.

Comment date: June 24, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

7. Bridgeline Gas Distribution Company

[Docket No. CP85-509-000]

June 3, 1985.

Take notice that on May 13, 1985, Bridgeline Distribution Company (Applicant), P.O. Box 60252, New Orleans, Louisiana 70160, filed in Docket No. CP85-509-000 an application pursuant to section 7 of the Natural Gas Act and § 284.222 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the sale, transmission or assignment of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant agrees to comply with the conditions as set forth in § 284.223(e) of the Commission's Regulations.

Comment date: July 18, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 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 National 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. 85-13625 Filed 6-5-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ID-2174-000 et al.]

Interlocking Directorate Applications; Robert E. Byrnes et al.

May 29, 1985.

Take note that the following filings have been made with the Commission:

1. Robert E. Byrnes

[Docket No. ID-2174-000]

Take notcie that on May 9, 1985, Robert Byrnes (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President—the Cincinnati Gas & Electric Company

Vice President, Director—The Union Light, Heat and Power Company

Comment date: June 12, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Ernest D. Huggard

[Docket No. ID-1811-005]

Take notice that on May 16, 1985, Ernest D. Huggard (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Chief Executive Officer—Atlantic City Electric Company

President—Deepwater Operating Company

Comment date: June 12, 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 Procedures (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. 85-13627 Filed 6-5-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-7004-033]

Pennzoil Co., Nineteenth Amendment to Application for Immediate Clarification or Abandonment Authorization

May 31, 1985

Take notice that on May 28, 1985, Pennzoil Company (Pennzoil), P.O. Box 2967, Houston, Texas 77001, filed in Docket No. G-7004-033 an application for immediate clarification of Order dated November 24, 1980 in the above-referenced docket or abandonment authorization for as much gas as is required to allow sales of gas to ten new applicants for residential service in West Virginia in addition to those applicants specified in Pennzoil's original application filed on October 25, 1982. In filing this Nineteenth Amendment to its original application, Pennzoil incorporates herein and renews each of the requests for clarification or abandonment authorization set forth in that application. Service to these applicants and existing customers would be provided from gas supplies that would otherwise be sold to Consolidatd Gas Supply Corporation (Consolidated), an interstate pipeline.

Pennzoil states that immediate action is necessary to protect the health, welfare and property of the applicants and customers in West Virginia who depend upon Pennzoil for their gas supply needs. Pennzoil also states that immediate action also is required because, by order dated October 21, 1982, the Public Service Commission of West Virginia directed Pennzoil "to show cause, if any it can, why it shoud not be found to be in violation of its duty * * * to provide adequate gas service to all applicants * * * and why it should not be required to provide service to domestic customers in West Virginia when requests are received for same.

Consolidated has indicated that it has no objection to the requested authorization.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said amendment to the original application should on or before, June 10, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 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 parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person previously granted intervention in connection with Pennzoil's original application in Docket No. G-7004-006 need not seek intervention herein. Each such person will be treated as having also intervened in Docket No. G-7004-033.

Under the procedure herein provided for, Unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-13634 Filed 6-5-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF85-494-000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; Scott Paper Co. et al.

June 3, 1985.

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. Scott Paper Company

[Docket No. QF85-494-000]

On May 13, 1985, Scott Paper, Company of Scott Plaza, Philadelphia, Pennsylvania 19113 (Applicant) submitted for filing an application for certification of a facility as a qualifying congeneration 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 adjacent to the

Applicant's integrated pulp and paper-making plant in Mobile, Alabama. The facility will consist of four boilers plus a fifth standby boiler supplying steam to three automatic extraction, non-condensing steam turbine-generators plus a fourth automatic extraction condensing steam turbine generator for standby service. The primary energy sources will be biomass, coal, and black liquor solids recovered from the pulping process at the plant. Limited amounts of natural gas or fuel oil will be used for start-up, shutdown, and emergency purposes. The net electric power production capacity will be approximately 95.6 megawatts. Installation of the facility began in late 1983 and is expected to be completed and fully operational by late 1985.

2. Riverside Hospital

[Docket No. QF85-498-000]

On May 17, 1985, riverside Hospital, (Applicant) of 1600 North Superior Street, Toledo, Ohio 43604, submitted for filing an application for certification of a facility as a qualifying congeneration 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 congeneration facility will be located at the Riverside Hospital at Toledo, Ohio. It will consist of a duel-fuel (Natural Gas/No. 2 Fuel Oil) engine, with heat recovery boiler. Saturated steam will be produced by passing the exhaust gases from the engine through a waste heat boiler, and by utilizing a heat exchanger to recover heat from the engine lube oil system. The steam will be used in the Hospital for thermal energy and the production of chilled water via absorption chillers for air conditioning purposes, and the hot water will be used in the laundry. The primary energy source of the facility will be natural gas. The electric power production capacity will be 665 kW. The installation of the facility will begin in April 1986.

3. Deaconess Hospital

[Docket No. QF85-499-000]

On May 20, 1985, Deaconess Hospital, (Applicant) of 4229 Pearl Road, Cleveland, Ohio 44109, submitted for filing an application for certification of a facility as a qualifying congeneration 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 congeneration facility will be located at the Deaconess Hospital at Cleveland, Ohio. It will consist of a dual-fuel (Natural Gas/No. 2 Fuel Oil) engine, with heat recovery boiler. Hot water will be produced by passing the exhaust gases from the engine through a heat exchanger, and recovering heat from the engine lube oil system. The thermal output from the congeneration system will provide heating, hot water and refrigeration services to the hospital. The primary energy source of the facility will be natural gas. The electric power generation capacity will be 665 kW. Installation of the facility will begin in April 1986

4. Fluidized Energy Frackville Associates

[Docket No. QF85-204-001]

On May 20, 1985, Fluidized Energy Frackville Associates (Applicant) of 3141 Bordentown Avenue, Parlin, New Jersey 08859, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulation. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Morea, Pennsylvania. The facility will consist of a fluidized bed combustor, a boiler and a 40 megawatt extraction steam-turbine/generator. The primary energy source will be "culm coal". The extracted steam will supply an adjacent prison facility now under construction. The facility is expected to be in operation in early 1987.

5. The Brooklyn Union Gas Company

[Docket No. QF85-503-000]

On May 13, 1985, The Brooklyn Union Gas Company (Applicant) of 195 Montague Street, Brooklyn, New York 11201, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulation. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Applicant's General Office at the foregoing address. The facility will consist of a natural gas fired internal combustion engine driving an induction type electric generator. Exhaust heat recovered from the engine exhaust gas, jacket water, and lubicating oil, utilizing water as the heat transfer medium, will be used for building heating and/or absorption. The primary energy source will be natural gas. The electric power production capacity will be 60 megawatts. Installation of the equipment is anticipated by June 1985.

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. 85-13626 Filed 6-5-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8368-001]

Seaward Development—Hart Island Associates; Surrender of Preliminary Permit

June 3, 1985

Take notice that the Seaward Development—Hart Island Associates, Permittee for the Hart Island Project No. 8368 located on the Connecticut River in Sullivan County, New Hampshire, and Windsor County, Vermont, has requested that its preliminary permit be terminated. The preliminary permit was issued on December 27, 1984, and would have expired on November 30, 1987. The Permittee states that analysis of the Hart Island Project did not indicate feasibility for development.

The Permittee filed the request on May 9, 1985, and the preliminary permit for Project 8368 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-13635 Filed 6-5-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES85-39-000]

South Carolina Public Service Authority; Filing

May 31, 1985.

Take notice that on May 20, 1985, the South Carolina Public Service Authority ("Authority") filed an application seeking an order authorizing the issuance of up to $205,000,000 in Electric System Expansion Revenue Bonds, Refunding series. The Authority asks, in the alternative, an order dismissing the application for lack of jurisdiction. The bonds are to be sold at a negotiated sale with a single underwriting group. The proceeds will be used to refund up to $179,000,000 outstanding Electric System Expansion Revenue Bonds and for other purposes.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-13636 Filed 6-5-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP85-17-000]

State of West Virginia (Bradley Davis No. 1 Well FERC JD No. 85-02394); Effectiveness of Withdrawal

June 3, 1985.

Take notice that on April 29, 1985, Anvil Oil Company, Inc. filed a letter requesting withdrawal of its February 15, 1985, petition to reopen and vacate the Natural Gas Policy Act section 107 well category determination applicable to the above-referenced well. The section 107 well category determination was approved by the West Virginia Department of Mines, Oil and Gas Division, and notice of such determination was filed with the Commission on December 31, 1984. The determination became final after 45 days on February 14, 1985, pursuant to § 275.202(a) of the Commission's regulations.

No objection to the requested withdrawal has been received. Pursuant to Rule 216(b) (18 CFR 382.216(b)), the withdrawal was effective as of May 14, 1985, fifteen days after filing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-13637 Filed 6-5-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA85-33-000]

Williston Basin Interstate Pipeline Co.; Petition for Adjustment

June 3, 1985.

Take notice that on May 16, 1985, Williston Basin Interstate Pipeline Company (Williston), 304 East Rosser Avenue, Suite 200, Bismarck, North Dakota 58501, filed in Docket No. SA85-33-000 a petition for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978, wherein Williston seeks an exemption from the filing requirements of § 281.204(b)(2) of the Commission's Regulations, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Williston states that the collection and review of essential agricultural use requirements data and the preparation of the annual update of its index of customer requirements under § 281.204(b)(2) of the Commission's Regulations require considerable additional work and expense on the part of agricultural users, Williston's jurisdictional customers, Williston's personnel and Williston's Data Verification Committee. Further, Williston states that it would be able to meet the full requirements of its customers for the foreseeable future as indicated in Williston's FERC Form 16, filed October 12, 1984, and Williston's FERC Form 15, for the year ending December 31, 1984. Williston maintains that should it not meet it full customer requirements or should its FERC Form 16 project a supply deficiency, Williston would make the appropriate tariff filing in a timely fashion to comply with the Commission's Regulations, specifically § 281.204(b)(2).

The procedures applicable to the conduct of this adjustment are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any person desiring to participate in the adjustment proceeding shall file a motion to intervene with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication in the Federal Register.

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-13638 Filed 6-5-85; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-005600-054.

Title: Philippines North America Conference.

Parties: American President Lines, Ltd.

Hapag-Lloyd Aktiengesellschaft
Lykes Bros. Steamship Co., Inc.
A.P. Moller-Maersk Line
Sea-Land Service, Inc.

Synopsis: The proposed amendment would modify the agreement by clarifying the existing authority of the parties to serve East Canada coastal points via minilandbridge service. The parties have requested a waiver of the format requirements of the Commission's regulations and a shortened review period.

Agreement No.: 202-009648A-025.

Title: Inter-American Freight Conference.

Parties:

A. Bottacchi S.A. De Navegacion
A/S Ivarans Rederi
Colonial Carib Carriers, Ltd.
Companhia Maritima Nacional
Companhia De Navegacao Lloyd Brasileiro
Companhia De Navegacao Maritima Netumar
Cylanco S.A.
Expresa Lineas Maritimas Argentinas Sociedad Anonima (Elma S/A)
Empresa De Navegacao Allianca S.A.
Flota Mercante Del Estado

Frota Amazonica S.A.
Georgia-Aztec Line
High Seas Company Limited
Van Nievelt Goudriaan & Co. B.V.
J. Lauritzen Holding A/S
Kimberly Navigation Company
Lineas Maritimas Paraguayas S.A.
Lumber Carriers Limited
Mortensen and Lange
Passaat Line N.V.
Reefer Express Lines Pty. Ltd.
R.M.C. Lines, Inc.
Ship Operators (International) Inc.
Transportacion Maritima Mexicana S.A.
United States Lines (S.A.), Inc.

Synopsis: The proposed amendment would restate the agreement to conform with the format, organization and content requirements of the Commission's Regulations.

Dated: June 3, 1985.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-13609 Filed 6-5-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Deposit Guaranty Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies and Acquisitions of Nonbanking Companies

The companies listed in this notice have 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 companies have 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 applictions are 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 each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 27, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Deposit Guaranty Corp.*, Jackson, Mississippi; to acquire 100 percent of the voting shares or assets of Deposit Guaranty Omaha, N.A., Omaha, Nebraska.

Deposit Guaranty has also applied to engage *de novo* through its subsidiary, DGC Services, Inc., Jackson, Mississippi, in the activities of making, acquiring or servicing loans and extensions of credit.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Sterling Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of First National Bank of West University Place, Houston, Texas.

Sterling Bancshares, Inc., has also applied to acquire First University Service Corporation, Houston, Texas, thereby engaging in trust activities in the state of Texas.

Board of Governors of the Federal Reserve System, May 31, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-13573 Filed 6-5-85; 8:45 am]

BILLING CODE 6210-01-M

First Eastern Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has 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.

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 June 28, 1985.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *First Eastern Corp.*, Wilkes-Barre, Pennsylvania; to acquire Ideal Consumer Discount Company, Nanticoke, Pennsylvania, thereby engaging in the activities of making or acquiring loans or other extensions of credit such as would be made by a consumer finance company.

Board of Governors of the Federal Reserve System, May 31, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-13574 Filed 6-5-85; 8:45 am]

BILLING CODE 6210-01-M

National Commerce Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 28, 1985.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *National Commerce Corporation*, Birmingham, Alabama; to acquire 100 percent of the voting shares or assets of MetroBank, Birmingham, Alabama.

2. *SouthTrust Corporation*, Birmingham, Alabama; to acquire 80 percent of the voting shares or assets of First State Bank of Albertville, Albertville, Alabama.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Ruston Bancshares, Inc.*, Ruston, Louisiana; to acquire 9.6 percent of the voting shares or assets of Security Bancshares, Inc., Monroe, Louisiana, thereby indirectly acquiring Security Bank, Monroe, Louisiana.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Moore Financial Group Incorporated*, Boise, Idaho; to acquire 100 percent of the voting shares or assets of Continental Bank and Trust Company, Salt Lake City, Utah.

Board of Governors of the Federal Reserve System, May 31, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-13575 Filed 6-5-85; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Report on Revised System of Records Under the Privacy Act of 1974; Correction

AGENCY: General Services Administration.

ACTION: Notification of correction to system of records.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, GSA Privacy Act Officer, telephone (202) 535-7647.

On May 16, 1985, GSA published in the **Federal Register** (50 FR 20501) a notice of a revised system of records, Travel Charge Card Program GSA/GOVT-3 (85-11863). The following routine use was omitted from the notice.

GSA/GOVT-3

SYSTEM NAME:

Travel Charge Card Program.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

* * * * *

i. To disclose information to GSA contract agents assigned to participating agencies for billing of travel expenses.

* * * * *

Dated: May 30, 1985.

Johnny T. Young,

Acting Director, Information Management Division.

[FR Doc. 85-13601 Filed 6-5-85; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Prevention Research on Mutual Support Approaches with Bereaved Populations

AGENCY: The National Institute of Mental Health, ADAMHA, HHS.

ACTION: Issuance of an announcement for Prevention Research on Mutual Support Approaches With Bereaved Populations, MH-86-05.

SUMMARY: The National Institute of Mental Health announces the availability of an announcement concerning support for Prevention Research on Mutual Support Approaches with Bereaved Populations. Controlled experiments are encouraged to assess outcome of support interventions with bereaved individuals and families. Intervention research can address questions of causality and test hypotheses for high-risk groups facing bereavement. Support may be requested for up to 5 years.

Receipt date of applications for FY 1986 funding: Applications will be accepted and reviewed according to the usual Public Health Service schedule and procedures.

For further information or a copy of the announcement, contact: Anita Eichler, Project Officer, Bereavement Research Initiative, Center for Prevention Research, Division of Prevention and Special Mental Health Programs, National Institute of Mental Health, Parklawn Building, Room 11C-06, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-4283.

Donald Ian Macdonald, M.D.,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 85-13552 Filed 6-5-85; 8:45 am]

BILLING CODE 4160-20-M

Research on Family Stress and the Care of Alzheimer's Disease Victims

AGENCY: The National Institute of Mental Health.

ACTION: Issuance of Grant Announcement on Research on Family Stress and the Care of Alzheimer's Disease Victims, MH-86-07.

SUMMARY: The National Institute of Mental Health seeks applications for studies which will increase knowledge and improve research methodology on family stress related to the care of individuals with Alzheimer's disease (AD) and the development of family care and service delivery models. Applications should focus on the generation of systematic information on the nature, consequences, and the interplay of stress associated with understanding and enhancing family support; the identification, treatment, and management of excess disability in AD patients and strategies to maximize their functional level at all stages of the disease; the prevention of psychopathology and the promotion of mental health among family caregivers; and research on the design and delivery

of services which provide treatment and clinical interventions for individuals with AD and for the family members who care for them. Support may be requested for up to 3 years.

Receipt date of applications for FY 1986 funding: Applications will be accepted and reviewed according to the usual Public Health Service schedule and procedures.

For further information or a copy of the announcement, contact: Enid Light or Barry D. Lebowitz, Ph.D., Center for Studies of the Mental Health of the Aging, National Institute of Mental Health, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 433-1185.

Donald Ian Macdonald, M.D.,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 85-13554 Filed 6-5-85; 8:45 am]

BILLING CODE 4160-20-M

Treatment Development and Assessment Research Review Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I) announcement is made of the following national advisory body scheduled to assemble during the month of June 1985.

Clinical Program Projects/Clinical Research Centers Subcommittee of the Treatment Development and Assessment Research Review Committee, June 27-28; 9:00 a.m., Holiday Inn-Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815

Open—June 27; 9:00-10:00 a.m., Closed-Otherwise, Contact: Pamela J. Mitchell, Parklawn Building, Room 9C18, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 1367

Dated: May 31, 1985.

Robin I. Kawazoe,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 85-13566 Filed 6-5-85; 8:45 am]

BILLING CODE 4160-20-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-85-800]

Designation; Camden Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of Manager.

EFFECTIVE DATE: This designation is effective May 8, 1985.

FOR FURTHER INFORMATION CONTACT: Administrative and Management Services Division, Office of Administration, New York Regional Office, Department of Housing and Urban Development, 26 Federal Plaza, New York, N.Y. 10278, telephone (212) 264-2761. (This is not a toll-free number.).

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided, that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Special Assistant to Manger
2. Chief, Valuation Branch
3. Chief, Property Disposition Branch
4. Chief, Loan Management Branch

This designation supersedes the designation effective June 9, 1976.

Authority: Delegation of Authority by the Secretary effective October 1, 1970; 36 FR 3389, February 23, 1971.

Joseph D. Monticciolo,

Regional Administrator, Regional Housing Commissioner, Region II.

[FR Doc. 85-13570 Filed 6-5-85; 8:45 am]

BILLING CODE 4210-32-M

Office of Administration

[Docket No. N-85-1535]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Fishman, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410, telephone (202) 755-6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Section 8 Existing Housing Allowances for Tenant Furnished Utilities and Other Services for use in the section 8 Existing Housing Assistance Payments and Housing Voucher Programs

Office: Housing

Form Number: HUD-52667

Frequency of Submission: Annually

Affected Public: State or Local Governments

Estimated Burden Hours: 6,000

Status: Revision

Contact: Myra Newbill, HUD, (202) 755-7707, Robert Fishman, OMB, (202) 395-6880

Notice of Submission of Proposed Information Collection to OMB

Proposal: Requirements Associated With the Office of Interstate Land Sales Registration
Office: Housing
Form Number: None
Frequency of Submission: On Occasion
Affected Public: Individuals or Households and Businesses and Other For-Profit
Estimated Burden Hours: 49,502
Status: Reinstatement
Contact: John R. Brady, HUD, (202) 755-0502, Robert Fishman, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 28, 1985.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 85-13569 Filed 6-5-85; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Izembek National Wildlife Refuge, AK; Comprehensive Conservation Plan/Environmental Impact Statement and Wilderness Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service has prepared for public review a final Comprehensive Conservation Plan, Environmental Impact Statement (CCP/EIS), and Wilderness Review for the Izembek National Wildlife Refuge, Alaska, pursuant to Sections 304(g)(1) and 1317 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), Section 3(d) of the Wilderness Act of 1964, and Section 102(2)(C) of the National Environmental Policy Act of 1969. The final CCP/EIS describes two strategies for long-term management of the 315,000-acre refuge. Each alternative also examines a possible addition to the National Wilderness Preservation System.

DATES: Comments on the final CCP/EIS must be submitted on or before July 8, 1985, to receive consideration by the Regional Director.

ADDRESS: Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503 (Attn: William Knauer).

FOR FURTHER INFORMATION CONTACT: William Knauer, Wildlife Resources, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503, telephone (907) 786-3399.

A final CCP/EIS has been prepared for general distribution. Copies of the final comprehensive plan will be sent to all persons and organizations who participated in either the scoping, alternative workshops, and/or public hearing/meetings. Copies of the final document are available upon request from Mr. William Knauer.

Copies of the final CCP/EIS have been sent to all agencies that participated in the public review process and to agencies and persons who have already requested copies. Those wishing to receive a copy of the final may obtain one by contacting Mr. Knauer. Copies of the final CCP/EIS are also available for review at the above location, at the Izembek National Wildlife Refuge Office, Cold Bay, Alaska, and at the following locations:

U.S. Fish and Wildlife Service, Division of Refuge Management, 18th and C Street, NW., Department of the Interior, Washington, D.C. 20240
U.S. Fish and Wildlife Service, Wildlife Resources, Lloyd 500 Building, Suite 1692, 500 NE Multnomah Street, Portland, OR 97232
U.S. Fish and Wildlife Service, Wildlife Resources, 500 Gold Avenue SW., Room 1306, Albuquerque, NM 87103
U.S. Fish and Wildlife Service, Wildlife Resources, Federal Building, Fort Snelling, Twin Cities, MN 55111
U.S. Fish and Wildlife Service, Wildlife Resources, Richard B. Russell Federal Building, 75 Spring Street, Atlanta, GA 30303
U.S. Fish and Wildlife Service, Wildlife Resources, One Gateway Center, Suite 700, Newton Corner, MA 02158
U.S. Fish and Wildlife Service, Wildlife Resources, 134 Union Boulevard, Lakewood, CO 80225

SUPPLEMENTARY INFORMATION: The final CCP/EIS for the Izembek National Wildlife Refuge was developed by the U.S. Fish and Wildlife Service, Department of the Interior, to fulfill the requirements of Section 304 of ANILCA relating to preparation of comprehensive conservation plans. In addition, the final CCP/EIS and Wilderness Review also describes the general wilderness suitability of various acreages of non-wilderness refuge lands, under such management alternative, in order to comply with Section 1317(a) of ANILCA. This requires the Secretary of the Interior to review, in accordance with section 3(d) of the Wilderness Act, all non-wilderness refuge lands in Alaska as to their suitability for preservation as wilderness and report his recommendations to the President by 1987.

Major issues addressed by the plan include fish and wildlife management; disturbance of migratory bird populations; development and use of adjacent state and private lands; public use; and wilderness management. This plan describes two alternative strategies, each of which provides broad policy guidance for managing the Refuge. The Service's preferred alternative (Alternative A) would ensure the continuity of existing managment regulations and programs which have enabled the agency to meet its objectives in the past. The level of development in this preferred alternative should be sufficient to meet the needs of refuge users for the foreseeable future. In maintaining the Refuge's natural diversity, the proposal would ensure support of key fish and wildlife populations and habitats by minimizing potential impacts from development and of continued subsistence use of the resources of the Refuge.

The Notice of Intent to prepare the CCP/EIS and Wilderness Review was published in the October 29, 1981, **Federal Register.** Other government agencies and the general public contributed to the development of this final CCP/EIS and Wilderness Review. After dissemination of the draft version five public meetings were held in the communities of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point, Alaska, on November 5, 6, 7, 8, and 9, 1984. A public hearing was held in Anchorage, Alaska, on November 1, 1984.

The U.S. Fish and Wildlife Service will issue a Record of Decision on this CCP/EIS after July 8, 1985.

Dated: May 30, 1985.

David L. Olsen,

Acting Regional Director.

[FR Doc. 85-13547 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Indian Affairs

Bay Mills Reservation, MI; Ordinance Providing for the Introduction of Intoxicating Liquors

May 17, 1985.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that the Bay Mills liquor ordinance was duly adopted by the Bay

Mills General Tribal Council on June 25, 1984 and amended on March 10, 1985. The instant ordinance provides for the introduction, use, sale and distribution of alcoholic beverages within areas of Indian country under the jurisdiction of the Bay Mills Indian Community of Michigan. The ordinance reads as follows.

Theodore C. Krenzke,

Acting Deputy Assistant Secretary—Indian Affairs.

Resolution

This resolution is made this 25th day of June, 1984, by the Bay Mills Executive Council in accordance with the Constitution and Corporate Charter thereof.

Whereas, the Bay Mills Indian Community General Council has previously enacted a Tribal Criminal Code; and

Whereas, it has become apparent after several years of experience with the said Code that certain additions thereto are required in order to properly protect the health, safety and welfare of the members of the Bay Mills Indian Community.

Now, Therefore Be It Resolved, that the following additions to the Bay Mills Indian Community are hereby adopted and enacted, subject only to the approval of the Secretary of the United States Department of the Interior, or his designate:

Chapter VI—Part Two—Section 660

Alcoholic Beverages

660. *Alcoholic Beverages; Compliance with federal and tribal law with respect thereto.* No Indian person shall sell, trade, transport, manufacture, use, or possess any beer, ale, wine or other alcoholic beverage; nor any other substance whatsoever capable of producing alcoholic intoxication, nor aid not abet any Indian person or non-Indian person in any of the foregoing, without first complying with the terms and conditions of the liquor ordinance of the Bay Mills Indian Community as approved by the General Tribal Council on June 25, 1984;

The federal Indian liquor laws and the ordinances of the Bay Mills Indian Community pertaining thereto: Any person violating the provisions of this ordinance within the jurisdiction of the Bay Mills Indian Community shall be deemed guilty of an offense, and upon the conviction thereof, shall be sentenced to a period of imprisonment not to exceed six months, a fine not to exceed five hundred dollars ($500), or both, such imprisonment and fine together with court cost.

661. *Tribal Licenses for the Sale of Alcoholic Beverages; Procedure for Application and Issuance.* Upon proper application submitted to the Executive Council of the Bay Mills Indian Community by an Indian person twenty-one (21) years of age or over; the said Council may issue a license for on-premises and/or off-premises sale of alcoholic beverages, on specific federal Indian reservations.

662. All applications for such licenses must be submitted to the Executive Council in writing setting forth the name, address, age and tribal affiliation of the applicant, together with the legal description of the premises upon which such sale in proposed to take place. The form upon which such application shall be made shall be supplied by the Executive Council on the Bay Mills Indian Community and may require such further information as such Executive Council shall from time to time require of all such applications.

663. Licenses for the sale of alcoholic beverage issued by the Executive Council of the Bay Mills Indian Community shall remain the property of such applicant, and shall be effective for a period of one year from the date of issuance.

664. *Number of Licenses to be Issued; Compliance by Licensees with certain State laws.* The Bay Mills Indian Community Executive Council shall have the sole power and authority to determine, in its sole and only discretion, the number of any type of licenses for the sale of alcoholic beverage that may from time to time be issued.

665. Any holder of a license for the sale of alcoholic beverage issued by the Executive Gouncil of the Bay Mills Indian Community shall be required to comply, as a condition of retaining such license, with all applicable tribal laws and ordinances and shall further observe the laws of the State of Michigan, insofar as times of sale and minimum ages of persons to whom sales are made.

666. *Executive Council to be sole judge of qualification of Applicants; Suspensions and/or Revocation of Licenses.* The Executive Council of the Bay Mills Indian Community shall be the sole judge of the qualifications of applicants for licenses authorizing the licensee to sel alcoholic beverages. No applicant for such license shall be refused for arbitrary and/or capricous reasons; however, the Executive Council may take into account its decision as to whether or not to issue such a license whether or not the applicant has a prior criminal record, whether or not evidence exists that a person or persons other than the applicant will in reality have any financial or other interest in the licenses, and the prior conduct of the applicant as a licensee, if the applicant shall have previously been a licensee.

667. The Executive Council of the Bay Mills Indian Community may suspend or revoke the license issued to any applicant pursuant to these provisions for any violation of any provision of Chapter VI—Part Two—Section 660 or for any violation by the licensee, in the course of his business of selling alcoholic beverage of any portion of the criminal laws of the Bay Mills Indian Community.

Upon receipt of any complaint with respect to any tribal licensee, the Executive Council shall cause such complaint to be placed in writing, shall cause a copy of such complaint to be served personally or by registered mail upon the licensee, and shall cause a hearing to be held upon such complaint not less than (7) seven days nor more than twenty one (21) days after service of complaint upon the licensee. If at such hearing it is proved by a preponderance of the evidence that the allegations contained within the complaint are correct, and that the licensee has violated any of the provisions of Chapter VI—Part Two—Section 660, or during the course of operating his business for the sale of alcoholic beverages has violated any of the criminal statutes of the Bay Mills Indian Community, the Executive Council may impose a suspension or revocation of the license of the involved licensee, the determination of the type of penalty to be imposed in the sole and only discretion of the said Executive Council.

Certification

The foregoing resolution was duly adopted by the Bay Mills General Tribal Council with a quorum present during (*regular*-special) session on the 25th day of June, 1984, with a vote of 46 for, 8 against and 0 abstaining.

Corrine A. Cameron,

Secretary, Bay Mills General Tribal Council

Resolution

668. "The Ordinance in no way purports to assert criminal jurisdiction over non-Indians in violation of the present status of the law".

Certification

The above section was duly adopted by the Bay Mills General Tribal Council at a meeting held at Bay Mills, Michigan on the 10th day of March, 1985, with a

quorum present during regular session with a vote of 35 for 0 against and 3 abstaining.

Irma C. Parrish,
Tribal Chairperson.

Corrine A. Cameron,
Secretary.

[FR Doc. 85-13670 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-05-M

Bureau of Land Management

Environmental Assessment; South Bearpaw Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Planning Amendment Decision, South Bearpaw Unit.

The Bureau of Land Management has prepared an environmental assessment (EA) to amend the South Bearpaw Management Framework Plan for the management of the wild horse herd in the Ervin Ridge area. The EA was released to the public on August 4, 1983. A 30-day comment period followed. Based on the findings of the EA and upon the comments received, it was determined that the three alternative management programs addressed were not major Federal actions which significantly affects the quality of human environment, nor were they highly controversial in regard to the use of resources. Therefore, no environmental statement is required on these alternatives.

The Bureau of Land Management will implement Alternative C as described in the EA. Alternative C provides for removal of all wild free-roaming horses in the Ervin Ridge area. Implementation will begin 30 days following this publication notice in the Federal Register. A capture plan has been prepared indicating the method of removal. The method of disposal will be adopton through the BLM's adopt-a-horse program.

The primary consideration determining the decision was the feasibility of managing a wild horse herd in the Ervin Ridge area to benefit the public and to protect the one remaining horse from malicious death or harassment.

The lack of legal public access, the high cost of managing a wild horse herd, including reintroduction of horses from other areas and periodic introduction of male horses to prevent inbreeding, and the high probability of limited funds and manpower in the foreseeable future are the prime considerations making the feasibility of managment questionable.

There were ten comments received on the EA. Of these comments, seven favored the removal of the horses, one favored management of a horse herd (Alternative B), one provided comment to the text only, and one requested more information. Informal discussions with people within the local area indicate a preference for removing the wild horses.

Protests should be made to the Director (202), Bureau of Land Management, 1800 C Street, NW, Washington, D.C. 20240 within 30 days of the date of publication in the **Federal Register**. Protests should include the name, mailing address, telephone number and interest of the person filing the protest; a statement of issue or issues being protested; a statement of the part or parts of the amendment being protested; a copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or any indication of the date the issue or issues were discussed for the record; and a concise statement explaining why the District Manager's decision is believed to be wrong.

DATES: Implementation will begin 30 days following publication of this notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Area Manager, Havre Resource Area, Drawer 911, Havre, Montana 59501.

Dated: May 31, 1985.

Glenn W. Freeman,
District Management.

[FR Doc. 85-13666 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-DN-M

[M-64213]

Exchange of Public and Private Lands in Carter, Dawson, Garfield, McCone, Roosevelt, and Rosebud Counties, MT

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of realty action.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian, Montana

T. 20 N., R. 34 E.,
Sec. 35: SW¼NW¼.
T. 20 N., R. 35 E.,
Sec. 32: W½NW¼, NW¼SW¼.

Aggregating 160.00 acres, Garfield County.

T. 8 N., R. 42 E.,
Sec. 8: N½NE¼.

Aggregating 80.00 acres, Rosebud County.

T. 25 N., R. 47 E.,
Sec. 3: NW¼SW¼.

Aggregating 40.00 acres, McCone County.

T. 29 N., R. 54 E.,
Sec. 3, Lots 1, 3.
T. 30 N., R. 54 E.,
Sec. 34: Lot 2.

Aggregating 57.99 acres

T. 27 N., R. 57 E.,
Sec. 21: SE¼SE¼;
Sec. 22: S½SW¼, SW¼SE¼,
Sec. 23: Lot 8,
Sec. 26: Lots 5, 6.
T. 27 N., R. 58 E.,
Sec. 19: Lots 1, 2.

Aggregating 397.75 acres, Roosevelt County.

T. 4 N., R. 55 E.,
Sec. 14: S½,
Sec. 26: NW¼NE¼, N½NW¼, SW¼, SW¼SE¼;
Sec. 28: W½NE¼, NW¼, N½SW¼.
T. 3 N., R. 55 E.,
Sec. 2: Lot 4.
T. 3 N., R. 56 E.,
Sec. 6: SW¼NW¼.
T. 3 N., R 57 E.,
Sec. 2: E½SE¼.

*1132.72 acres, Carter County.

*Note.—The entire 1132.72 acres in Carter County will not be used in this proposed exchange. The actual acreage of this portion will be dependent upon final appraisals.

In exchange for these lands, the United States Government will acquire the surface estate in the following described lands from John Hess of Glendive, Montana:

Principal Meridian, Montana

T. 13 N., R. 53 E.,
Sec. 12: Lots 5, 6.
T. 13 N., R. 54 E.,
Sec. 6: Lot 9,
Sec. 7: Lots 8-10.

Aggregating ±300.00 acres, Dawson County.

DATES: For a period of 45 days from the date of publication of this notice in the **Federal Register** interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301. All comments will be evaluated by the Montana State Director, who may modify or vacate this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination.

FOR FURTHER INFORMATION CONTACT: Information concerning this exchange is available for review at the Big Dry Resource Area Office, Miles City Plaza, Miles City, Montana.

SUPPLEMENTARY INFORMATION: The purpose for this exchange is to acquire the non-federal lands for public use on the Yellowstone River. The lands are an island and are physically located halfway between a boat launch site on

public land near Fallon, Montana, and another parcel of public land downstream from Fallon 18 miles. Public use of this island will include but not be limited to hunting, camping, livestock grazing and wildlife use. The public lands being exchanged are scattered, isolated parcels ranging in size from 40 to 320 acres. Most are without legal access and none possess any unique or special resource or public use values. The exchange is consistent with the Bureau's planning decisions for these public lands and local and state governments have been notified prior to this Notice.

This exchange is based on equal fair market value determined by standard appraisal methods. The public lands which are proposed for exchange have been examined by pertinent resource specialists and have been determined to be suitable for exchange. The publication of this notice segregates the public lands from appropriation under the public land laws, including the mining laws, pending disposition of this action.

The exchange will be subject to:

1. The exchange of surface estate only. All mineral ownership will remain the same.

2. The patent issued by the United States will reserve all minerals and a right-of-way for ditches or canals to the United States in accordance with 43 U.S.C. 945.

3. All valid existing rights of record.

4. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

Dated: May 28, 1985.

Bruce G. Whitmarsh,

Acting District Manager.

[FR Doc. 85-13667 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-DN-M

Hearing To Discuss the Use of Helicopters and Motorized Vehicles To Gather Wild Horses; Ely District

AGENCY: Bureau of Land Management, Interior.

ACTION: Ely District: Public hearing to discuss the use of helicopters and motorized vehicles to gather wild horses in FY 85 and FY 86.

SUMMARY: In accordance with Pub. L. 92-195, as amended by Pub. L. 94-579 and Pub. L. 95-514, this notice sets forth the public hearing date to discuss the use of helicopters and motorized vehicles to gather wild horses from the Ely District during FY 85 and FY 86.

DATE: July 9, 1985—1:00 p.m.

ADDRESS: The hearing will take place at the Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301. Telephone (702) 289-4865.

SUPPLEMENTARY INFORMATION: The use of helicopters and motorized vehicles to gather wild horses from the Monte Cristo herd management area during FY 85 and from the Antelope, Cherry Creek, Buck and Bald, Sand Springs and Wilson Creek herd management areas during FY 86 will be discussed. The FY 86 gathers are subject to change depending on the availability of funds and the capability to process and adopt out the horses gathered.

The authority for the use of helicopter and motor vehicles in gathering and transporting wild horses is 43 CFR 4730.7 and 4740.2.

This hearing is open to the public. Interested persons may make oral or written statements. Anyone wishing to make oral comments should contact Robert E. Brown, Ely District Wild Horse Specialist, by July 3, 1985. Written statements must be received by this date also.

FOR FURTHER INFORMATION CONTACT: Robert E. Brown, Wild Horse Specialist, Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301, or phone (702) 289-4865.

Dated: May 31, 1985.

Merrill L. DeSpain,

District Manager.

[FR Doc. 85-13653 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-HC-M

Las Cruces District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Las Cruces District, New Mexico.

ACTION: Notice of meeting.

DATE: July 16, 1985, 10:00 a.m.

ADDRESS: Bureau of Land Management, Socorro Resource Area, Conference Room, 198 Neel Avenue, Socorro, NM 87801.

FOR FURTHER INFORMATION CONTACT: Robert R. Calkins, Associate District Manager, Bureau of Land Management, 1800 Marquess Street, Las Cruces, NM 88005, (505) 525-8228.

SUPPLEMENTARY INFORMATION:

Agenda

1. Introduction of New District Manager.

2. Approval of Minutes.

3. Update of Range Improvement Projects.

4. Discussion of Interim Management Policy and Guidelines for Lands Under Wilderness Review.

5. Other Business.

Public comment will be heard by the Board at 1:30 p.m.

Daniel C. B. Rathbun,

District Manager.

[FR Doc. 85-13651 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-FB-M

Susanville District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-579 (FLPMA), that a District Advisory Council meeting will be held on July 8, 1985 at 8:00 a.m. to 4:30 p.m. in the Susanville BLM District Office, 705 Hall Street, Susanville, California 96130.

The Agenda will include:

(1) Discussion of Eagle Lake/Cedarville Draft EIS Preliminary Wilderness recommendations.

(2) Fort Sage Technical Review Team Progress Report.

The meeting is open to the public and time will be provided for public comment.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Louisa Beld, Public Information specialist, (916) 257-5381.

Ben F. Collins,

Associate District Manager.

[FR Doc. 85-13643 Filed 6-5-85; 8:45 am]

BILLING CODE 4333-09-M

Las Cruces District Advisory Council; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

DATE: July 9, 1985, 9:30 a.m.

ADDRESS: Bureau of Land Management, 1800 Marquess Street, Las Cruces, NM 88005.

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager, Bureau of Land Management, 1800 Marquess Street, Las Cruces, NM 88005, (505) 525-8228.

SUPPLEMENTARY INFORMATION:

Agenda

1. Approval of Minutes.

2. Introduction of New District Manager.

3. Wilderness Interim Management Policy and Instructions.
4. White Sands Missile Range—State Land Office Exchange.
5. Review of White Sands Resource Management Plan (RMP) Comments.
6. Gila River Management Plan Objectives and Planned Actions.

The meeting will be open to the public and interested persons may make oral statements to the Board during an allotted time period, beginning at 2:00 p.m. and lasting for at least one-half hour. The District Manager may establish a time for oral statements depending on the number of persons wishing to make statements. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1800 Marquess Street, Las Cruces, New Mexico 88005 by July 8, 1985.

Daniel C. B. Rathbun,

District Manager.

[FR Doc. 85-13644 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-FB-M

Federal Minerals Exchange; Gila, Maricopa, Mohave, Pima, Pinal, and Yavapai Counties, AZ; Realty Action

Correction

In FR Doc. 85-11212 beginning on page 19586 in the issue of Thursday, May 9, 1985, make the following corrections:

Gila and Salt River Meridian, Arizona

Page 19586, Column 2:

Township 7 North, Range 6 West,
Section 33: S½NE¼, W½SE¼.

Page 19586, Column 3:

Township 6 South, Range 11 East,
Section 22: N½, E½SW¼, SE¼.
Township 6 South, Range 13 East,
Section 12: S½;
Section 33: S½;
Section 34: N½, N½SW¼.
Township 10 South, Range 6 East,
Section 19: Lots 1-4, E½W½, E½.

Page 19587, Column 2:

Township 25 North, Range 16 West,
Section 32: E½, NE¼NW¼, SW¼.

Page 19587, Column 3:

Township 16 North, Range 17 West,
Section 36: SW¼NE¼, W½, S½SE¼.

BILLING CODE 1505-01-M

[NM 34139]

Proposed Reinstatement of Termination Oil and Gas Lease; New Mexico

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87501. Under the provisions of PL 97-451, Texaco, Inc., petitioned for reinstatement of oil and gas lease NM 34139 covering the following described lands located in Grant County, New Mixico:

T. 25 S., R. 14 W., NMPM, New Mexico
Sec. 19, Lots 1, 2, 3, 4, E½W½, NE¼, E½SE¼;
T. 25 S., R. 15 W., NMPM, New Mexico
Sec. 22, N½;
Sec. 23, S½NW¼, E½SW¼, E½SE¼, NE¼;
Sec. 25, S½N½, N½S½;
Sec. 26, NE¼NE¼, S½NE¼, E½NW¼;
Sec. 28, S½;
Sec. 33, N½.
Containing 2438.21 acres.

It has been shown to my satisfation that failure to make timely payment of rental was due to inadvertence.

No valid lease have been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $5.00 per acre per year and royalties shall be at rate of 16⅔ percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, February 1, 1985.

Dated: May 31, 1985.

Tessie R. Anchondo,

Chief, Adjudication Section.

[FR Doc. 85-13648 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-FM-M

[NM-A-43584-(Okla.)]

Proposed Reinstatement of Termination Oil and Gas Lease; New Mexico

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87501. Under the provisons of Pub. L. 97-451, Whitmar Exploration Company petitioned for reinstatement of oil and gas lease NM-A 43584-(Okla.) covering 2,149.52 acres in T. 5 N., R. 23 E., I.M., LeFlore County, Oklahoma.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $5.00 per acre per year and royalties shall be at rate of 16⅔ percent. Reimbursement for cost of the publication of this noticed shall be paid by the lessee.

Reinstatement of the lease will be effective as the date of termination, April 1, 1985.

Dated: May 31, 1985.

Tessie R. Anchondo,

Chief, Adjudication Section.

[FR Doc. 85-13649 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-FB-M

[NM 34143]

Proposed Reinstatement of Termination Oil and Gas Lease; New Mexico

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87501. Under the provisions of PL 97-451, Texaco, Inc., petitioned for reinstatement of oil and gas lease NM 34143 covering the following described lands located in Grant County, New Mexico:

T. 26 S., R. 15 W., NMPM, New Mexico
Sec. 1, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, Lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼, S½NE¼, SE¼;
Sec. 11, All.
Containing 2291.36 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $5.00 per acre per year and royalties shall be at rate of 16⅔ percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, January 1, 1985.

Dated: May 31, 1985.

Tessie R. Anchondo,

Chief, Adjudication Section.

[FR Doc. 85-13647 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-FB-M

[A-822; A 3753

Charleston Dam and Reservoir, AZ; Modification and Continuation of Withdrawal

As a result of the review made pursuant to section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal for a period of 20 years, rather than for an idefinite term.

The land was withdrawn for use by the Bureau of Reclamation for construction of the Charleston Dam and

Reservoir as a multi-purpose facility to provide water conservation, flood control, fish and wildlife benefits, and recreation facilities. The reservoir is estimated to develop 12,000 acre-feet of supplement water for the Central Arizona Project water users per year, and regulate the water supply of downstream users in the San Pedro Valley.

The existing withdrawal, made by Public Land Order 5269 of October 11, 1972, withdrew the land from operation of the public land and mining laws, but not the mineral leasing laws.

No change in the segregative effect to the withdrawal or use of the land is proposed.

The following described land is included in the proposed modification:

Gila and Salt River Meridian, Arizona

T. 21 S., R. 21 E.,
Section 1, lots 1, 2, 3, and 4;
Section 12, lots 1 and 2, S½NE¼, SE¼NW¼, N½SE¼.
T. 21 S., 22 E.,
Section 5, lots 1 and 2, NW¼SE¼, S½SE¼;
Section 6, lots 3 and 9, inclusive, SE¼SW¼, excluding Mineral Patents 8967, 8968, 8969, 8969, 14930;
Section 7, lots 1 and 2, N½NE¼, SW¼NE¼, E½NW¼, NW¼SW¼;
Section 9, S½NW¼;
Section 33, lot 1 NE¼, E½NW¼.
T. 22 S., R. 22E.,
Section 4, lot 11, lots 23 to 33, inclusive, lots 36, 39, 40, 45, 46, 50, 57, 59, 62, 63, lots 67 to 70, inclusive, lots 72, 73, 76, 77, lots 82 to 85, inclusive, lots 87 to 90, inclusive, lots 93 to 103, inclusive;
Section 9, lots 1, 2, 3, and 4, E½NE¼.

Containing approximately 1,988.63 acres in Cochise County, Arizona.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to detemine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation or modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and the Congress who will determine whether or not the withdrawal will be continued or modified, and if so for how long. The final determination will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 16563, Phoenix, Arizona 85011.

Dated: May 29, 1985.

John T. Mezes,

Chief, Branch of Lands and Minerals Operation.

[FR Doc. 85-13663 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-32-M

[A-13441]

Orme Dam and Reservoir AZ; Proposed Modification and Continuation of Withdrawal

May 29, 1985.

As a result of the review made pursuant to section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawal for a period of 20 years, rather than for an indefinite term, subject to review and extension of the withdrawal, if appropriate.

The land was withdrawn for use by the Bureau of Reclamation for construction of Orme Dam and Reservoir as part of the Central Arizona Project and to regulate Colorado River water conveyed by the Granite Reef Aqueduct, conserve water, provide flood protection to the Phoenix metropolitan area, and provide for water-based recreation.

The existing withdrawal, made by Secretarial Order of March 17, 1952, withdrew the lands from operation of the public land and mining laws. The land has been and will continue to be open to mineral leasing.

No change in the segregative effect of the withdrawal or use of the land is proposed.

The following described land is included in the proposed modification:

Gila and Salt River Meridian, Arizona

T. 3 N., R. 7 E.,
Section 16, lots 9, 10, 11, and 12;
Section 21, lots 9, 10, 11, and 12, E½E½;
Section 22, W½W½;
Section 27, W½NW¼;
Section 28, lots 9, 10, 11, and 12, E½E½.
T. 4 N., R. & E.,
Section 5, lots 1 to 11, inclusive, S½NW¼, N½SW¼, SW¼SW¼.
T. 5 N., R. 7 E.,
Section 32, lots 1, 5, 6, 7, 8, 10, and 11, E½E½.

Containing 1,806.06 acres in Maricopa County, Arizona.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal rejustification to ensure that continuation or modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will also prepare a report for consideration by the Secretary of the Interior, the President, and the Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for how long. The final determination will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 16563, Phoenix, Arizona 85011.

John T. Mezes,

Chief, Branch of Lands and Minerals Operation.

[FR Doc. 85-13664 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-32-M

[OR-20264]

Oregon; Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that a portion of a land withdrawal for the Klamath Project continue for an additional 50 years. The

land would remain closed to surface entry and mining but has been and would remain open to mineral leasing.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (telephone 503-231-6905).

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation proposes that the existing land withdrawal made by the Bureau of Land Management Order of February 11, 1947, be continued for a period of 50 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The land involved is located approximately three miles southeast of the City of Klamath Falls and contains 59.60 acres within Sections 21, 25, and 27, T. 39 S., R. 9 E., W.M., Klamath County, Oregon.

The purpose of the withdrawal is to protect the Klamath Reclamation Project. The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: May 30, 1985

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-13662 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-33-M

[OR-22073 (WASH)]

Washington; Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Army proposes that a portion of the land withdrawal for the Vancouver Barracks continue for an additional 50 years. The land would remain closed to surface entry and mining but has been and would remain open to mineral leasing.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208 (telephone 503-231-6905).

SUPPLEMENTARY INFORMATION: The Department of the Army proposes that a portion of the existing land withdrawal made by the Executive Order of January 13, 1878, be continued for a period of 50 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The land involved is located within the City of Vancouver near the Columbia River in Clark County, Washington. A total or 53.47 acres are affected.

The purpose of the withdrawal is to protect the Vancouver Barracks Army Post. The withdrawal segregates the land(s) from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: May 30, 1985.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-13661 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-33-M

[Coal Lease Application ES 32662]

Competitive Coal Lease Offering by Sealed Bid; Tuscaloosa County, AL

AGENCY: Bureau of Land Management, Interior.

ACTION: Competitive coal lease offering by sealed bid.

SUMMARY: Notice is hereby given that as a result of an application filed by Russell Coal Company (ES 32662) for coal resources in the Middle Utley Coal Bed (Tuscaloosa County, Alabama), this coal resource will be offered for competitive leasing by sealed bid in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437, 30 U.S.C. 181), as amended. The applicant has satisfactorily demonstrated under the emergency leasing regulation 43 CFR 3425.1-4 that if the coal deposits are not leased, they will be bypassed in the reasonably foreseeable future.

The application has been listed as a single parcel.

Parcel One

Application ES 32662 (East Poplar Hollow Tract)

T. 17 S., R. 9 W., Tuscaloosa County, Alabama

Portions of Sections 3, 4 and 9.
Containing approximately 310 acres.

The tract will be leased to the qualified bidder of the highest cash amount provided that the high bid for the tract equals or exceeds the fair market value (FMV) of the tract as determined by the authorized officer after the sale.

The Department of the Interior has established a minimum bid of $100 per acre. The minimum bid is not to be considered as representing the amount for which the tract may actually be leased, since FMV will be determined in a separate postsale analysis. If identical high sealed bids are received, the tying high bidders will be asked to submit follow-up sealed bids until a high bid is received. All tie-breaking bids must be submitted within 5 minutes following the authorized officer's announcement at the sale that identical high bids have been received.

DATE: The sale will be held at 10:00 a.m., June 27, 1985, in the Eastern States Office Public Room, 350 South Pickett Street, Alexandria, Virginia 22304. All bids must be submitted to the Bureau of Land Management, Eastern States Office, at the above address. The bids should be sent by certified mail, return receipt; or be hand-delivered on or before 4:00 p.m., June 26, 1985. Any bids

received after 4:00 p.m., June 26, 1985 will not be considered.

SUPPLEMENTARY INFORMATION: The coal resource being offered is to be Surface-Mined from the Middle Utley Coal Bed (East Popular Hollow Tract), Tuscaloosa County, Alabama. The complete legal description is available at the Eastern States Office at the address listed above.

The proximate analysis of the tract is as follows:

East Poplar Hollow Tract

1. Moisture (%)........ 1.4–2.4
2. Ash (%)........ 6.6–11.7
3. Sulfur (%)........ 1.6–3.9
4. Btu/lb........ 13,109–14,000
5. Approx. tons in place........ 132,000

Other detailed chemical analysis are available upon request from the Bureau of Land Management, Eastern States Office, Branch of Fluid and Solid Minerals at the address listed above.

Rental and Royalty

Any lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States of 12½ percent of the value of the coal produced by surface mining methods. The value of the coal shall be determined in accordance with 43 CFR 3485.2.

Notice of Availability

Bidding instructions and bidder qualifications are included in the Detailed Statement of the Lease Sale. Copies of the Statement and of the proposed coal lease are available at the Bureau of Land Management, Jackson District Office, P.O. Box 11348, Delta Station, Jackson, Mississippi 39213. Case file documents are available for public inspection at the Eastern States Office.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Coalgate, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, (703) 274–0149.

G. Curtis Jones, Jr.,
State Director.

[FR Doc. 85–12364 Filed 6–5–85; 8:45 am]

BILLING CODE 4310-GJ-M

[NM-39284]

Exchange of Lands; Santa Fe and Taos Counties, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action on a private land exchange with Mr. Louis Menyhert.

SUMMARY: Pursuant to Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), the following described lands have been determined to be suitable for disposal by exchange:

New Mexico Principal Meridian

T. 17 N., R. 8 E.,
Section 24: E½NE¼, NE¼SE¼, S½S½

The areas described amount to 280 acres.

In exchange for these lands, the United States will acquire the following described lands from Mr. Menyhert:

NEW MEXICO PRINCIPAL MERIDIAN

	Acres
T. 26 N., R. 11 E., Sec. 2: All	622.40
T. 27 N., R. 11 E.,	
Sec. 1: All	639.22
Sec. 36: All	593.61
T. 29 N., R. 9 E.,	
Sec. 11; N½NE¼	80.00
Sec. 12: N½N½NW¼SE¼, W½NE¼SE¼, E½SE¼SE¼, NE¼NE¼SE¼, NW¼SE¼N½	390.00
Sec. 13: NE¼NE¼NE¼, S½NE¼NE¼, SE¼NE¼, SW¼NW¼, NE¼SW¼, W½SW¼, SE¼	350.00
Sec. 24: All	640.00
Sec. 25: All	640.00
T. 29 N., R. 10 E.,	
Sec. 18: S½	320.46
Sec. 19: All	641.52
T. 30 N., R. 11 E.,	
Sec. 19: S½NW¼, SE¼	238.76
Sec. 30: All	638.32
T. 31 N., R. 9 E.,	
Sec. 10: SW¼NW¼, NW¼SW¼, SE¼SW¼N½SE¼	200.00
T. 31 N., R. 11 E.,	
Sec. 17: SW¼, NW¼SE¼, S½SE¼	280.00

The areas described amount to 6,284.99 acres.

The public lands identified for disposal are located about 3 miles west of the City of Santa Fe and have high value for residential development. However, they only have limited potential for public use as compared to the private lands north and west of Taos which have high values for wildlife habitat, livestock grazing and public recreation. In fact portions of the private lands have been identified as critical winter elk habitat and a buffer zone for the Rio Grande Wild and Scenic River.

This exchange proposal is consistent with recommendation L-7.3 in the Rio Grande Management Framework Plan (MFP). A BLM grazing allotment will be reduced by 280 acres, but the amount of grazing use will remain unchanged.

The value of the lands to be exchanged are approximately equal. Upon completion of the final appraisal, differences in value will be compensated for by acreage adjustments, the payment of money or by other arrangements that would be in the public interest. Lands to be transferred from the United States will be subject to the following reservations:

1. All mineral deposits shall be reserved to the United States along with the rights to prospect for, mine and remove such deposits under applicable law.

2. The right to construct ditches and canals across said lands under authority of the Act of August 30, 1980 (26 Stat. 391; 43 U.S.C. 945). Publication of this notice segregates the public land from the operation of all the public land laws, including the mining laws. This segregation shall terminate upon issuance of patent or 2 years from the date of this publication, whichever occurs first.

Further information concerning the exchange, including environmental assessment/land report is available for review at the Albuquerque District Office, 505 Marquette Ave., NW., Albuquerque, New Mexico.

For a period of 45 days from the date of this publication, interested parties may submit comments to Albuquerque District Manager, P.O. Box 6770, Albuquerque, New Mexio 87197–6770.

Dated: May 28, 1985.

Michael F. Reitz,
District Manager.

[FR Doc. 85–13596 Filed 6–5–85; 8:45 am]

BILLING CODE 4310-FB-M

Exchange of Public Land; California

The following described public land has been determined to be suitable for disposal under the provisions of Pub. L. 94–579, the Federal Land Policy and Management Act of 1976, Section 206 (90 Stat. 2756).

Mount Diablo Meridian, California

T. 6 N., R. 14 E.,
Sec. 29, Lots 2 and 6
Containing 79.95 acres more or less.

In exchange for both the surface and mineral estates, the United States Government will acquire the surface and mineral estates of the following described lands:

Mount Diablo Meridian, California

T. 17 N., R. 9 E.,
Sec. 16, Nevada County Assessor's Parcels 62–090–17, 18, 19, 20 and 34.
Containing 58.16 acres more or less.

The purpose of this exchange is to bring that portion of the South Yuba Campground and its improvements, which were inadvertently constructed on private property, back into federal

ownership. The acquired non-federal lands add to the South Yuba Recreation Area, a long term management area of significant public value. The exchange is in the public interest and consistent with the Bureau's planning. It has been presented to the Board of Supervisors of Calaveras County who approved it without any conditions attached.

The publication of this notice segregates the applied-for public lands from all other forms of appropriation under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

There will be reserved to the United States a right-of-way for ditches and canals constructed by the authority of the United States (43 U.S.C. 945) for lands being transferred out of Federal ownership.

Detailed information concerning the exchange, including the environmental analysis, is available for review at the Folsom Resource Area Office, BLM, 63 Natoma Street, Folsom, California 95630.

For a period of 45 days from the first publication of this notice, interested parties may submit comments to the District Manager, Bakersfield District, Bureau of Land Management, 800 Truxtun Avenue, Room 311, Bakersfield, California 93301; (805) 361-4191. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Bureau.

Dated: May 30, 1985.

D.K. Swickard,

Area Manager.

[FR Doc. 85-13599 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-40-M

[Realty Action C-40236]

Noncompetitive Sale of Public Land in Garfield County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following-described lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1701, 1713) at the appraised fair market value.

Parcel	Serial No.	Legal description	Acreas	Appraised value
304	C-40236	Sixth Principal Meridian, Township 5 South, Range 89 West, Section 9: S½SW¼S W½NE¼.	5.00	$4,000

The land is being offered to William G. Bullock, Roger W. Bullock and Scott M. Balcomb, trustees for the Possum Creek Ranch, by direct sale at the appraised fair market value. No other bids or bidders will be considered.

The land has not been used for and is not required for any Federal purpose. The parcel is difficult and uneconomic to manage as public land. Disposal would best serve the public interest. The disposal would be consistent with the Bureau's planning recommendations as approved in the *Glenwood Springs Resource Management Plan*, January 1984.

All minerals, excepting oil, gas and geothermal resources, beneath the parcel will also be offered for conveyance. The mineral interests being offered have no known mineral value. A bid on the parcel will also constitute application for conveyance of those mineral interests offered under the authoriity of Section 209(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719(b)).

The patent issued as the result of the sale will be subject to all valid existing rights and reservations of record and will contain a reservation to the United States for a right-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945), for oil, gas and geothermal resources, and for oil and gas lease C-38608.

The publication of this notice in the **Federal Register** will segragate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2711.1-2(d), any subsequently tendered application, allowance of which is discretionary, shall not be considered as filed and shall be returned to the applicant. This segregation will expire 270 days from the date of publication of this notice.

Sale Procedures

The designated bidders, William G. Bullock, Roger W. Bullock and Scott M. Balcomb, as trustees for the Possum Creek Ranch, will be required to submit payment of at least 10 percent of the fair market value by cash, certified or cashier check, or money order to the BLM at 50629, Highway 6 and 24, Glenwood Springs, Colorado, on the first day of August, 1985. On this same date, the bidder will be required to deposit an additional $50.00 nonrefundable filing fee and application for the conveyance of offered minerals pursuant to 43 CFR 2720.1-2(c).

The balance of the appraised fair market value will be due within 180 days, payable in the same form at the same location. Failure to submit the remainder of the payment within 180 days of receipt of the decision notice accepting the bid deposit will result in cancellation of the sale offering and forefeiture of the deposit.

Further Information and Public Comment

Additional information concerning this sale offering, including the planning documents and environmental assessment, is available for review in the Glenwood Springs Resource Area Office at 50629 Highway 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81602. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Grand Junction District Office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81506. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: May 24, 1985.

Dick Freel,

Associate District Manager.

[FR Doc. 85-13598 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-JB-M

[N-41609]

Non-Competitive Sale of Public Land in Washoe County, NV

The following described land comprising 1.61 acres has been identified as suitable for direct sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701, 1713, at no less than fair market value:

Mt. Diablo Meridian

T. 20 N., R. 20 E.,
Sec. 7, lot 10.
Comprising 1.61 Acres.

The land is hereby segregated from appropriation under the public land

laws including the mining laws, preceding disposition of this action.

The land is being offered by direct sale to Albert C. Nix at fair market value to resolve an inadvertent occupancy trespass and to protect his equity investment in the improvements on the land.

The proposed sale is consistent with the Bureau's Planning System and is compatible with local government plans.

The tract location and its characteristics make it difficult to manage as part of the public lands and it is not suitable for management by another Federal department or agency.

Patent for the parcel when issued will contain the following reservations to the United States:

1. At right-of-way thereon for ditches and canals constructed by the authority of the United States, under the Act of August 30, 1890, 26 Stat. 391; U.S.C. 945.

2. All minerals (or partial or specific mineral interests, where applicable) shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at this BLM office.

There are no known values for locatable, saleable and leaseable minerals. In accordance with Section 209(b)(1)(1) of Pub. L. 94-579, mineral interests will be conveyed simultaneously with the surface estate upon submission of an application pursuant to 43 CFR 2720.1-1 and 2720-1-2.

And will be subject to:

1. Those rights for access road and utility purposes which have been granted to Sun Valley Water and Sanitary District, is successors or assignees, by Right-of-Way N-38419.

2. An easement extending 25 feet in width on either side of the centerline of the exsiting dirt road intersecting the eastern portion of the land to insure access to other public lands.

Detailed information concerning the sale is available for review at the Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada 89701.

The land will be offered for sale no earlier than 60 days after the date of publication of this notice in the **Federal Register.** For a period of 45 days from the publication of this notice in the **Federal Register,** interested parties may submit comments to the Carson City District Office. Any Adverse comments will be evaluated and this notice will be upheld, modified or vacated.

Dated this 16th day of May 1985.

Norman L. Murray,

Acting District Manager, Carson City District.

[FR Doc. 85-13597 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-HC-M

[Serial No. I-05278]

Withdrawal and Reservation of Lands; Idaho

Notice of an application, serial number I-05278, for withdrawal and reservation of lands was published as **Federal Register** Doc. 58-5832 on pages 5794-5802 of the issue for July 31, 1958. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2091, such lands will be at 9:00 a.m. on July 5, 1985, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

Boise Meridian, Idaho

Yellow Pine Administrative Site, Boise National Forest.

T. 19 N., R. 8 E.,
Sec. 28, NW¼SE¼.

The area described aggregates 40 acres in Valley County.

Dated: May 29, 1985.

Vincent S. Strobel,

Acting Deputy State Director for Operations.

[FR Doc. 85-13600 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-GG-M

[Serial No. I-15343]

Idaho; Proposed Continuation of Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Corps of Engineers proposes that a 3,680 acre withdrawal for the Mountain Home Air Force Base continue for an additional 50 years, which is the estimated time the lands will continue to be used as an Air Force Base. The lands would remain closed to surface entry and mining but would be open to mineral leasing to the extent compatible with military operations and subject to approval of the Air Force.

DATE: Comments should be received on or before September 4, 1985.

ADDRESS: Comments should be sent to: Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, 208-334-1597.

The Corps of Engineers proposes that the existing land withdrawal made by Public Land Order 987 of July 30, 1954, be continued for a period of 50 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is located in the following-described township and sections:

Boise Meridian

T. 4 S., R. 5 E.,
Secs. 20, 21, 22, 27, 28, 29, 32, 33 and 34.

The area involved totals 3,680 acres in Elmore County.

The purpose of the withdrawal is to provide a base of operations for the training and deployment of Air Force personnel and equipment and for interagency military training exercises and programs. The withdrawal presently segregates the land from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. No change is proposed in the purpose of the withdrawal, but its segregative effect would be modified to allow mineral leasing where compatible with military operations.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The athorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Dated: May 29, 1985.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 85-13582 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-GG-M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanaory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget, Interior Department Desk Officer, Washington, D.C. 20503, telephone (202) 395-7313; with copies to David A. Schuenke; Chief, Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646; Room 6A110; Minerals Management Service; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: Suspension of Operations—30 CFR 250.12.

Abstract: Respondents are required to submit to the Director, Minerals Management Service, a request for suspension of operations. This information will be used to determine the propriety of granting and the terms of a suspension of operations requested by the lessee.

Bureau Form Number: None
Frequency: On occasion
Description of Respondents: Federal oil and gas lessees
Annual Responses: 100
Annual Burden Hours: 800
Bureau Clearance Officer: Dorothy Christopher, (703) 435-6214

Dated: March 15, 1985.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 85-13553 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; CNG Producing Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that CNG Producing Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 1981, Block 314, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Houma, Louisiana.

DATE: The subject DOCD was deemed submitted on May 28, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCDs and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCD available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: May 29, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-13595 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; ODECO Oil & Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that ODECO Oil & Gas Company, Unit Operator of the Ship Shoal Block 113 Field Federal Unit Agreement No. 14-08-0001-2930, submitted on May 22, 1985, as proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Ship Shoal Block 113 Federal unit.

The purpose of the Notice is to inform the public, pursuant to Section 25 of the OCS Land Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 29, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-13603 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; Shell Offshore Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Shell Offshore Inc. has submitted a DOCD describing the activities it proposes to conduct on Leases OCS-G 4734 and 4576, Blocks A-6 and 201, respectively, High Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Galveston, Texas.

DATE: The subject DOCD was deemed submitted on May 30, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf

of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: May 31, 1985

John L. Rankin,

Regional Director; Gulf of Mexico OCS Region.

[FR Doc. 85-13645 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 3377, Block A-281, High Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Sabine Pass, Texas.

DATE: The subject DOCD was deemed submitted on May 29, 1985.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Land Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: May 31, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-13642 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Delegation of Authority No. 148]

Delegation of Authority Concerning Acquisition Functions; Assistant to the Administrator for Management

1. Pursuant to the authority delegated to me by Executive Order No. 12163, dated September 29, 1979, as amended, I hereby delegate authority to the Assistant to the Administrator for Management (with authority to successively redelegate to such officers as he designates) to sign on behalf of A.I.D the following:

A. U.S. Government contracts;

B. Agreements with any Agency of the U.S. Government to undertake specific projects or programs financed in whole or in part by A.I.D. This delegation does not include the authority to execute general agreements;

C. Amendments, modifications, ratifications or other extraordinary contractual actions pursuant to Sections 3 or 4 of Executive Order 11223.

D. With respect to those contracts referred to in paragraph 1.A above, to make findings and determinations with respect to advance payments, including those financed by letters of credit, and to approve contract provisions relating to such advance payments.

2. Definition—For the purposes of this delegation of authority and any redelegation pursuant thereto, "U.S. Government contract" means any acquisition by the U.S. Government, and any subcontracts entered into thereunder.

3. A.I.D. Delegation of Authority No. 99, as amended (38 FR 12834), and all redelegations thereunder are hereby revoked in their entirety.

4. Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

5. Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

6. This delegation of authority shall be effective on June 1, 1985.

Dated: April 8, 1985.

James A. Norris,

Counselor to the Agency.

[FR Doc. 85-13583 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

[Delegation of Authority No. 148.1]

Delegation of Authority; Procurement Executive

Pursuant to the authority delegated to me by Delegation of Authority No. 148 from the Administrator, dated June 1, 1985, I hereby redelegate to the Procurement Executive, Agency for International Development, all the authority (including the authority to successively redelegate) contained in Delegation of Authority No. 148, except that the authority to sign amendments, modifications, ratifications or other extraordinary contractual action pursuant to Sections 3 or 4 of Executive Order 11223 may not be further redelegated by the Procurement Executive.

In the absence of the Procurement Executive, his authority may be exercised by a qualified individual who has been designated to act in such capacity.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued

in effect, according to their terms, until modified, revoked, or superseded by action of the officer to whom I have redelegated relevant authority in this redelegation.

Actions within the scope of this redelegation and any redelegations hereunder heretofore taken by the official designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective on June 1, 1985.

Dated: April 26, 1985.

R.T. Rollis, Jr.,

Assistant to the Administrator for Management.

[FR Doc. 85-13584 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

[Delegation of Authority No. 148.1.1]

Delegation of Authority Concerning Acquisition Functions; Director, Office of Contract Management

Pursuant to the authority redelegated to me by Redelegation of Authority No. 148.1, dated June 1, 1985, I hereby redelegate to the Director, Office of Contract Management, with power to successively redelegate, all the authority delegated to me by Delegation of Authority No. 148.1, except the following:

1. Authority to approve actions under Executive Order No. 11223.

2. Authority to approve dollar advances to profit making organizations may not be further redelegated; authority to approve local currency advances to profit making organizations may be further redelegated.

3. Authority to issue redelegations of authority, permanent or ad hoc, is not redelegated.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms, until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

This authority may be exercised by persons performing the function of the Director, Office of Contract Management, in an "acting" capacity.

Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective June 1, 1985.

Dated: May 15, 1985.

John F. Owens,

Procurement Executive.

[FR Doc. 85-13585 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

[Delegation of Authority 149]

Delegation of Authority Concerning Assistance Functions; Assistant to the Administrator for Management

1. Pursuant to the authority delegated to me by Executive Order No. 12163, dated September 29, 1979, as amended, I hereby delegate authority to the Assistant to the Administrator for Management (with authority to successively redelegate to such officers as he may designate) to sign on behalf of A.I.D. the following:

A. Grants (except to agencies of foreign governments) and cooperative agreements;

B. Grants which are centrally funded to international organizations composed primarily of foreign governments.

C. With respect to those grants and cooperative agreements referred to in paragraphs (A) and (B) above, to approve provisions relating to advance payments.

2. For the purposes of this delegation, "mission" means the A.I.D. mission or the principal A.I.D. office or representative (including an embassy designated to so act) in a foreign country in which there is a program or activity administered by A.I.D.

3. Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

4. Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This delegation of authority shall be effective on June 1, 1985.

Dated: April 18, 1989.

James A. Norris,

Counselor to the Agency.

[FR Doc. 85-13586 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

[Delegation of Authority No. 149.1]

Delegation of Authority; Associate Assistant to the Administration for Management

Pursuant to the authority delegated to me by Delegation of Authority No. 149 from the Administrator, dated June 1, 1985, I hereby redelegate to the Associate Assistant to the Administrator for Management, all the authority (including the authority to successively redelegate) contained in Delegation of Authority No. 149.

The authority delegated herein may be exercised by persons performing the function of Associate Assistant to the Administrator for Management in an "acting" capacity.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms, until modified, revoked, or superseded by action of the officer to whom I have redelegated relevant authority in this redelegation.

Actions within the scope of this redelegation and any redelegations hereunder heretofore taken by the official designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective on June 1, 1985.

Dated: April 26, 1985.

R.T. Rollis, Jr.,

Assistant to the Administrator for Management.

[FR Doc. 85-13587 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

[Redelegation of Authority No. 149.1.1]

Redelegation of Authority Regarding Assistance; Mission Directors and Principal A.I.D. Officers

Pursuant to the authority delegated to me by the Assistant to the Administrator for Management under Redelegation of Authority No. 149.1, I hereby redelegate to Mission Directors or A.I.D. Principal Officers in the field, the authority to execute the following:

1. Cooperative agreements in an amount not exceeding $100,000 (or local currency equivalent) in the aggregate.

2. U.S. government grants (other than grants to foreign governments or agencies thereof) in an amount not exceeding $5 million.

The Mission Director or A.I.D. Principal Officer may approve the making of advance payments to non-profit organizations.

The authority herein delegated shall not be redelegated but may be exercised by authorized persons who are performing the functions of the Mission Director or A.I.D. Principal Officer in an acting capacity.

The authority redelegated herein shall be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise the functions herein redelegated.

This redelegation of authority is effective on June 1, 1985.

Dated: May 15, 1985.

John F. Owens,

Associate Assistant to the Administrator for Management.

[FR Doc. 85-13588 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

[Delegation of Authority No. 149.1.2]

Delegation of Authority Concerning Assistance Functions; Director, Office of Contract Management

Pursuant to the authority redelegated to me by Redelegation of Authority No. 149.1, dated June 1, 1985, I hereby redelegate to the Director, Office of Contract Management, with power to successively redelegate, all the authority delegated to me by Delegation Authority No. 149.1, except the following:

1. Authority to approve dollar advances to profit making organizations may not be further redelegated; the authority to approve local currency advances to profit making organization may be further redelegated by the Director, Office of Contract Management.

2. Authority to issue redelegations of authority, permanent or ad hoc, is not redelegated.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms, until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

This authority may be exercised by persons performing the function of the Director, Office of Contract Management, in an "acting" capacity.

Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective on June 1, 1985.

Dated: May 15, 1985.

John F. Owens,

Associate Assistant to the Administrator for Management.

[FR Doc. 85-13589 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

[Delegation of Authority No. 150]

Delegation of Authority Concerning Excess Property; Assistant to the Administrator for Management

Pursuant to the authority delegated to me by Executive Order No. 12163, dated September 29, 1979, as amended, I hereby delegate authority to the Assistant to the Administrator for Management (with authority to successively redelegate) to exercise so much of the function contained in section 608(a) of the Foreign Assistance Act of 1961, as amended (the Act), as consists of acquiring, storing, renovating, rehabilitating, packing, crating, handling, transporting, and other acts related thereto, of property classified as domestic or foreign excess property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, or other property, in advance of known requirements. The exercise of this function is subject to such limitation as to the funds made available and as to the furnishing of such property as are contained in section 608(a) of the Act.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This delegation of authority shall be effective on June 1, 1985.

Dated: April 8, 1985.

James A. Norris,

Counselor to the Agency.

[FR Doc. 85-13590 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

[Delegation of Authority No. 150.1]

Delegation of Authority; Associate Assistant to the Administrator for Management

Pursuant to the authority delegated to me by Delegation of Authority No. 150 from the Administrator, dated June 1, 1985, I hereby redelegate to the Associate Assistant to the Administrator for Management, all the authority (including the authority to successively redelegate) contained in Delegation of Authority No. 150.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have redelegated relevant authority in this redelegation.

Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective on June 1, 1985.

Dated: April 26, 1985.

R.T. Rollis, Jr.,

Assistant to the Administrator for Management.

[FR Doc. 85-13591 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

[Delegation of Authority No. 150.1.1]

Delegation of Authority Concerning Excess Property; Director, Office of Commodity Management

Pursuant to the authority redelegated to me by Redelegation of Authority No. 150.1, dated June 1, 1985, I hereby redelegate to the Director, Office of Commodity Management, with power to successively redelegate, all the authority delegated to me by Delegation of Authority No. 150.1.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms, until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

This authority may be exercised by persons performing the function of the Director, Office of Commodity Management, in an "acting" capacity.

Actions within the scope of this delegation and any redelegations

hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective June 1, 1985.

Dated: May 15, 1985.

John F. Owens,

Associate Assistant to the Administrator for Management.

[FR Doc. 85-13592 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

[Delegation of Authority No. 150.1.1.1]

Delegation of Authority Concerning Excess Property; Chief, Government Property Resources Division

Pursuant to the authority redelegated to me by Redelegation of Authority No. 150.1.1, dated June 1, 1985, I hereby redelegate to the Chief, Government Property Resources Division, without power to successively redelegate, all the authority delegated to me by Delegation of Authority No. 150.1.1.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms, until modified, revoked, or superseded by action of the officer to whom I have delegated revelant authority in this delegation.

This authority may be exercised by persons performing the function of the Chief, Property Resources Division, Office of Commodity Management, in an "acting" capacity.

Actions within the scope of this delegation and any redelegations hereunder heretofore taken by the officials designated in such delegation or redelegations are hereby ratified and confirmed.

This redelegation of authority shall be effective June 1, 1985.

Dated: May 17, 1985.

William C. Schmeisser, Jr.,

Director, Office of Commodity Management.

[FR Doc. 85-13593 Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than (ten days after publication). Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, Ms. Melita E. Yearwood, (202) 632-3378, IRM/PE, Room 708B, SA-12, Washington, D.C. 20523.

Date Submitted: May 23, 1985.

Submitting Agency: Agency for International Development.

OMB Number: None.

Form Number: None.

Type of Submission: New.

Title: Overseas Information Collections.

Purpose: The Agency collects information for the design, implementation, and evaluation of projects carried out in LDCs (less developed countries). This data represents collections that are specifically designed and collected within the country. These collections affect the inhabitants of the developing country in the development of its human and economic resources.

Date Submitted: May 23, 1985.

Submitting Agency: Agency for International Development.

OMB Number: None.

Form Number: None.

Type of Submission: New.

Title: Education and Human Resource Programs of A.I.D.

Purpose: AID collects a variety of education and training information throughout the developing world in order to: provide information to policy makers and program administration; access formal and nonformal education programs; and develop new approaches to provide education and training to LDC (less developed countries) citizens. Governments, private organizations and international specialized agencies use this data.

Date Submitted: May 23, 1985.

Submitting Agency: Agency for International Development.

OMB Number: None.

Form Number: None.

Type of Submission: New.

Title: Health and Population Programs of A.I.D.

Purpose: AID collects a variety of health and population information throughout the developing world in order to: provide information to policy makers and program administration; access health and family planning programs; and, develop new ways to combat diseases and regulate fertility. Governments, private organizations and international specialized agencies (e.g. WHO) use this data.

Date Submitted: May 23, 1985.

Submitting Agency: Agency for International Development.

OMB Number: None.

Form Number: None.

Type of Submission: New.

Title: Agriculture, Rural Development and Nutrition.

Purpose: The Science and Technology Bureau requires periodic sources of information on the social and economic conditions of agriculture, nutrition and rural areas of developing countries. Projects are then prepared and evaluated to provide technical and financial assistance in support of those countries' development programs.

Date Submitted: May 23, 1985.

Submitting Agency: Agency for International Development.

OMB Number: None.

Form Number: None.

Type of Submission: New.

Title: Energy, Private and Voluntary Organizations, and Selected Development Activities (Data collections created in the U.S., but conducted in other countries).

Purpose: This type of data collection is used to follow-up on LDC (less developed countries) participants trained in the U.S. under our programs to see how they are utilizing the information learned and the impact the training has had on the energy situation in a country. This type of data collection is also used to follow-up on performance of equipment placed in an LDC.

Reviewer: Francine Picoult (202) 395-7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Dated: May 23, 1985.

Fred D. Allen,

Planning and Evaluation Division.

[FR Doc. 85-13646, Filed 6-5-85; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-234 (Sub-IX)]

Prairie Trunk Railway; Abandonment Exemption; Entire Line

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission, exempts from the requirements of 49 U.S.C 10903, *et seq.*, the abandonment by Prairie Trunk Railway of its entire line, which is located in Gallatin, White, Wayne, Clay, Effingham, Fayette, Shelby, Christian,

and Sangamon Counties, IL, a distance of 183 miles.

DATES: This exemption will be effective on July 8, 1985. Petitions to stay must be filed by June 17, 1985, and petitions for reconsideration must be filed by June 26, 1985.

ADDRESSES: Send pleadings referring to Docket No. AB-234 (Sub-No. IX) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, IL 60606

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to: T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: May 14, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio. Commissioner Lamboley, joined by Commissioner Simmons, concurred with separate expression.

James H. Bayne,

Secretary.

[FR Doc. 85-13618 Filed 6-5-85; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29975 et al.]

Chicago and North Western Transportation Co. and Western Railroad Properties, Inc.—Notes and Assumption of Obligations; Construction and Operation—In Campbell County, WY; Exemption From 49 U.S.C. 10901

AGENCY: Interstate Commerce Commission.

ACTION: Notice of (1) acceptance of construction application and securities modification petition and (2) the filing of related exemption petitions.

SUMMARY: The Commission is accepting as complete for consideration the application of the Chicago and North Western Transportation Company and Western Railroad Properties, Incorporated to construct and operate 10.7 miles of railroad extending from milepost 24.5 near Coal Creek, WY to milepost 13.8 at Caballo Mine in Campell County, WY. Applicants have also filed (1) a petition to modify previously granted financing authority to permit use of the funds for the proposed construction project and (2) alternative petitions for exemption of the construction and financing proposals.

DATES: Written comments on the application, exemption, and petition must be filed by June 20, 1985. Replies must be filed by June 25, 1985.

ADDRESSES: An original and 10 copies of all comments referring to Finance Docket Nos. 29975, 30700, and 30700 (Sub-No. 1) should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

Comments should also be served on applicants' representation:

James P. Daley, One North Western Center, 165 North Canal Street, Chicago, IL 60606

Fritz R. Kahn, 1660 L Street, NW., Suite 1000, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245,

or

Mont L. Burrup, (202) 275-6447.

SUPPLEMENTARY INFORMATION: Chicago and North Western Transportation Company (CNW) and its subsidiary, Western Railroad Properties, Incorporated (WRPI), seek to construct and operate a 10.7 mile line of railroad extending from milepost 24.5 near Coal Creek to milepost 13.8 at Caballo Mine, in Campbell County, WY. The proposed construction will extend north from an existing line jointly owned and operated by CNW/WRPI and the Burlington Northern Railroad Company (BN). Construction of the line will enable applicants to provide direct rail service to three operating coal mines in the Southern Powder River Basin—The Caballo Mine of Exxon Coal USA, Inc. (operated by Carter Mining Company, a division of Exxon), the Belle Ayr Mine of AMAX Coal Company, and the Caballo Rojo Mine of Mobil Coal Producing, Inc. Approval of this proposal will enable applicant to extend to these coal mines a rail service competitive with that currently being provided by BN.

Concurrent with the submission of the construction and operation application in Finance Docket No. 30700, CNW and WRPI filed in Finance Docket No. 30070 (Sub-No. 1) a petition for exemption under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 10901 for that construction and operation.

In Finance Docket No. 29975 applicants seek (1) either (a) modification of a previously approved financing plan so as to enable that plan to embrace the proposed construction project, or (b) exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 11301 with respect to financing the contruction project, and (2) an exemption under 49 U.S.C. 10505 from the section 11301 requirements for the potential issuance of notes in an aggregate amount not to exceed $22 million to Exxon Coal USA, Inc., pursuant to a tonnage guarantee agreement by Exxon.

In a decision served May 3, 1985, CNW was granted a partial waiver of the 6-month prefiling environmental notification requirement of 49 CFR 1105.9(b) and 1150.1(b). It has, however, submitted its environmental documentation with the application, and the Commission's Section of Energy and Environmental will soon be releasing an environmental assessment.

The application contains the information required by 49 CFR 1150 and is accepted for consideration. Interested persons are invited to comment on the application, the petition for modification, and the exemption petitions, by the date set forth above.

Decided: May 30, 1985

By the Commission's Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-13617 Filed 6-5-85; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30659]

Central Montana Rail, Inc.; Modified Certificate of Public Convenience and Necessity

May 30, 1985.

On May 3, 1985, a notice was filed by the Central Montana Rail, Inc. (CMR) for a modified certificate of public convenience and necessity under 49 CFR Part 1150, Subpart C. That carrier is now authorized to provide service over a line of railroad between milepost 71.00, Spring Creek Junction, and milepost 137.14, near Geraldine, MT, in Fergus, Judith Basin and Chouteau Counties, MT a distance of approximately 66.12 miles connecting with the Burlington Northern Railroad Company at Spring Creek Junction, MT. The line was formerly owned by Burlington Northern Railroad Company (BN) but was authorized to be abandoned.[1] The line was donated to

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[1] Docket No. AB-6 (Sub-No. 175) *Burlington Northern Railroad Company—Abandonment—In Fergus, Judith Basin and Chouteau Counties, MT,* dated April 23, 1984, served April 27, 1984.

the State of Montana in March, 1985. The state of Montana is providing five million dollars, received from the BN in a settlement, to be used for the start-up of the CMR. Up to 3.5 million dollars is available from Federal Railroad Administration funds for rehabilitation. All monies will be administered by the State of Montana. The operating agreement between the State and CMR is for a twenty-five year period which began September 5, 1984.

This notice must be served upon the Association of American Railroads (Car Service Division) as agent of all railroads subscribing to the car-service and car-hire agreement, and upon the American Short Line Railroad Association.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-13619 Filed 6-5-85; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30650]

The AT&L Railroad Company, Inc. and Wheeler Brothers Grain Company, Inc.; Exemption Under 49 U.S.C. 10746 and 10901

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts The AT&L Railroad Company, Inc. (AT&L) (a) from the provisions of 49 U.S.C. 10746, and (b) from the provisions of 49 U.S.C. 10901 to operate approximately 18 miles of track between Geary and Watonga, in Blaine County, OK.

DATES: This exemption will be effective June 3, 1985. Petitions to reopen must be filed by June 26, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30650 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Gary P. March, WHITMAR Transportation Service, 6007 SW 27th Street, Topeka, KS 66614.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or call toll free (800) 424-5403.

Decided: May 29, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Aimmons, Lamboley and Strenio. Commissioner Lamboley concurred in the result.

James H. Bayne,

Secretary.

[FR Doc. 85-13616 Filed 6-5-85; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-3)]

Intrastate Rail Rate Authority; Colorado

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission is extending the provisional certification of Colorado under 49 U.S.C. 11501(b) to regulate intrastate rail transportation, to permit it to modify its standards and procedures as required in the full decision.

DATES: Colorado's provisional certification will expire August 5, 1985 unless prior to that date Colorado files the required standards and procedures.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: May 17, 1985.

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

James H. Bayne,

Secretary.

[FR Doc. 85-13615 Filed 6-5-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Badische Corp.

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on May 15, 1985, a proposed consent decree in *United States* v. *Badische Corporation,* Civil Action No. G-85-52, was lodged with the United States District Court for the Southern District of Texas, Galveston Division. This consent decree settles a lawsuit filed December 20, 1984, pursuant to section 309 of the Clean Water Act ("the Act"), 33 U.S.C. 1319, for injunctive relief and for assessment of a civil penalty against the Badische Corporation for alleged discharges of pollutants from Badische's Freeport, Texas, plant in violation of section 301 of the Act, 33 U.S.C. 1311, and Badische's National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to section 402 of the Act, 33 U.S.C. 1342. The key provision of the proposed consent decree is that Badische agrees to pay a civil penalty of $100,000 with respect to the violations of the Clean Water Act alleged in the Complaint.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530. All comments should refer to *United States* v. *Badische Corporation,* D.J. Ref. 90-5-1-1-2304.

The proposed consent decree may be examined at the following offices of the United States Attorney and the Environmental Protection Agency ("EPA"):

EPA Region VI

Contact: B. Ralph Corley, Office of Regional Counsel, U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270, (214) 767-9971.

United State Attorney's Office

Contact: Frances H. Stacy, Assistant United States Attorney, Southern District of Texas, Land and Natural Resources Division, Room 12517, 515 Rusk Avenue, Houston, Texas 77002, (713) 229-2693.

Copies of the proposed consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained by mail from Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-13660 Filed 6-5-85; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Full Committee Meeting and Subgroup Meetings

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on June 20, 21, 1985 at the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC.

On Thursday June 20th the Committee will be divided into two Subgroups. One will address expanding the scope of the OSHA Hazard Communication Standard. The other Subgroup will consider inspection initiatives in the chemical industry. The Subgroups will meet in Room N-3437 beginning at 9:30 A.M. on June 20. The full Committee will meet in Room N-3437 beginning at 9:00 a.m. on June 21st. The meeting agenda for the full committee on June 21st will incude Subgroup Reports and reports on OSHA and NIOSH activities. The public is invited to attend these meetings.

The National Advisory Committee on Occupational Safety and Health was established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Committee chairperson to the extent which time permits.

For additional information contact: Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3662, Third Street and Constitution Avenue, NW, Washington, D.C. 20210, Telephone: 202-523-8024.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C., this 31st day of May 1985.

Robert A. Rowland,

Assistant Secretary.

[FR Doc. 85-13579 Filed 6-5-85; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 85-35]

NASA Advisory Council, History Advisory Committee; 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 NASA Advisory Council, History Advisory Committee.

DATE AND TIME: June 27, 1985, 8:30 a.m. to 3 p.m.

ADDRESS: National Aeronautics and Space Administration, 400 Maryland Avenue, Room 7096, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Sylvia D. Fries, Code LBH, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-2999).

SUPPLEMENTARY INFORMATION: The History Advisory Committee was established to provide advice and guidance to the NASA history program, which maintains an archives and publishes works in the history of aeronautics and space science and technology. The Committee, chaired by Dr. Melvin Kranzberg, consists of 8 members.

This meeting will be closed to the public from 11 to 11:30 a.m. and from 1:30 to 2:30 p.m. on June 27 for a discussion of the qualifications of (1) an additional member to serve on the committee, and (2) candidate historians to do two contract projects. Such a discussion would invade the privacy of the individuals involved. Since this session will be concerned with matters listed in 5 U.S.C. 552(b)(6), it has been determined that the meeting will be closed to the pubic 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

8:30 a.m.—Program Status and Review.
9 a.m.—Five Year Plan: Discussion and Recommendation.
10 a.m.—Committee Recommendation on Electronic Records.
11 a.m.—New Member (Closed Session).
12:30 p.m.—Tour of Headquarters History Office.
1:30 p.m.—Proposal Evaluation: (1) Space Station History Project (2) New Series Volume II (Closed Session).
2:30 p.m.—Other Committee Business.
3 p.m.—Adjourn.

Dated: May 30, 1985.

Richad L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

[FR Doc. 85-13550 Filed 6-5-85; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules

AGENCY: Office of Records Administration, National Archives and Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes a notice at least once monthly of all agency records schedules (requests for records disposition authority) which include records proposed for disposal. The first notice was published on April 1, 1985. Records schedules identify records of continuing value for eventual preservation in the National Archives of the United States and authorize agencies to dispose of records of temporary value. NARA invites public comment on proposed records disposals as required by 44 U.S.C. 3303a(a).

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

ADDRESS: Address comments and requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, D.C. 20408. Requestors must cite the control number assigned to each schedule when requesting a copy. The control number appears in parenthesis immediately after the title of the requesting agency. Copies of the schedules are also available for public inspection during the comment period at the Office of the

Federal Register, Room 8401, 1100 L St., NW, Washington, D.C.

SUPPLEMENTARY INFORMATION: Each year U.S. government agencies create billions of records in the form of paper, film, magnetic tape, and other media. In order to control the accumulation of records, Federal agencies prepare records schedules which specify when the agency no longer needs them for current business and what happens to the records after the expiration of this period. Destruction of the records requires the approval of the Archivist of the United States, which is based on a thorough study of their potential value for future use. A few schedules are comprehensive; they list all the records of an agency or one of its major subdivisions. Most schedules cover only one office, or one program, or a few series of records, and many are updates of previously approved schedules.

The monthly public notice identifies the Federal agencies and their appropriate subdivisions requesting disposition authority, includes a control number assigned to each schedule, and briefly identifies the records scheduled for disposal. The complete records schedule contains additional information about the records and their disposition. Additional information about the disposition process will be furnished with each copy of a records schedule requested.

Schedules Pending Approval:

1. Department of Agriculture, Agricultural Research Service (NC1–176–85–1). Schedules and checklists rejected for incompleteness, inconsistency, or other reasons from a study of consumers' purchases undertaken by the former Bureau of Home Economics, 1935–36.

2. Department of the Air Force (NC1–AFU–85–24). Motor vehicle dispatch records consisting of Air Force Form 868, Request for Motor Vehicle Services, and related documents.

3. Department of the Air Force, Air War College, Air University (NC1–AFU–85–22). Academic records relating to the training progress of nonresident students, including writing assignments, course completion letters, and related correspondence.

4. Central Intelligence Agency (NC1–263–84–3). This CIA schedule is classified in the interest of national security pursuant to Executive Order 12356 and is further exempted from public disclosure pursuant to the National Security Act of 1947, 50 U.S.C. 403(d)(3), and the CIA Act of 1949, 50 U.S.C. 403g.

5. Internal Revenue Service, Dallas District Office, Audit Division (NC1–58–85–9). Record cards documenting efforts to determine the value of corporation stock for tax purposes.

6. National Archives and Records Administration: records accessioned from the Veteran's Administration (NC2–15–84–2). Routine correspondence, registers, vouchers and bills, cross-reference cards, and other records relating to prosthetic appliances, 1862–1935.

7. National Archives and Records Administration: records accessioned from the Veteran's Administration, Law Division of the Bureau of Pensions (NC2–15–84–3). Correspondence, notes, expenditures reports, and other administrative records, 1888–1929, relating to routine legal proceedings and fraud investigations.

8. Peace Corps, Office of Administrative Services (NC1–362–85–1). Case files containing copies of personnel actions (such as emergency leave or early termination) regarding volunteers or trainees.

9. U.S. Postal Service, Finance Group (NC1–28–85–1). Paid money orders, money order vouchers, and microfilm of paid money orders.

10. United States Information Agency (NC1–306–79–5). Motion picture films, videotapes, and kinescope films which are duplicated at other institutions or which show routine panel discussions, training sessions, ambassadors presenting credentials and other ceremonial occasions.

Dated: May 31, 1985.

Frank G. Burke,

Acting Archivist of the United States.

[FR Doc. 85–12294 Filed 6–5–85; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Artists in Education Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Artists in Education Advisory Panel (Special Projects/Challenge) to the National Council on the Arts will be held on June 19–20, 1985, from 8:00 a.m.—10:00 p.m., and on June 21, 1985, from 8:00 a.m.—5:00 p.m in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 21, 1985, from 3:00 p.m.–5:00 p.m. to discuss Five-Year Planning Document and other policy issues.

The remaining sessions of this meeting on June 19–20, 1985, from 8:00 a.m.—10:00 p.m.; and on June 21, 1985, from 8:00 a.m.—3:00 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applicantions for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John. H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

May 28, 1985.

[FR Doc. 85–13580 Filed 6–5–85; 8:45 am]

BILLING CODE 7537–01–M

President's Committee on the Arts and Humanities; Meeting

Plenary Meeting IX of the President's Committee on the Arts and the Humanities will convene at 9:00 a.m. on Wednesday, June 19, 1985 in room M–07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. This is a regularly scheduled meeting at which committee activities will be reviewed and progress reported.

The Committee, charged with exploring ways to increase private support for the arts and humanities, has generated private funds which augment their operational costs and support projects and programs which have been initiated by the President's Committee.

Agenda items on June 19 will include:

• Briefings by the Chairman of the National Endowment for the Arts and the National Endowment for the Humanities, and Director of the institute of Museum Services on the highlights of their activities.

• Summary of activities of the commission.

• Presentation by Dr. Daniel J. Boorstin, Librarian of Congress—"The Library of Congress in the American Tradition: Converging Private and Public Interest."

• Presentation by Mr. Schuyler G. Chapin, Dean of the School of the Arts at Columbia University and Chairman of the American Symphony Orchestra League—"Needs of American Symphony Orchestras."

This meeting is expected to adjourn before lunch. Please notify the President's Committee (202) 682-5409 or (212) if you wish to attend.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

May 28, 1985.

[FR Doc. 85-13581 Filed 6-5-85; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrences for Fourth Quarter CY 1984; Dissemination of Information

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incidents were determined to be abnormal occurrences using the criteria published in the **Federal Register** on February 24, 1977 (42 FR 10950). These abnormal occurrences are described below, together with the remedial actions taken. These events are also being included in NUREG-0090, Vol. 7, No. 4 ("Report to Congress on Abnormal Occurrences: October-December, 1984"). This report will be available in the NRC's Public Document Room, 1717 H Street NW, Washington, D.C. about three weeks after the publication date of this **Federal Register** Notice.

Nuclear Power Plants

Four Control Rods Fail to Insert During Testing

One of the general abnormal occurrence criteria notes that a major degradation of essential safety-related equipment can be considered an abnormal occurrence.

Date and Place—On October 6, 1984, during quarterly individual control rod scram testing for Susquehanna Unit 1, four rods failed to insert. Nine other rods hesitated before scramming; however, they did fully scram within the time allowed by the plant's technical specifications. Susquehanna Unit 1, which utilizes a General Electric (GE)-designed boiling water reactor (BWR), is operated by the Pennsylvania Power and Light Company (PP&L). The plant is located in Luzerne County, Pennsylvania.

Nature and Probable Consequences—GE-designed BWRs utilize control rods driven in from the bottom of the core. During a reactor scram, the rods must be rapidly inserted into the core against the force of gravity. To accomplish this, as well as normal withdrawals and insertions of control rods, each control rod drive (each control rod has its own drive) is operated by a double acting piston which moves the control rod in and out of the core by a hydraulic system which provides water under pressure to operate the piston. To withdraw a rod, water under pressure is admitted to the area above the piston (to provide the motive force), and water under the piston exits to an exhaust header. The opposite takes place to insert a rod. During normal rod insertion or withdrawal, the system is designed to move the rod relatively slowly and movement is limited to a short distance of travel.

During a scram, a separate set of valves functions to effect rod movement. Each control rod drive has a scram inlet valve and a scram outlet valve. At Susquehanna, these valves are normally held closed during reactor operation by instrument air pressure supplied by their T-ASCO (Automatic Switch Company) scram pilot solenoid valve (SPSV). There are 185 SPSVs installed (one per control rod drive). The SPSVs are energized by the reactor protection system (RPS). Upon receipt of a scram signal from the RPS, the SPSVs deenergize which rapidly vents the air pressure from the scram inlet and outlet valves, allowing them to open and the rod to scram.

Opening the scram inlet valve permits high pressure water to the area below the drive piston. Opening the scram outlet valve vents the area over the drive piston to the scram discharge volume. The large differential pressure across the piston produces a large upper force on the control rod, giving it a high acceleration and providing a high margin of force to overcome possible friction within the control rod drive.

For surveillance testing purposes, test switches are provided which permit each control rod to be scrammed individually, rather than all rods scramming upon receipt of a scram signal from the RPS. The test switches permit control rod testing, as required periodically by the technical specifications, without shutting the plant down.

On October 6, 1984, with Unit 1 at 60% power, quarterly individual rod scram testing began on ten percent of the rods (19) as required by technical specifications. Control rod 42-23 failed to insert; the test was repeated three times and each time the rod failed to scram. Instrument and Control technicians investigated the problem and found that when the rod's SPSV was physically struck, the rod scrammed. The rod was then fully withdrawn and retested; this time the rod scrammed satisfactorily. When rod testing continued, rod 42-39 also failed to scram. Similar to rod 42-23, when the SPSV for rod 42-39 was struck, the rod scrammed. The licensee then decided to individually scram the rest of the 185 rods. Two additional rods (i.e., 58-31 and 38-39) failed to scram; again, they did scram when their SPSVs were struck. Both were individually fully withdrawn, and on retest, scrammed satisfactorily. Nine other rods hesitated initially when tested, but did meet the required maximum insertion time of seven seconds.

On October 7, the SPSVs were replaced on the four rods which failed to scram. The licensee set up a task force to investigate the SPSV failures. One of the failed SPSVs was sent to GE, San Jose, California, and another was sent to Franklin Research Center for analysis of the failure mechanism.

On October 12, 1984, GE informed PP&L that the SPSV failed due to the disc holder subassembly disc sticking to the seat on the valve body. The sticking was due to a degradation of the polyurethane disc material. GE, as a product upgrade, had changed the disc material in new SPSVs to Viton-A a few years ag. The Viton-A material was subsequently incorporated into ASCO spare part kits for those valves, beginning in 1982.

Based on this information and the determination that most if not all of the SPSVs on both units were affected, the licensee decided to shut down both Units 1 and 2. Shutdown began on October 12; both units were in hot shutdown on October 13. Unit 2 subsequently went to cold shutdown the same day to conduct unrelated maintenance. The NRC headquarters operations center was notified of these shutdowns by the Emergency Notification System (ENS).

ASCO spare part kits containing the Viton-A disc were obtained by the licensee and the disc holder subasemblies were extracted from the spare part kits and installed in all 185 SPSVs on Unit 1 during Octber 13 through October 15, 1984. These valves were functionally tested by observing the scram inlet outlet valves stroking when the individual rod test switches

were actuated. Additionally, individual rod testing was performed while shut down. On Unit 2, the licensee determined that 93 of the SPSVS had been previously rebuilt in April 1983 using ASCO spare part kits containing the Viton-A disc. The licensee installed the new disc subassembly in the remaining 92 SPSVs and also inspected the ones that were previously rebuilt to ensure that they contained the Viton-A disc.

For added reliability to the reactor scram process, the CRD instrument air system has two DC solenoid operated, three-way air valves (called backup scram valves) installed on the supply header. These valves operate, similar to the SPSVs, upon receipt of a signal from the RPS. Upon energization either of the two backup scram valves can vent the entire CRD instrument air system. The air supplied to the hydarulic control units of the CRDs, and the scram discharged volume (SDV) vent and drain pilot valves, passes through these two backup scram valves. Therefore, these two valves provide backup scram capability to the individual SPSVs and the SDV vent and drain valves.

The backup scram valves and the SDV vent and drain T-ASCO pilot valves on Unit 1 were also rebuilt with new Viton-A discs. Subsequently, on October 17, Unit 1 returned to power and individual rod testing on all rods was conducted at approximately 50 percent power.

On Unit 2, new disc holder subassemblies were also installed in the backup scram valves. The Unit 2 SDV vent and drain pilot valves, manufactured by Valcor, were not affected.

On October 18, 1984, while continuing individual rod scram testing on Unit 1 at about 55% power, the licensee discovered that due to an administrative error, operability testing of the SDV vent and drain valves, required each 18 months by technical specifications, was overdue by about 15 months. Per technical specifications, these valves must close within 30 seconds after receipt of a signal to scram from the RPS. The licensee immediately declared the SDV system inoperable and notified the NRC Operations Center by the ENS. When the licensee could find no documentation from previous reactor scrams that the vent and drain valves had operated properly, the plant was manually scrammed on October 18, 1984. During the scram, the SDV vent valve closed in 32.4 seconds and the drain valve in 26.9 seconds. Since the vent valve did not meet the acceptance criteria of 30 seconds, the SDV remained inoperable while the licensee investigated the cause. To correct the problem, the licensee replaced the apparently undersized T-ASCO pilot valve with the larger Valcor valve, similar to that used on Unit 2. This larger valve vents the air header significantly faster than the smaller T-ASCO valve. Shutdown testing of the Valcor valve following its installation indicated a vent valve closure time of about six seconds; this is similar to the time obtained on Unit 2 during the unit's preoperational testing. Subsequent testing on October 21, 1984, by manually scramming Unit 1 from 7% power, showed a vent value closure time of 5.2 seconds.

As discussed later, NRC Resident Inspectors performed a special inspection from October 13–22, 1984. One finding noted that six control rods in Unit 1 had experienced hesitation at the initiation of a scram one or more times during full core scrams as far back as March 22, 1983. One of the rods (58-31), which failed to scram during its individual scram test on October 6, 1984, had hesitated on full core scrams on March 22, 1983, June 13, 1984, and July 3, 1984. Control rod 54-47, which hesitated (but did scram) on October 6, 1984, had also hesitated on June 13, 1984, July 3, 1984, and July 15, 1984. The other three rods (i.e., 42-23, 42-39, and 38-39) which failed to scram on October 6, 1984, had also hesitated during the full core scram on June 13, 1984.

A more significant finding of the NRC inspection was that during the June 13, 1984, full core scram, the four rod array containing control rods 38-39, 38-43, 42-39, and 42-43, exceeded the technical specification allowable average scram insertion time from the fully withdrawn position (notch 48) to notch 45. The two slowest rods (i.e., 38-39 and 42-39) of the four rod array were two of the four which failed to insert on October 6, 1984; this is a precursor to the October 6, 1984, event. Even though the computer printouts of the June 13, 1984 scram data had specifically indicated that this rod array exceeded technical specification average scram insertion time, the licensee failed to note this when the printouts were reviewed during control rod surveillance scram testing on June 25, 1984. This discrepancy was missed both by the individual performing the surveillance and by the supervisor who reviewed the completed surveillance.

The safety significance of the October 6, 1984 event was the reduction in the required "extremely high probability" of shutting down the reactor in the event of an anticipated operational occurrence. This is evidenced by the following:

1. During single rod scram testing, four control rods failed to insert, and nine others hesitated before scramming, due to a common mode failure of the SPSVs. There was a potential that the common mode failure aspect could have caused a significant number of control rods to be inoperable. The mechanism that could have possibly identified the problem earlier, the surveillance procedure, was not properly reviewed, and therefore the precursor event on June 13 was not recognized and investigated.

2. Even though the plant has backup scram valves, at the time of the event the condition of the valves was not known since they had not been tested since before the plant originally started up. During the preoperational testing of Unit 1, the time to depressurize the air header for each backup scram valve was 43.3 seconds and 28.21 seconds, respectively. The backup scram valves are not included in technical specification required surveillance testing. In response to an unrelated issue, however, the licensee intends to test these valves on a refueling interval basis although they have not yet been retested since the preoperational test program.

Cause or Causes—The SPSVs failed due to the disc holder subassembly disc sticking to the seat of the T-ASCO valve bodies. The cause of the failure was initially determined to be due to contamination of the polyurethane seat material by oil and/or water which had been introduced into the CRD instrument air system. PP&L is continuing its investigation to determine the exact nature and source/origin of the contaminants found in the instrument air system. The Viton-A replacement material is resistant to all oils which could be introduced into the instrument air system as well as to water and other chemical contaminants.

A contributing cause was the licensee's inadequate review of the data associated with the June 13, 1984, full core scram during the surveillance conducted on June 25, 1984. The data provided information by which the deficiency may have been identified, before some rods actually failed to insert.

Actions Taken To Prevent Recurrence

Licensee—The licensee conformed to the actions contained in the NRC Region I Confirmatory Action Letter, dated October 17, 1984, discussed below.

The licensee is continuing its investigation to determine the exact nature and source/origin of the contaminants found in the CRD instrument air system. Surveillances and shutdowns, conducted since the various plant modifications were made, have

shown the reactor scram systems have performed satisfactorily on both Units 1 and 2. The licensee's responses to the NRC Region I Confirmatory Action Letter were contained in letters dated November 19, 1984 and January 9, 1985.

After the licensee discovered the administrative error which resulted in the SDV vent and drain valve 18-month operability test being overdue by about 15 months, the licensee conducted a 100 percent documentation review to ensure that no other similar administrative errors were present in their surveillance tracking system. No other deficiencies were found. The licensee also modified the surveillance documentation forms to emphasize the date on which the surveillance was performed rather than the date of the form and created a full time surveillance documentation auditor position. These actions are intended to reduce the potential for incorrect data entries in the surveillance tracking computer system.

NRC—As previously mentioned, NRC headquarters was notified by the licensee, via an ENS call on October 12, 1984, of the defective SPSVs and the licensee's decision to shut down Units 1 and 2. On October 15, 1984, at the request of the NRC Region I, the licensee committed to remain below 5% power pending the results of a meeting in Bethesda, Maryland on the following day to discuss the SPSV problem. At the meeting, the licensee committed to the following actions:

a. Scram-time test all 185 rods, on each unit, when a 50–60% power level is reached,

b. Develop a surveillance procedure to unambiguously assess scram pilot valve operability, to be submitted to and approved by NRC prior to implementation, and performed every four to six weeks,

c. Trend and report immediately to NRC, via the ENS network, any failures or anomalies found during scram solenoid valve operability tests, or individual control rod scram time testing (normally performed for a 10% rod sample every four months), and

d. Provide the failure analysis results from Franklin Research Center and General Electric testing on the original valves which failed.

On October 17, 1984, NRC Region I issued a Confirmatory Action Letter confirming the above commitments.

From October 13 to 22, 1984, a special safety inspection was performed by the NRC Resident Inspectors of the circumstances involved with the failure of the four SPSVs during individual rod scram testing on Unit 1 on October 6, 1984. The inspection consisted of a review and evaluation of: SPSV function, licensee actions following identification of the SPSV failures, scram time surveillance testing, SPSV maintenance history and Unit 1 SDV vent and drain pilot valve inoperability. Some of the findings have been discussed above under "Nature and Probable Consequences." The inspection results were forwarded to the licensee in a letter dated November 15, 1984.

An enforcement conference was held at NRC Region I on November 30, 1984, between NRC and licensee personnel to discuss the results of the NRC special safety inspection, and the status of the licensee's actions associated with the NRC Region I Confirmatory Action Letter. Conference details were forwarded to the licensee in an NRC Region I letter dated January 10, 1985. NRC Region I forwarded a Notice of Violation to the licensee on January 4, 1985. The violation involved the failure of the licensee to recognize, during a control rod scramming surveillance test on June 25, 1984, that technical specification requirements were violated for average scram insertion time to notch position 45 by one, four rod 2 x 2 array; since the licensee failed to discover the violation the reactor was allowed to operate without either repairing these rods or declaring them inoperable and performing required analyses.

The NRC will continue to follow the licensee's actions, as necessary, to assure that they are satisfactory.

Editor's Note.—On April 3, 1985, the NRC forwarded Inspection and Enforcement Information Notice No. 85–27 ("Notifications to the NRC Opertions Center and Reporting Events in Licensee Event Reports") to all nuclear power reactor facilities holding an operating license or a construction permit. The notice was issued to clarify the requirements for licensees to report to the NRC, by the Emergency Notification System (ENS) and by a Licensee Event Report (LER), an event or condition that results in or could result in multiple failures in safety systems. This clarification was considered necessary since PP&L did not believe it necessary to report the October 6, 1984, failures at Susquehanna Unit 1 to the NRC either by the ENS or by an LER.

* * * * *

Degraded Upper Head Injection System Accumulator Isolation Valves

Example II.B.1 of the abnormal occurrence criteria notes that discovery of a major condition not specifically considered in the safety analysis report (SAR) or technical specifications that requires immediate remedial action can be considered an abnormal occurrence.

Date and Place—On November 1, 1984, the upper head injection (UHI) system accumulator isolation valves were discovered to have been incapable of required automatic closure for Duke Power Company's McGuire Nuclear Station, Unit 1, a pressurized water reactor plant, located in Mecklenburg County, North Carolina.

Nature and Probable Consequence—At McGuire Unit 1, the UHI system is an engineered safety feature, designed to provide cooling (borated water) of the core during the blowdown portion of the postulated loss of coolant accident (LOCA) transient for a large rupture in the cold leg of the reactor coolant system (RCS). The system (see Figure 1) consists primarily of two pressure vessels (accumulators), one filled with borated water and the other with pressurized nitrogen gas. Pressure is maintained to the borated water in the first accumulator by the nitrogen gas in the other accumlator. During normal operations, the contents of the two accumulators are separated by a membrane in the 12" diameter line connecting the accumulators, and pressure is maintained at equilibrium through a surge tank.

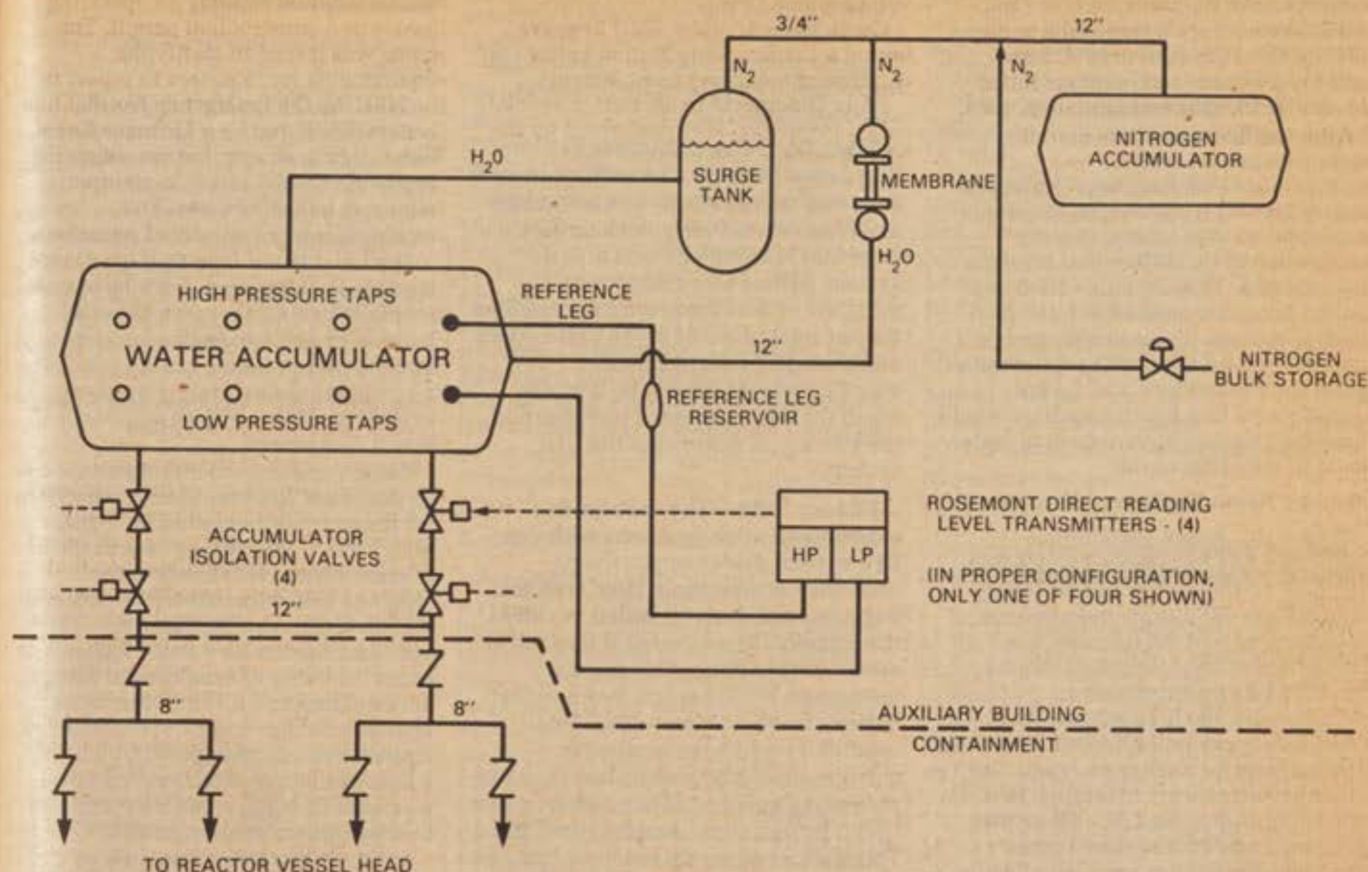

Figure 1 Simplified Piping and Instrumentation Diagram (McGuire Upper Head Injection System)

Two separate water lines are connected near the bottom of the water accumulator. In each line, there are two accumulator isolation valves and a swing disc check valve in series. The accumulator isolation valves are motor operated and are normally open. Downstream of the check valve, each water line feeds two injection lines. Each injection line contains a swing disc check valve and is connected to the upper head of the reactor vessel. During normal operation, the check valves isolated the UHI system from the RCS.

In the unlikely event of a LOCA large enough to depressurize the RCS below about 1250 psig, the RCS pressure falls below the water accumulator pressure and the borated water if forces through the check valves into the reactor vessel head by the nitrogen gas. When the water level falls to a predetermined level in the accumulator, differential pressure transmitters (which sense accumulator water level) provide an initiating signal for the four isolation valves to close; this is to prevent injection of the nitrogen gas into the RCS.

On October 31, 1984, while Unit 1 was operating at 100% power, the licensee found that nitrogen in excess of technical specifications was entrained in the water accumulator. A plant shutdown was intitiated. On November 1, 1984, while the licensee was draining the tank, it was discovered that the four isolation valves failed to close on accumulator water low level. Investigation showed that the valves had been incapable of required automatic closure since April 25, 1984. From this date until the condition was discovered on November 1, 1984, the plant had been operated for about five months. During this period, had a large LOCA occurred, a considerable amount of nitrogen could have been injected into the reactor vessel upper head.

Although the effects of injecting the non-condensable gas has not been analyzed in detail, it could interfere with cooling the reactor core during such an accident. This condition is beyond the design bases for the plant and is not specifically analyzed in the safety analysis report.

Cause or Causes—Investigations revealed that the water accumulator differential pressure transmitters, which sense accumulator water level and provide the intitiating signal for isolation valve closure, had been improperly installed on Unit 1. The impluse lines were not connected to the appropriate transmitter ports. This resulted in a loss of function of the transmitters and, consequently, in the inability for automatic closure of the accumulator isolation valves. Further investigation revealed that the transmitters had been incorrectly installed during a plant modification in April 1984, which replaced the Barton differential pressure instrument by Rosemont instruments. The cause of this incorrect installation is attributed to inadequate instructions which did not

provide sufficient direction for proper connection of the transmitters. The installation errors were similar to those previously addressed in NRC Inspection and Enforcement Information Notice No. 84-45 ("Reversed Differential Pressure Instrument Sensing Lines"), which was issued on June 11, 1984.

In addition, the functional testing of the sytem following completion of this modification was limited to a dry calibration of the differential pressure transmitters. This dry calibration was not an adequate method of functional testing because it was unable to detect improper installation of the differential pressure transmitters and did not demonstrate that the transmitters would function properly with respect to water level in the accumulator.

Actions Taken To Prevent Recurrence

Licensee—A new installation procedure has been issued which now requires verification of proper tubing connections for differential pressure transmitters, and the licensee has committed to strengthening the post modification testing program. Additionally, the licensee reviewed other safety-related differential pressure applications for similar problems. No other problems were identified. Prior to startup of Unit 1, the UHI differential pressure transmitters were properly connected and the system functionally tested using an adequate method. Unit 2 was inspected and found to have the UHI differential pressure transmitters properly connected.

NRC—A inspector from NRC Region II was sent to the site on November 2, 1984, to participate in the investigation of the event. All plants which have UHI systems were determined to be located within NRC Region II, and were notified of this problem. Each licensee reported that the configuration of UHI differential pressure transmitters had been inspected and confirmed to be correct. Inspection and Enforcement Information Notice No. 85-02 ("Improper Installation and Testing of Differential Pressure Transmitters") was sent on January 11, 1985, to all reactor facilities with operating licenses or construction permits to alert them of possible problems associated with improper installation of differential pressure transmitters and inadequate post-modification functional testing.

As a result of the NRC Region II inspection on November 2-3, 1984, failures to comply with NRC regulatory requirements were identified. An enforcement conference to discuss these matters was held with the licensee at the NRC Region II Office on November 14, 1984. On February 20, 1985, the NRC forwarded to the licensee a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $50,000. The forwarding letter also included NRC Inspection Report Nos. 50-369/84-34 and 50-370/84-31.

The NRC Office of Nuclear Reactor Regulation (NRR) is currently attempting to assess the effects of the accumulator isolation valves failing to close during a large LOCA in a plant with a UHI system. NRR is also considering initiation of additional studies regarding the net safety benefit of the UHI system and changes in the technical specification requirements. It is also noted that the licensee is investigating the efficacy of removal of the UHI system.

Editor's Note.—The licensee has experienced other problems with the UHI system. For example, during corrective actions associated with the degraded accumulator isolation valves, the licensee discovered that the Unit 1 accumulator differential pressure instrument trip set points had been set incorrectly since March 1983. This condition could have resulted in charging over 3000 gallons less than the prescribed quantity of borated water for UHI injection under accident conditions. This deficiency would not have had an effective on UHI actuation following the April 25, 1984 modification described above because automatic closure of the accumulator isolation valves could not longer occur.

The licensee checked Unit 2 and found that the set points also were erroneously set (since February 1983). The cause of the incorrect set points for both Units was due to an engineering error in the calibration procedures which established the set points. The licensee set the set points correctly and revised the appropriate procedure to prevent recurrence.

This violation of plant technical specifications was included in the NRC enforcement action described above.

On March 22, 1985, the NRC forwarded Inspection and Enforcement Information Notice No. 85-23 ("Inadequate Surveillance and Postmaintenance and Postmodification System Testing") to all nuclear power reactor facilities holding an operating license or a construction permit to alert them of various problems experiences at the McGuire nuclear power facility in regard to inadequate surveillance and post-maintenance and post-modification system testing.

Fuel Cycle Facilities (Other Than Nuclear Power Plants)

Buildup of Uranium in a Ventilation System

Example I.D.2 of the abnormal occurrence criteria notes that a major deficiency in design, construction or operation having safety implications requiring immediate remedial action can be considered an abnormal occurrence.

Date and Place—On October 5, 1984, Nuclear Fuel Services, Inc. (the licensee) notified the NRC that an excessive buildup of uranium has been discovered in the new ventilation system (including a scrubber) of the scrap recovery facility at their plant located near the town of Erwin, Tennessee.

Nature and Probable Consequences—Operation of the new ventilation system for the scrap recovery facility began in March 1983. This system was designed to reduce the level of radioactive effluents and projected offsite doses. Within three months of startup, however, the licensee noted higher than expected levels of uranium-235 being accumulated in the ventilation system venturi scrubber and established action limits for the accumulation. In July 1983, a heat exchanger was removed which was later found to contain several hundred grams of uranium-235.

In May 1984, action limits were established in the license which required investigation and corrective actions when the action limits were exceeded. Between May 1984 and October 1984, these action limits were exceeded several times.

On October 3 and 4, 1984, the licensee again detected uranium concentrations in the venturi scrubber solution, which exceeded the license action limit for the liquid. On October 4, 1984, nondestructive assay (NDA) measurements of the venturi scrubber and its blowdown tank showed a buildup of solids containing uranium-235 exceeding the 50-gram action limit. Repeated flushing of the system with water did not reduce the concentration below the action limit. Consequently, the system was shut down, the solution was drained from the scrubber, and the inspection port cover plate was removed for a visual inspection of the scrubber internals.

A buildup of solids on the inner walls of the scrubber and the venturi above the water level was observed. Also, solids were observed to have accumulated in the bottom elbow of the duct where the air enters the scrubber. NDA measurements of the system revealed approximately 1000 grams of uranium-235 in the venturi scrubber and

1000 grams of uranium-235 in the duct leading to the scrubber.

Cleaning of the ventilation system was conducted on October 6 and 7, 1984, after preparation of a procedure and further discussions with the NRC. The NRC resident inspector observed and monitored the licensee's activities.

After reassembly of the scrubber, the removed materials, which had been placed in safety geometry bottles, were measured as containing 1610 grams of uranium-235. An additional 598 grams of uranium-235 were removed from the scrubber in the solution batches of October 3, 4, and 5, 1984. In conjunction with the restarting of the ventilation system, an investigation was initiated by the licensee to determine the causes of the accumulation of uranium-235, and a confirmatory evaluation of the health and safety significance of the observed accumulation was performed.

Even though it was determined that a criticality event could not have occurred, the event was significant in that the accumulation of uranium-235, in the scrubber and ducting, was considerably greater than one safe wet mass.

Additional concerns identified were, (1) the special nuclear material was not maintained within a material balance area as required by license conditions, (2) the special nuclear material was not measured during physical inventories as required by license conditions, and (3) the special nuclear material in the duct work was not stored as specified by the Physical Security Plan. (Although the material was not stored as required, it was not vulnerable.)

Cause or Causes—The primary cause of the uranium buildup was equipment design. The licensee had attempted to design the ventilation system so that all solid materials entering the ventilation ducting would be carried through and into the scrubber where it would be routinely removed. However, the existence of acid and moisture in the air caused the solid material to deposit in the ducting and above the waterline in the scrubber. A contributing cause was the licensee's failure to take appropriate corrective actions when action limits were exceeded.

Preliminary findings from the licensee's investigation indicated that the material removed from the system was from essentially all processes in the scrap recovery operation. The most significant sources were the scrap furnace and the scrap recovery operation. the most significant sources were the scrap furnace and the scrap dissolvers. Also, the licensee determined that HEPA filters on other process equipment may have leaked, and a potential existed for liquid to enter the ventilation ducting because of inadequate siphon beaks.

The warning signals, which included the uranium concentrations in the scrubber water and some detected presence of solids during the period May 1984 to October 1984, as well as the accumulation of material in the heat exchanger, were not recognized by the licensee. In two cases when the license action limits were exceeded, no investigation was performed by the licensee. In the other cases, the licensee's investigation consistent of a form filled out by the production foreman with inadequate followup by site management to determine the cause of the condition; in addition, no development of corrective actions to prevent recurrence was made.

Actions Taken To Prevent Recurrence

Licensees—The licensee implemented a prgram for routinely monitoring material accumulation in the ventilation systems througout the plant. The NRC approved a license amendment incorporating this monitoring program. The licensee is conducting a design review to identify engineering improvements which will prevent uranium from entering the ventilation system. Status reports on these engineering improvements are provided to the NRC on a routine basis. In addition, the licensee will respond to the NRC enforcement action described below.

NRC—A special inspection was conducted at the licensee's Erwin, Tennessee facility by the NRC Region II Office during the period of October 5–18, 1984. Significant failures to comply with NRC regulatory requirements were identified, i.e., failure to perform adequate investigations and take appropriate corrective actions, as required by the license, for violations of criticality safety action limits placed on the accumulation of uranium in the ventilation system. The conditions of degraded safety and safeguards had existed for a significant period of time.

An Enforcement Conference to discuss these matters was held with the licensee at the NRC Region II Office on October 29, 1984. On February 21, 1985, the NRC Region II Office on October 29, 1984. On February 21, 1985, the NRC forwarded to the licensee a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of $20,000. In addition to the civil penalty, the NRC believed that further remedial action was needed to ensure that the licensee improves management oversight of operations and initiates appropriate investigatins when action limits are exceeded. Therefore, the February 21, 1985, NRC letter also enclosed an Order Modifying License. The Order amends the license to require the licensee to expand the duties and responsibilities of its Internally Authorized Change Council.

The NRC Resident Inspector is monitoring the licensee's on-site actions. Both the Resident Inspector and the NRC Region II Office are following the licensee's corrective actions to assure that they are satisfactory.

Dated in Washington, D.C., this 31st day of May 1985.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-13629 Filed 6-5-85; 8:45 am]

BILLING CODE 7590-01-M

Abnormal Occurrence Report; Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amendend, the Nuclear Regulatory Commission (NRC) has published and issued the periodic report to Congress on abnormal occurrences (NUREG–0090, Vol. 7, No. 4).

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that event involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

This report to Congress is for the fourth calendar quarter of 1984. The report identifies the occurrences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described. During the report period, there were two abnormal occurrences at the nuclear power plants licensed to operate. One involved four control rods failing to insert during testing and the other involved degraded upper head injection system accumulator isolation valves. There was one abnormal occurrence at a fuel cycle facility; the event involved buildup of barriers. There were four abnormal occurrences at the other NRC licensees. One involved contaminated radiopharmaceuticals used in several diagnostic administrators. Two involved

therapeutic medical misadministrators. The other involved significant internal exposure to iodine-125 to a hospital employee. There was one abnormal occurrence reported by an Agreement State; the event involved contaminated radiopharmaceuticals used in several diagnostic administrations.

The report also contains information updating some previously reported abnormal occurrences.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street, NW, Washington, DC or at any of the nuclear power plant Local Public Document Rooms throughout the country.

Copies of microfiche of NUREG-0090, Vol. 7, No. 3 (or any of the previous reports in this series), may be purchased by calling (202) 275-2060 or (202) 275-2171, or by writing to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, D.C. 20013-7982. A year's subscription to the NUREG-0090 series publication, which consists of four issues, is also available. Documents may be purchased by check, money order, Visa, MasterCard, or charged to a GPO Deposit Account.

Copies of the report may also be purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

Dated at Washington, DC, this 31st day of May 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-13628 Filed 6-5-85; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-13785]

Application and Opportunity for Hearing; Armco, Inc.

May 31, 1985.

Notice is hereby given that Armco, Inc. (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 proposed assumption of the trusteeships by United States Trust Company of New York ("U.S. Trust") as successor trustee under seven existing qualified indentures 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 U.S. Trust from acting as trustee under any 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 (as defined in such Section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides that, with certain exceptions, a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which other securities of the same obligor 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 same obligor are outstanding, if the obligor shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the 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 any of such indentures.

The applicant alleges that:

(1) The Applicant proposes to appoint U.S. Trust as the successor trustee under seven indentures in which Applicant is the olbigor. Each of the indentures is listed on Exhibit A to this Notice. Said seven indentures are hereinafter called the "Indentures" and the securities issued pursuant to the Indentures are hereinafter called the "Securities."

(2) U.S. Trust is willing to accept appointment as successor Trustee under each of the Indentures.

(3) The Applicant is not in default in any respect under the Indentures.

(4) All of the Indentures are qualified under the Trust Indenture Act of 1939.

(5) The obligations of Applicant under the Indentures are wholly unsecured, are unsubordinated and rank *Pari passu*. Any differences that exist between the provisions of the Indentures are unlikely to cause any conflict of interest among the trusteeships of U.S. Trust under the Indentures.

(6) 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.

Notice is further given that any interested person may, not later than June 25, 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 he 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, 450-5th Street, NW., Judiciary Plaza, 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 in the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

1. Indenture dated June 1, 1961 (the "1961 Indenture") between Armco Steel Corporation (now Armco Inc.) ("Armco") and ("Chemical"), as trustee, under which Twenty-Five Year 4½% Sinking Fund Debentures Due 1986 were issued and are now outstanding. The 1961 Indenture was filed as Exhibit 2.02 to Armco's Registration Statement on Form S-9, File No. 2-18063 under the Securities Act of 1933 (the "Act") and has been qualified under the Trust Indenture Act of 1939 (the "TIA").

2. Indenture dated July 15, 1967 (the "1967 Indenture") between Armco and The Chase Manhattan Bank (National Association) ("Chase"), as trustee, under which Twenty-Five Year 5.90% Sinking Fund Debentures Due 1992 were issued and are now outstanding. The 1967 Indenture was filed as Exhibit 202 to Armco's Registration Statement on Form S-9, File No. 2-26799 under the Act and has been qualified under the TIA.

3. Indenture dated as of October 1, 1970 (the "1970 Indenture") between Armco and Manufacturers Hanover Trust Company, as trustee, under which Twenty-Five Year 8.70% Sinking Fund Debentures Due 1995 were issued and are now outstanding. The 1970 Indenture was filed as Exhibit 4.01 to Armco's Registration Statement on Form S-1, File No. 2-38312 under the Act and has been qualified under the TIA.

4. Indenture dated as of July 15, 1975 (the "1975 Indenture") between Armco and Chemical, as trustee, under which 9.20% Debentures Due 2000 were issued and are now outstanding. The 1975

Indenture was filed as Exhibit 2 to Armco's Registration Statement on Form S-7, File No. 2-54091 under the Act and has been qualified under the TIA.

5. Indenture dated as of September 1, 1976 (the "1973 Indenture") between Armco and Chase, as trustee, under which 8½% Debentures Due 2001 were issued and are now outstanding. The 1976 Indenture was filed as Exhibit 2 to Armco's Registration Statement on Form S-7, File No. 2-56988 under the Act and has been qualified under the TIA.

6. Indenture dated as of December 1, 1981 (the "1981 Indenture") between Armco and Bankers Trust Company, as trustee, under which 14.65% Notes Due 1986 were issued and are now outstanding. The 1981 Indenture was filed as Exhibit 4 to Armco's Registration Statement on Form S-16, File No. 2-74884 under the Act and has been qualified under the TIA.

7. Indenture dated as of March 15, 1982 (the "1982 Indenture") between Armco and Chemical, as trustee, under the 15¼% Notes Due March 15, 1989 were issued and are now outstanding. The 1982 Indenture was filed as Exhibit 4 to Armco's Registration Statement on Form S-16, File No. 2-76365 under the Act and has been qualified under the TIA.

[FR Doc. 85-13675 Filed 6-5-85; 8:45 am]
BILLING CODE 8010-01-M

[Release No. IC-14551; File No. 812-6077]

Prudential-Bache Global Fund, Inc., et al.; Application for Exemptive Order Relating to Contingent Deferred Sales Charge

May 31, 1985.

Notice is hereby given that Prudential-Bache Global Fund, Inc. ("Global Fund"), Prudential-Bache Government Plus Fund Inc. (the "Funds"), both open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act") and Prudential-Bache Inc. ("Prudential-Bache" collectively, "Applicants"), a broker-dealer registered under the Securities Exchange Act of 1934, filed an application on March 20, 1985, and an amendment thereto on May 14, 1985, for an order, pursuant to section 6(c) of the Act, exempting the Funds, and any other existing or future registered mutual fund for which Prudential-Bache serves as manager or administrator, and distributor, and which is sold substantially on the same basis as the Funds (collectively, "Exempted Funds"), from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rule 22c-1 thereunder to the extent necessary to permit the assessment (and waiver and reduction in certain cases) of a contingent deferred sales charge ("CDSL") on certain redemptions of their shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the relevant statutory provisions.

Applicants state that the Global Fund currently assesses a contingent deferred sales load on redemptions of its shares in reliance upon advice of its counsel that such assessment is permissible without an exemptive order of the Commission. The Global Fund acknowledges that, if granted, the exempted order would be applicable only as of the date of such order, and that, by granting such an order, the Commission is not passing upon the merits of Global Fund's reliance upon its counsel's opinion regarding the applicability of the Act to such contingent deferred sales load.

Applicants state that the Exempted Funds propose to offer their shares without the imposition of a front-end sales load and propose to impose a CDSL upon redemption of their shares by purchasers, with certain exceptions noted below. Applicants represent that the CDSL imposed upon redemption would not, in the aggregate, exceed five percent of the total cost of the shares redeemed. No CDSL will be imposed to the extent that the net asset value of the shares redeemed does not exceed (1) the current net asset value of shares purchased more than five years prior to the redemption, plus (2) the current net asset value of shares purchased through reinvestment of dividends or capital gains distributions, plus (3) increases in the net asset value of the investor's shares above the total amounts of payments for the purchase of an Exempted Fund's shares made during the preceding five years. The Exempted Funds propose to waive the CDSL on redemptions: (1) Following the death or disability of a shreholder, and (2) in connection with certain distributions from Individual Retirement Accounts or other qualified retirement plans.

Applicants state that, when a CDSL is imposed, the amount of the charge will depend on the number of years elapsed since tender of the purchase payment comprising the source of the redemption. It is expected that during the first year after purchase, the charge would be five percent of the amount redeemed. Thereafter, the charge would decrease one percent annually until the expiration of five years, at which time no charge would be imposed.

Applicants state that the amount of the CDSL (if any) is calculated by determining the date on which the relevant purchase payment was made and applying the appropriate percentage to the amount of the redemption subject to the charge. In determining the rate of a CDSL, it will be assumed that a redemption is made of shares held for the longest period within the five years preceding the redemption.

It is stated that each Exempted Fund will finance its own distribution expenses according to a plan adopted pursuant to Rule 12b-1 under the Act (the "Plan"). Each Exempted Fund's Plan will provide for the payment to Prudential-Bache of an annual distribution fee not to exceed 1% of the lesser of (1) aggregate gross sales of the fund's shares since inception of the Plan (not including reinvestments of dividends or capital gains distributions), less the aggregate net asset value of the fund's shares redeemed since inception of the Plan upon which a CDSL charge has been imposed or waived, or (2) the Exempted Fund's average daily net assets. Applicants represent that Prudential-Bache will also receive the proceeds of all unwaived CDSL charges imposed upon share redemptions.

The Exempted Funds also propose to reduce the CDSL in the case of a redemption by a shareholder who has pruchased more than a stated minimum in shares of that Exempted Fund. Applicants assert that such a reduction is both fair and equitable and in the best interests of the stockholders of the Exempted Funds. Applicants represent that the per share sales costs for large purchases of Fund shares is less than such costs for smaller purchases because large purchases do not entail significantly greater selling effort and expense than smaller purchases. Applicants further represent that the existence of relatively large stockholder accounts will aid the stockholders of Exempted Funds in realizing economics of scale through reduced per share stockholder servicing costs. Applicants represent that an Exempted Fund offering such a waiver or reduction of the CDSL will comply with the provisions of paragraphs (a) through (d) of Rule 22d-1 under the Act.

Applicants request exemption from section 2(a)(32) of the Act which defines "redeemable security", to continue to be classified as an open-end company (an issuer of redeemable securities) as defined in section 5(a)(1) of the Act. Applicants also request exemption from sections 2(a)(35) and 22(c) and 22(d) of

the Act and Rule 22c-1 thereunder to permit the proposed CDSL, and the proposed waiver and reduction thereof.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 25, 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 its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-13673 Filed 6-5-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14552; File No. 812-6112]

Postipankki et al.; Application and Opportunity for Hearing

June 3, 1985.

Notice is hereby given that Postipankki and Postipankki U.S. Inc. (collectively, "Applicants"), c/o H. Rodgin Cohen, Esq., Sullivan & Cromwell, 125 Broad Street, New York, New York 10004, filed an application on May 21, 1985, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants 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, Postipankki, a Finnish bank, is constituted and chartered under terms of a 1969 Act of the Parliament of Finland, as a "financial institution which operates on the responsibility of the Republic of Finland." By order dated October 4, 1979 (Investment Company Act Rel. No. 10893), the Commission, acting pursuant to section 6(c) of the Act, exempting Postipankki from all provisions of the Act, to permit Postipankki to issue and sell prime quality commercial paper in the United States.

Applicants represent that Postipankki is under the control of the Finnish Ministry of Finance and is supervised by the supervisory Board of Postipankki. According to the application, as of December 31, 1984, total deposits (other than funds of the Investment Fund of Finland) were $2,943 million, of which $1,684 million or 57% of the total, represented term deposits. Applicants represent that loans and advances (other than those made out of the Investment Fund of Finland) aggregated $2,856 million and constituted 59% of Postipankki's total assets. Finally, Applicants represent that 85% of Postipankki's revenues is interest income.

Applicants state that Postipankki U.S. Inc. was organized solely for the purposes of issuing debt obligations and providing the proceeds thereof to Postipankki or a subsidiary thereof. Applicants state that substantially all of Postipankki U.S. Inc.'s assets will consist of amounts receivable from Postipankki or a subsidiary thereof. Applicants represent that all the outstanding capital stock of Postipankki U.S. Inc. is owned by Postipankki.

Applicants propose that Postipankki will issue and sell, or cause Postipankki U.S. Inc. to issue and sell, in the United States unsecured prime quality commercial paper notes (the "Notes") in bearer form and denominated in United States dollars. Applicants state that Postipankki will be jointly and severally liable for payment of the principal, interest and premium, if any, on notes issued and sold by Postipankki U.S. Inc. Applicant further states that the proceeds of the sale of Postipankki U.S. Inc.'s Notes (to the extent not applied to the repayment of maturing notes or to the payment of minimal current expenses) will be loaned to Postipankki or a subsidiary thereof.

Applicants undertake to ensure that the Notes will not be advertised or otherwise offered for sale to the general public, but instead will be sold by a dealer to institutional investors and other entities and individuals who normally purchase commercial paper notes. Applicants also undertake to ensure that the dealer will provide each offeree of the Notes prior to purchase with a memorandum which briefly describes the business of Postipankki, including its most recent publicly available fiscal year-end balance sheet and income statement of Postipankki by audited in such manner as is customarily done for Postipankki Finnish Auditors. Applicants undertake that such memorandum will be at least as comprehensive as those customarily used by United States bank holding companies in offering commercial paper in the United States. Applicants do not intend to include in such memorandum a presentation of Postipankki's financial position prepared in accordance with U.S. generally accepted accounting principles, which principles have only limited applicability to government instrumentalities. Applicants state that the application of such accounting principles to Postipankki's financial statements could not accurately be done. Finally, Applicants state that this memorandum will be updated annually, as well as periodically, to reflect material change in Postipankki's financial position.

Applicants represent that the terms of the Notes and the manner of offering them, will be such as to qualify them for the exemption from registration under section 3(a)(3) of the Securities Act of 1933, as amended (the "1933 Act"). Applicants further represent that the presently proposed issue of Notes and all future issues of debt securities in the United States shall have received prior to issuance one of the three highest investment grades from at least one nationally recognized statistical rating organization and that their United States counsel shall have certified that such rating has been received.

Applicants represent that they will appoint a bank or other financial institution in the United States as their authorized agent to issue the Notes from time to time. Applicants further represent that Postipankki will appoint either such bank or financial institution, Postipankki U.S. Inc. or some other United States person which normally acts in such capacity to accept any process which may be served in any action based on a Note, whether issued as a direct liability of Postipankki or as joint and several liabilities of Postipankki and Postipankki U.S. Inc., and instituted in any State of Federal court by the holder of such Note. Applicants state that Postipankki will expressly accept the jurisidiction of any State or Federal court in the City and State of New York in respect of any such action. Applicants state that such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid by Postipankki or Postipankki U.S. Inc. Applicants represent that they will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner

of the offering of the Notes or otherwise. Applicants consents to any order granting this application being expressly conditioned on their compliance with the undertaking set forth above and the undertakings described below.

Postipankki may, from time to time, offer other securities for sale in the United States, such as debt securities, but not including shares of capital stock. Postipankki U.S. Inc. may also, from time to time, offer other securities for sale in the United States which are joint and several obligations of or unconditionally guaranteed by Postipankki. Applicants represent that Postipankki U.S. Inc. does not intend to offer any equity securities iOn the United States. Applicants undertake that any future offering of Postipankki's or Postipankki U.S. Inc.'s securities in the United States will be done on the basis of disclosure documents at least as comprehensive in their description of Postipankki, its business and its financial condition as the dealer's memorandum and financial statements referred to above and as those customarily used in U.S. offerings of such securities. Applicants undertake to ensure that each offeree of such securities will be provided with such disclosure documents. Applicants represent that any such future offering will be made with due regard to the provisions of Regulation D and the doctrine of "integration" referred to in Securities Act Release Nos. 4434, 4552, 4708 and 6489 and various "no action" letters made public by the Commission.

Postipankki also undertakes, in connection with any future offering in the United States of Postipankki U.S. Inc.'s securities, to appoint an agent to accept any process which may be served in any action based on any such securities and instituted in any State or Federal court by any holder of any such security. Postipankki further undertakes that it will expressly accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action. Such appointment of an agent to accept service of process and consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of such securities have been paid. Postipankki and Postipankki U.S. Inc. will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of such securities or otherwise in connection with the securities.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 24, 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 request. After said data 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. 85-13672 Filed 6-5-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22094; SR-Amex-83-33 and 85-12]

Self-Regulatory Organizations; American Stock Exchange Inc.; Filing of and Order Granting Accelerated Approval to Proposed Rule Change and Amendment No. 1 Thereto; Order Approving Proposed Rule Change

On December 12, 1983, the American Stock Exchange, Inc. ("Amex") submitted a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder[2] to permit the trading on Amex of standardized options on securities that are not listed and registered on a national securities exchange under section 12(a) of the Act[3] but are designated as National Market System Securities ("Tier I NMS stocks") pursuant to Rule 11Aa2-1(b)(1) under the Act.[4] The Amex also proposes to adopt a policy that would require the Amex to phase out options trading for any Tier I NMS stock that decides to list on the Amex.[5]

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1984).

[3] 15 U.S.C. 781(a) (1982).

[4] 17 CFR 240.11Aa2-1(b)(1) (1984). The proposed rule change (File No. SR-Amex-83-33) was noticed in Securities Exchange Act Release No. 20498, December 16, 1983, 48 FR 56875.

[5] The Amex has indicated that under this policy it will phase out trading in the option prior to listing and trading the stock. Telephone conversation between Alden Adkins, Attorney, Division of Market Regulation, and Fred M. Stone, Vice President and General Counsel, Amex, May 29, 1985.

At a public Commission meeting held on April 16, 1985, the Commission decided that Amex's proposal would be consistent with the Act if Amex eliminated its barriers to the multiple trading of options of Tier I NMS stocks.[6] The Commission also decided that Amex (or any other exchange) could not commence trading options on Tier I NMS stocks until it had submitted to the Commission an adequate plan for the surveillance of such options.

In response to this decision, the Amex proposes to amend Amex Rule 900 to state that Amex Rule 5[7] will not apply to any transaction through the facilities of NASDAQ in any option admitted to trading both on the Amex and on NASDAQ on a stock that was traded through the facilities of NASDAQ at the time that option was admitted to trading on Amex.[8] Amex also states in a letter accompanying Amendment No. 1 to the filing that should Amex seek to trade an option on an index of OTC stocks, it would promptly file an amendment to remove its restrictions on the multiple trading of such an option.[9] The Amex states that it interprets the "Options Allocation Agreement"[10] not to apply to options on Tier I NMS stocks, including any Tier I NMS stock that lists on an exchange after option trading commences on that stock.[11]

[6] The Commission made the same finding with respect to proposals by the Boston, New York, Pacific and Philadelphia Stock Exchange, Inc., and the Chicago Board Options Exchange, Inc., to trade options on Tier I NMS stocks. Securities Exchange Act Release No. 22026, May 8, 1985 ("OTC Options Release"), 50 FR 20310. In that release, the Commission also made clear that once multiple trading on a Tier I NMS stock commenced, such multiple trading could continue even if the stock should subsequently list on an exchange. *Id.*, 50 FR 20310 at n.214.

[7] Amex Rule 5, in general, prohibits Amex members from effecting over-the-counter ("OTC") transactions in securities listed on Amex.

[8] Amex's original filing, submitted on April 29, 1985, would have covered only options on stocks traded through NASDAQ. Amendment No. 1, submitted on May 13, 1985, amended the proposal to read as described in the text above to take account of the possibility that the stock may subsequently list.

[9] Letter from Howard A. Baker, Vice President, Amex, to Eneida Rosa, Branch Chief, Division of Market Regulation, dated May 28, 1985.

[10] The Allocation Agreement consists of a uniform set of rules adopted by each options exchange that sets forth the procedures for allocating options on individual stocks among these exchanges. *See* Securities Exchange Act Release No. 22008, May 1, 1985, 50 FR 19508.

[11] Letter from Fred M. Stone, Vice President and General Counsel, Amex, to Eneida Rosa, Branch Chief, Division of Market Regulation, dated May 24, 1985.

Amex's proposals to amend its Rule 900 has not been noticed previously. Interested persons are invited to submit comments on this proposal by June 27, 1985. Six copies of such comments should be submitted to the Secretary of the Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-Amex-85-12. Copies of the proposal and related documents, except for those that may be withheld from the public pursuant to 5 U.S.C. 552, are available at the Commission's Public Reference Room and at the Amex.

The Commission finds that the Amex's proposal to amend Amex Rule 900 (File No. SR-Amex-85-12), as well as Amex's interpretation of the Allocation Agreement, effectively eliminate Amex's barriers to the multiple trading of options on Tier I NMS stocks listed on Amex. The Commission finds that this proposal eliminates restraints on competition and is consistent with the provisions of the Act applicable to national securities exchanges and, in particular, sections 6 and 11A of the Act. With this amendment to Amex's rules, and Amex's interpretation of the Allocations Agreement,[12] for the reasons stated in the OTC Options Release, the Commission finds the Amex proposal to trade options on NMS stocks (File No. SR-Amex-83-33) is consistent with the Act.

The Commission finds good cause for approving the proposed rule change contained in File No. Amex-85-12 prior to the thirtieth day after publication of notice thereof in the **Federal Register** in that: (1) The Commission previously has solicited comment on amending exchange barriers to the multiple trading of options on Tier I NMS stocks,[13] and the proposed rule change is designed to implement the Commission's decision to allow the multiple trading of these options; (2) the proposed rule change relieves a restriction and is essentially exemptive in nature;[14] and (3) Amex desires to commence trading options on Tier I NMS stocks by June 3, 1985.

The Commission also finds that Amex has submitted an adequate plan for the surveillance of options trading on Tier I NMS stocks.[15] The Amex also has agreed not to commence trading any option on an NMS stock earlier than June 3, 1985, after the date of this order and the announcement on May 22, 1985, of the exchange's intent to commence trading. Subject to these conditions on the commencement of trading, it is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule changes contained in File Nos. SR-Amex-83-33 and 85-12 are approved.[16]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 31, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-13679 Filed 6-5-85; 8:45 am]

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[Release No. 22096; File No. SR-CBOE-85-20]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Filing and Immediate Effectiveness Relating to a Requirement for a Deposit Concerning Leased Memberships

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 10, 1985 the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

The Exchange files as a rule change the following new requirement for a deposit to be put into effect on or about June 1, 1985. Any Exchange member who is a lessee, who is a nominee using a membership that is leased, or who is a Chicago Board of Trade (CBT) exerciser who is a delegate (that is, a CBT "lessee") shall be required to deposit with the Exchange $500.

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 and is set forth in sections (A), (B), and (C) below.

(A) Procedures of the Self-Regulatory Organization

Lessees, nominees using a membership that is leased, and CBT exercisers who are delegates are the only Exchange members who do not own (or in the case of nominees, whose firms do not own) either an Exchange or a CBT membership. When such members terminate their Exchange memberships, they have been more likely than other members to owe less than $500 to the Exchange in connection with, for example, dues, transaction fees, and charges for keys and badges not returned. The deposit would be used to cover such debts.

The deposits would be returned without interest after completion of the Exchange's termination process. If a debt is less than $500, the remaining amount will be returned upon completion of the Exchange's termination process. The Exchange will begin requiring these $500 deposits from applicants for membership on or about June 1, 1985; deposits must be received before an applicant can become an effective member. Current members will be billed for the $500 deposit on or about June 1, 1985.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change creates any burden on competition not necessary or appropriate under the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Formal comments on the rule change filing were neither solicited nor received.

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[12] Although the Commission believes that the Amex's interpretation of the Allocation Agreement is adequate to remove the potential barriers to multiple trading that the Agreement might present, because the Agreement is itself a rule of the exchange, the Commission believes the Amex should undertake, in coordination with the other Agreement participants, to prepare formal rule changes as soon as practicable.

[13] *See* Securities Exchange Act Release No. 20853, April 12, 1984, 49 FR 15291. *See* OTC options release, *supra* note 6, 50 FR 20310, text accompanying notes 176-231, for a discussion of the issues relating to multiple trading and eliminating barriers to such trading.

[14] *Cf.* 5 U.S.C. 553(d) (1982).

[15] Amex has indicated that this plan can be implemented by June 3, 1985. Trading cannot commence, of course, until the plan is operational.

[16] The Commission notes that it has encouraged all self-regulatory organizations ("SROs") contemplating multiple trading options on Tier I NMS stock with another SRO to adopt uniform expiration cycles, at least initially, for such options and to establish some coordinating mechanisms for the opening of trading each day. *See, e.g.,* letter from Richard T. Chase, Associate Director, Division of Market Regulation to Fred M. Stone, Vice President and General Counsel, Amex, dated May 20, 1985.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate 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 furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 27, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 31, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-13677 Filed 6-5-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22097; Filed No. SR-CBOE-85-07]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change Relating to Position and Exercise Limit Procedures

On March 15, 1985, the Chicago Board Options Exchange, Incorporated ("CBOE") submitted to the Commission a proposed rule change pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b-4 [2] thereunder, to amend CBOE's position and exercise limit exemption procedure regarding instant exemptions, and the position and exercise limit exemption policy regarding exemptive action in the S&P 100 Index ("OEX"). The Commission solicited comments on the proposed rule change, but received none.[3]

The proposed rule change amends CBOE's exemptive procedures and policies concerning position and exercise limits.[4] With respect to the procedures for obtaining an instant exemption, the proposed rule change requires market-makers to contact two members of the Exemption Committee named in the revised memorandum, who will review immediately the request for an exemption and either grant or deny the request.[5] The joint decision of the two Committee members must be made in accordance with the criteria established by the Exemption Committee. Following the joint Committee members' decision, the CBOE staff will be notified of the instant exemption request and its disposition. At the next committee meeting, those instant exemptions which were granted will be reviewed.[6] The Commission understands that the Exemption Committee has the authority to reverse the joint decision of the two Committee members and to compel the market-maker to unwind his position, to the extent of the exemption.[7] As amended, the proposed rule change provides that, ordinarily, Committee meetings will be held on Tuesday, Wednesday and Thursday of each week.[8]

In its filing, CBOE states that the modification of the instant exemption process should ensure that it is immediately responsive to the needs of the marketplace. CBOE further states that, by requiring the concurrence of two members of the Exemption Committee in deciding whether to grant an instant exemption and by subjecting the instant exemption decision to a prompt review by the CBOE staff and Exemption Committee, the proposed rule change provides adequate safeguards while it also allows for immediate attention to the handling of large orders in the marketplace. Moreover, CBOE notes that instant exemptions are granted sparingly.

As indicated, the proposed rule change also modifies CBOE policy with regard to the granting of instant exemptions from the position and exercise limits in OEX. In this connection, the proposed rule change provides that applicants for position and exercise limit exemptions in OEX should be within 20% of the applicable position or exercise limit established by the Exchange. Currently, CBOE's exemptive policies require that all positions be within 10% of the applicable limits. The proposed rule change would maintain this same threshold for all securities positions except those in OEX. In its filing, CBOE explains that 20% has become a realistic guidepost in respect to OEX as trading activity has soared during the past year. By way of explanation, CBOE further notes that the large size of some customer orders in OEX necessitates an immediate response by those market-makers who are capable of making quite large markets. In this connection, CBOE's experience has been that, given the size of the large OEX orders, public interest requires position limit exemptions to be granted at those times where a market-maker exceeds a position limit by 10 to 20%, rather than by 10% or less.

CBOE believes that both modifications to the exemption policies and procedures are consistent with section 6(b)(5) of the Act, in that they will help protect investors and promote just and equitable principles of trade.

The Commission believes that, by requiring a joint decision of two Committee members in order to grant an instant exemption and a subsequent review of this decision by the Exemption Committee, the proposed rule change will afford market-makers the opportunity to respond promptly to the demands of the marketplace without circumventing the purposes of the

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[1] 15 U.S.C. 78s(b) (1982).

[2] 17 CFR 240.19b-4 (1984).

[3] The proposed rule change was noticed for comment in Securities Exchange Act Release No. 21942 (April 12, 1985), 50 FR 15518 (April 18, 1985).

[4] These procedures originally were set forth in a memorandum by CBOE to its membership in 1984. *See* Securities Exchange Act Release No. 21356 (September 27, 1984), 49 FR 39137 (October 3, 1984) (File No. SR-CBOE-84-20).

[5] In its filing, CBOE indicated that instant exemption requests will be considered only in extraordinary situations.

[6] At present, CBOE posts a list of the current exemptions in a generally accessible area and updates this list after every Exemption Committee meeting. This list includes in pertinent part, the following information: the exemption recipient's name, and the class, size and duration of each exemption. CBOE will continue to post and update this list.

[7] Telephone conversation between Frederick Krieger, Assistant General Counsel, CBOE, and Heidi Coppola, Attorney, SEC, on May 17, 1985.

[8] Currently, Committee meetings ordinarily are held only on Tuesdays and Thursdays.

position and exercise limit provisions.[9] In this connection, the Commission notes that the Exemption Committee has established criteria which limit the circumstances under which instant exemptions may be granted, and that the Committee has the ability to unwind any positions it determines to have been inappropriately granted under the instant exemption procedure.

With respect to the 20% exemptive limit for OEX, the Commission recognizes that, in view of the limited number of market-makers which may have the financial capability to respond immediately to the needs of the OEX market, which generally is very active, the execution of very large OEX orders may require immediate and substantial assistance by a market-maker, which, in turn, may require some adjustments of the market maker's position limits. In this connection, the Commission believes that use of this exemption should be reserved only for those circumstances where the fair and orderly nature of the OEX marketplace would appear to be jeopardized in its absence.

For the reasons stated above, the Commission believes the proposed rule change is consistent with the requirements of the Act applicable to national securities exchanges and, in particular, Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 31, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-13676 Filed 6-5-85; 8:45 am]

BILLING CODE 8010-01-M

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[9] *See* Securities Exchange Act Release No. 21907 (March 29, 1985), 50 FR 13440 (April 4, 1985).

[Release No. 22099; File Nos. SR-CBOE-85-03, SR-PSE-85-09, SR-Amex-85-16, SR-Phlx-85-12, and SR-NYSE-85-20]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc., et al., Approval of Amended Proposed Rule Changes; Filing of Amendment and Order Granting Accelerated Approval to Amended Proposed Rule Changes; Order Granting Accelerated Approval to Proposed Rule Change; Filing and Order Granting Accelerated Approval of Proposed Rule Changes

The Chicago Broad Options Exchange, Incorporated ("CBOE") and the Pacific ("PSE"), American ("Amex"), Philadelphia ("Phlx"), and New York ("NYSE") Stock Exchanges (collectively, the "Exchanges") submitted substantially similar proposed rule changes pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder,[2] to amend the Exchanges' expiration cycles for equity options to institute a one year pilot program using monthly expiration cycles instead of quarterly expiration cycles.[3] In addition, the NYSE proposes to amend its rules regarding new option series.[4] With regard to monthly expiration cycles, the Commission solicited comment on the CBOE and PSE proposed rule changes, but received none.[5]

I. Description of the Proposals, Their Purpose and Statutory Basis

A. Monthly Expiration Cycles

The Exchanges are proposing substantially similar rule changes, which authorize implementation of a one year pilot program to permit the listing of individual equity options with two near-term expiring series available at all times. In addition, the amended expiration cycle would allow a maximum of four expiration month to trade at any given time. This would be accomplished by maintaining the traditional three and six months expiration series and changing the traditional nine month expiration series to eight months.[6] For example, in the January, April, July, October cycle, the proposals would allow the introduction of an option series with a February expiration, so that during this cycle there would be four expiration months open simultaneously: January, February, April and July. Upon expiration of the January series, the proposals would allow intrduction of a March expiration series, which would result in two open near-term expiring series (February and March) and a maximum of four expiring series (February, March, April, and July).

Furthermore, the Exchanges propose to retain the discretion to choose how many, and which, equity options would be included in the one year pilot program.[7] The number of option classes which will be included in each exchange's pilot program is expected to vary.[8] In addition, all of the Exchanges have devised their pilot programs to have at least the potential to include options on over-the-counter stocks, as well as options on listed equities.

In their respective filings, the Exchanges state that, in view of their experience with monthly expiration cycles for index options, such cycles can attract substantial investor interest. The Exchanges believe that the addition equity option series in the second near-term month similarly should provide investors with greater flexibility in their short term investment opportunities. In addition, the Exchanges believe that the long-term investment abilities of equity options investors will not be affected adversely by changing the traditional nine month expiratation series to eight

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[1] 15 U.S.C. 78s(b)(1982).

[2] 17 CFR 240.19b-4(1985).

[3] Amex and CBOE amended their filings to reflect approval of their proposed rule changes by their respective Boards of Directors. *See* Amendment No. 1, dated May 10, 1985, to File No. SR-AMEX-85-16; and Amendment No. 1, dated February 20, 1985, to File No. SR-COBE-85-3.

As originally filed, the CBOE proposal provided for the introduction of a two-month option where none exists, while maintaining the traditional expiration cycles of three, six and nine months. In addition, the proposal would have limited the one year pilot program to options classes on six equity securities. On April 22, 1985, however, CBOE submitted Amendment No. 2 to the filing, which would mofify the traditional expiration cycles by authorizing three, six and eight month expirations rather than three, six and nine month expirations. In addition, amendment No. 2 provides CBOE with the flexibility to choose the number of options classes which may participate in the pilot program, and which options classes they would be.

[4] This part of the NYSE proposal is substantially similar to a CBOE proposal which was noticed for comment in Securities Exchange Act Release No. 21794 (February 28, 1985), 50 FR 8691 (March 4, 1985)(File No. SR-CBOE-85-01).

[5] The CBOE prposal, as amended, and the PSE proposal were noticed, respectively in Securities Exchange Act Release Nos. 21707 (February 4, 1985), and 21985; (April 25, 1985); 50 FR 5459 (February 8, 1985) and 50 FR 18595 (May 1, 1985).

[6] As indicated previously, CBOE's original proposal would have maintained the traditional three, six and nine month expiration series. Use of the nine month expiration series in conjunction with a two month expiration series, however, would have resulted in a varying number of expiration months being open simultaneously, *i.e.*, sometimes four and sometimes five.

[7] In its original filing, Amex proposed to limit its pilot program to up to 10 Amex stock options that trade on the January cycle. Subsequently, however, Amex amended its filing to provide it with the discretion to choose the number of classes of options it deems appropriate for the successful implementation of the pilot. *See* Amendment No. 2 (May 17, 1985) to File No. SR-Amex-85-16.

[8] Amex anticipates commencing the pilot with 10 stock options, CBOE with up to 20, Phlx with 12, PSE with 12, and NYSE with up to 10. *See* letter from Paul G. Stevens, Executive Vice President, Operations, Amex, to Eneida Rosa, Branch Chief, SEC, Branch of Options Regulation, Division of Market Regulation, dated May 23, 1985; letter from Frederic Kreiger, Assistant General Counsel, CBOE, to Eneida Rosa, dated May 24, 1985; letter from Michael A. Finnegan, Senior Vice President, Phlx, to Heidi Cappola, Attorney, Division of Market Regulation, dated May 17, 1985; letter from James E. Buck, Secretary, NYSE, to Michael Cavalier, Branch Chief, Branch of Exchange Regulation, Division of Market Regulation, dated May 16, 1985; letter from Steven Wolf, Attorney, PSE, and Heidi Coppola, Attorney, Market Regulation, dated May 30, 1985.

months. In this connection, the Exchanges have noted that use of an eight month rather than a nine month expiration series will ensure that a constant number (four) of monthly expiration cycles will remain open simultaneously, which should help minimize investor confusion. Nevertheless, because the industry has no experience in the use of near-term consecutive expiration months of equity options, the Exchanges have requested implementation of this program on a pilot basis for a period of one year.

Because the proposed rule change is intended to facilitate transactions in securities, and will provide the Exchanges with greater flexibility to list a more complete range of equity option series for investors, the Exchanges state, in their filings, that their proposals are consistent with section 6(b)(5) of the Act.

B. New Option Series for Individual Stock Options

As indicated, this part of the NYSE's proposed rule change is substantially similar to the rules previously adopted by the other Exchanges.[9] In this connection, the NYSE proposes to add supplementary material .30(d) to NYSE Rule 703, which would allow strike price intervals for individual stock options of: $2.50 when the strike price is $25.00 or less; $5.00 when the strike price is greater than $25.00 but less than or equal to $200.00; and $10.00 when the strike price is greater than $200.00. In addition, new subparagraph (e) of the Rule would allow strike prices as low as $5.00, except when the individual stock option meets NYSE delisting criteria.[10]

Furthermore, the NYSE would amend NYSE Rule 703, Supplementary material .30(a), to allow the addition of series of individual stock options until the first calendar day of the month in which the option expires or until the fifth business day prior to expiration in "unusual market conditions." This is consistent with the procedures for introducing new index option series followed by the NYSE and the other Exchanges.

[9] In particular, the Commission approved substantially similar proposals of the Amex, CBOE, PSE and Phlx which amended their respective rules with regard to strike price intervals and the introduction of new stock option series. *See* Securities Exchange Act Release Nos. 21929 (April 10, 1985), (Amex and CBOE), and 21985 (PSE and Phlx) (April 25, 1985), 50 FR 15258 (April 17, 1985) and 50 FR 18595 (May 1, 1985), respectively.

[10] The delisting standards are codified in NYSE Rule 716. A new provision to that Rule, Supplementary material .40, codifies the exception stated above. In particular, this provision would prohibit the opening of any new series of an options class which has a strike price of less than $10.00.

II. Solicitation of Comments

The Commission is publishing this Release to solicit comment on the Amex, Phlx, and NYSE proposed rule changes described in sections I.A and B., above. Persons interested in commenting on these proposals should submit six copies of their comments within 21 days from the date of publication of this notice in the **Federal Register.** Comments should be sent to the Secretary of the Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the proposed rule changes, including amendments, and all documents relating to the proposed rule changes, except those that may be withheld from the public pursuant to 15 U.S.C. 552, are available for inspection and copying at the Commission's Public Reference Room. Copies of the filings also are available at the CBOE, Amex, PSE, Phlx and NYSE.

III. Approval of Proposed Rule Change

As indicated, with respect to the Exchanges' monthly expiration cycle pilot program [11] and the NYSE's new option series proposal,[12] the Commission has published for comment similar proposed rule changes submitted by one or more of the Exchanges. In this connection, the Commission has received no comments on either proposal. Accordingly, for the reasons stated above, the Commission believes that the proposed rule changes of the CBOE, AMEX, PSE, Phlx and NYSE are consistent with the requirements of the Act applicable to national securities exchanges and, in particular, Section 6 and the rules and regulations thereunder. In addition, the Commission finds good cause for approving the Amex, Phlx and NYSE proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof in that substantially similar proposed rule changes by the CBOE (regarding the monthly expiration cycle pilot program and the addition of new option series) and the PSE (regarding the monthly expiration cycle pilot program) were published for comment over 30 days ago, and no comments were received in response to those separate publications.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule changes by the CBOE, Amex, PSE, Phlx and NYSE are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[11] *See* note 5 *supra.*

[12] *See* note 4 *supra.*

Dated: May 31, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-13674 Filed 6-5-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22095; Filed No. SR-NYSE-85-19]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval to Proposed Rule Change Relating to Position and Exercise Limits

The New York Stock Exchange, Inc., ("NYSE") submitted a proposed rule change on May 16, 1985, pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] which would amend NYSE Rules 704 and 705 relating to position and exercise limits, to conform to the rules of the other options exchanges.[3]

The proposed rule change establishes a three-tiered system of position and exercise limits of 3,000, 5,000 or 8,000 contracts. The limit applicable to a particular option contract would depend on certain criteria relating to the trading volume of the underlying stock or a combination of both the trading volume and the number of shares outstanding of the underlying stock. This system is described more fully in the Commission's order approving substantially similar proposals of the other options exchanges.[4] For the reasons stated in that order, the Commission believes that the NYSE proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of section 6, and the rules and regulations thereunder.

In addition, the Commission finds good cause for approving this proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the other exchanges' proposed rule changes, which are substantially similar, were published for comment over 30 days ago, and not comments were received in response to that publication.[5]

[1] 15 U.S.C. 78s(b) (1982).

[2] 17 CFR 240.19b-4 (1984).

[3] *See* Securities Exchange Act Release No. 21907 (March 29, 1985), 50 FR 13440.

[4] *See* note 3, *supra.*

[5] As indicted in note 3, *supra,* the Commission approved these amended proposed rule changes in Securities Exchange Act Release No. 21907.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the NYSE proposal described above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 31, 1985.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-13678 Filed 6-5-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-85-14]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of disposition of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections.The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: June 17, 1985.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. 24288-1, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraph (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on May 31, 1985.

Richard C. Beitel,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
24288-1	Caribbean Air Cargo Co.	14 CFR 91.303	To allow petitioner to operate two Stage 1 Boeing 707 aircraft in the U.S. until hush kits are installed.

[FR Doc. 85-13549 Filed 6-5-85; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-85-13]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: June 26, 1985.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on May 31, 1985.

Richard C. Beitel,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
24571	Trans International Airlines	14 CFR 121.407(c)(1)	To permit maneuvers and procedures allowable under the non-visual simulator classification of applicable appendices of Part 121 to be approved for accomplishment in petitioner's Lockheed Electra L 188 training device.
24606	Oakland Police Dept	14 CFR 45.29	To allow petitioner to operate two Enstrom F 28C helicopters that display the word "POLICE" and 3-inch-high nationality and registration marks in place of the 12-inch-high N-numbers now required by the regulations.

PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
24591	California Aeromedica Rescue and Evacuation Inc.	14 CFR 135.261	To allow petitioner to operate its helicopter in hospital emergency medical evacuation service without meeting the flight and duty time limitations of that section.
24638	American Standard, Inc	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list.
24269	Sun Banks, Inc	14 CFR 21.181	Do.
24632	American Continental Aviation	14 CFR 21.181	Do.
24602 24852	Pfizer, Inc	14 CFR 21.181	Do.
24627	American Hospital Supply Corporation	14 CFR 21.181	Do.
24618	Kalair USA Corporation	14 CFR 21.181	Do.
24620	AirAtlantic Airlines	14 CFR 21.161	Do.
24604	Whirlpool Corp	14 CFR 21.181	Do.
24610	Gannett	14 CFR 21.181	Do.
24622	Advanced Control Systems	14 CFR 21.181	Do.
20090	Sierra Academy of Aeronautics	14 CFR 61.63(d)(2) and (3) and 61.157(d)(1)	To permit trainees of petitioner who are applicants for a type rating to be added to any grade of pilot certificate, to substitute the practical test requirements of § 61.63(d)(2) and (3), and to complete a portion of that practical test in a simulator as authorized by § 61.157(d).
24631 24360	Gulfstream Aerospace Corporation	14 CFR 21.181	To allow petitioner to operate certain aircraft utilizing the provisions of a minimum equipment list.
24543	Allegheny International, Inc	14 CFR 21.181	Do.
24654	Amax Inc	14 CFR 21.181	Do.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
24164	Royale Airlines	14 CFR 135.157(b)(2)	To allow petitioner to operate Grumman Gulfstream G-159 airplanes up to 25,000 feet mean sea level with an oxygen system providing oxygen to both pilots plus 10 percent of the passengers. *Partial grant 5/9/85.*
24446	Air Transport Assoc. of America	14 CFR 121.485	To allow member carriers to conduct flag operations on the understanding that § 121.485 only applies to an operation which requires three or more pilots and an additional flight crewmember. *Granted 5/10/85.*
24430	General Electric	14 CFR 61.58(c) and 91.211(b)	To allow certain pilots to operate a B-707-321 aircraft without completing that portion of the proficiency check required to be conducted in an aircraft. *Granted 5/8/85.*
24471	Pilgrim Airlines	14 CFR 121.371(a) and 121.378	To allow petitioner to return to service airframe components, powerplants, appliances and their spare parts of F-20 aircraft which have been maintained, altered, or inspected by persons employed outside the United States who do not hold U.S. airman certificate. *Granted 5/7/85.*
24441	Northern Pacific Transport	14 CFR 91.31(a)	To allow petitioner to operate three DC-8A aircraft under the provisions of § 121.198. *Granted 5/7/85.*
24481	Fast Air Carrier LTDA	14 CFR 91.303	To allow petitioner to operate a Stage 1 Boeing 707 airplane to Stewart International Airport in New York until hush kits are installed. *Granted 5/14/85.*
24614	Airplanes Inc	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: BAC 1-11: N88NB. *Granted 5/17/85.*
24656	Concord Aviation	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than January 1, 1988: BAC 1-11: N77QS. *Granted 5/21/85.*
24442	Southern Air Transport	14 CFR 91.303	To permit petitioner to operate noncomplying Stage 1 aircraft on or after January 1, 1985. *Partial grant 5/21/85.*
24578	Skystar International Airways	14 CFR 91.303	To allow petitioner to operate four Stage 1 Boeing 707 aircraft obtained after January 1, 1985 in noncompliance with the operating noise limits until hush kits are installed. *Denied 5/24/85.*
23225	Hughes Helicopters, Inc	14 CFR 93.113	To allow special VFR operations in the Los Angeles, CA, control zone. *Granted 4/25/85.*
24362-1	Aer Turas Teoranta	14 CFR 91.303	To allow petitioner to operate one Stage 1 DC-8-63F at U.S. airports until hush kits are installed. *Granted 5/24/85.*
24364-1	Pan Aviation, Inc	14 CFR 91.303	To allow petitioner to operate Stage 1 Boeing 707 cargo aircraft at U.S. airports until hush kits are installed. *Denied 5/24/85.*

[FR Doc. 85-13548 Filed 6-5-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 16-85]

Notes; Interest Rates

May 30, 1985.

The Secretary announced on May 29, 1985, that the interest rate on the notes designated Series K-1990, described in Department Circular—Public Debt Series—No. 16-85 dated May 22, 1985, will be 9⅞ percent. Interest on the notes will be payable at the rate of 9⅞ percent per annum.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 85-13567 Filed 6-5-85; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular; Public Debt Series—No. 17-85]

Notes; Interest Rates

The Secretary announced on May 29, 1985, that the interest rate on the notes designated Series L-1990, described in Department Circular—Public Debt Series—No. 17-85 dated May 21, 1985, will be 9⅞ percent. Interest on the notes will be payable at the rate of 9⅞ percent per annum.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 85-13588 Filed 6-5-85; 8:45 am]

BILLING CODE 4810-40-M

Customs Service

Application for Recordation of Trade Name; "Unitek Corporation"

ACTION: Notice of Application for Recordation of Trade Name.

SUMMARY: Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "Unitek Corporation" used by Unitek Corporation, a corporation organized under the laws of the State of California, located at 2724 South Peck Road, Monrovia, California 91016.

The application states that the trade name is used in connection with the developing and marketing of products for orthodontists, endodontists and other dental specialists, as well as for general dentists and dental laboratories, manufactured in the United States.

Before final action is taken on the application, consideration will be given to any person in opposition to the recordation of this trade name. Notice of the action taken on the application for recordation of this trade name will be published in the **Federal Register**.

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

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Room 2417, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5765).

Dated: June 3, 1985.

Edward T. Rossi,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 85-13652 Filed 6-5-85; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

Advisory Panel On International Educational Exchange; Meeting

The Advisory Panel on International Educational Exchange will hold its seventh meeting on Friday, June 14, 1985, at 405 Park Avenue, New York City.

This meeting, which will be closed to the public, will have as its business the drafting of a report to the Director of the U.S. Information Agency identifying issues of major concern in international educational exchange. Discussions at the meeting will center on the national interest in international educational exchange programs in both the public and private sectors. Premature disclosure of this information is likely to frustrate significantly implementation of Advisory Panel recommendations because they will involve a discussion of future Agency policies and programs (5 U.S.C. 552b(c)(9)(B)).

The agenda for this meeting follows:

Friday, June 14, 1985

9:00 a.m.-10:00 a.m.—Work on draft of Specific Gravity Question
10:15 a.m.-11:15 a.m.—Work on draft of Balance Question
11:30 a.m.-12:30 p.m.—Work on draft of Management Question
12:30 p.m.-1:30 p.m.—Luncheon
1:30 p.m.-2:30 p.m.—Work on draft of Quality Question
2:45 p.m.-3:45 p.m.—Work on draft of Funding Question
4:00 p.m.-5:00 p.m.—Work on draft of Locus Question

Adjournment

Dated: June 3, 1985.

Charles Z. Wick,

Director.

[FR Doc. 85-13681 Filed 6-5-85; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Privacy Act of 1974; Amendment of Systems Notice Additional Routine Use Statement

Notice is hereby given that the VA (Veterans Administration) is considering adding a new routine use statement for the system of records entitled "Veterans Assistance Discharge System (VADS)-VA" (45VA23) as set forth on page 370 of the **Federal Register** of January 5, 1982.

OSGLI (Office of Servicemen's Group Life Insurance), a branch of the Prudential Insurance Company of Newark, New Jersey, administers the VGLI (Veterans' Group Life Insurance) program through a contractual arrangement with the VA. Recently, the contract between the VA and OSGLI was amended to allow OSGLI to perform the solicitation function. It is believed that this change in procedure will enhance efforts to increase participation in the VGLI program; a program which the VA believes is beneficial to recently discharged veterans since it affords low cost term insurance during a transitional period in most veterans' lives.

In response to the contractual change, OSGLI has developed new outreach efforts which they believe will more effectively educate veterans on the benefits of VGLI, and hence, improve participation. In order to implement these new outreach efforts, OSGLI will require the following information from VADS: Name, mailing address, service discharge date, social security number, date of birth, service branch, gender, disability status, pay grade, educational level, date of enlistment and the amount of Servicemen's Group Life Insurance coverage carried at the time of discharge.

To provide the information required by OSGLI to contact recently discharged veterans, the VA is proposing to add a new routine use statement. The proposed new routine use will permit the disclosure of identifying information including name, mailing address, service discharge date, social security number, date of birth, service branch, gender, disability status, pay grade, educational level, date of enlistment and the amount of Servicemen's Group Life Insurance coverage carried at the time of discharge to OSGLI for the purpose of soliciting applications for life insurance coverage under the VGLI program.

Because of OSGLI's contractual relationship with the VA, the provisions of Subsection (m) of the Privacy Act (Title 5, U.S.C., section 552a(m)) protect the confidentiality of information in this system of records. In addition, the use of this information by OSGLI will be allowed only for the VGLI solicitation function and the individual information on each veteran will be destroyed after the end of the one year and 120-day statutory eligibility period for VGLI.

The VA had determined that release of information for this purpose is a necessary and proper use of information

in this system of records and that a specific routine use for transfer of this information is appropriate.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed new routine use to the Administrator of Veterans' Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before July 8, 1985 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until July 22, 1985. Any person visiting Central Office for the purpose of inspecting any such comments will be received by Central Office Veterans Service Unit in room 132. Visitors to any field station will be informed that the records are available only in Central Office and furnished the above address and room number.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the new routine use statement included herein is effective July 8, 1985.

Approved: May 29, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.

Deputy Administrator.

Notice of System of Records

In the system identified as 45VA23, "Veterans Assistance Discharge System (VADS)–VA" as set forth on page 370 of the **Federal Register** of January 5, 1982, the following routine use statement is added to read as follows:

45VA23

SYSTEM NAME:

Veterans Assistance Discharge System (VADS)–VA.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

14. Identifying information from this system of records, including name, mailing address, service discharge date, social security number, date of birth, service branch, gender, disability status, pay grade, educational level, date of enlistment and the amount of Servicemen's Group Life Insurance coverage carried at the time of discharge may be disclosed to the Office of Servicemen's Group Life Insurance for the purposes of soliciting applications for life insurance coverage under the Veterans' Group Life Insurance program.

[FR Doc. 85-13608 Filed 6-5-85; 8:45 am]

BILLING CODE 8320-01-M

Privacy Act of 1974; Report of Matching Program

AGENCY: Veterans Administration.

ACTION: Notice of Matching Program-Veterans Indebtedness Records with Office of Personnel Management Central Personnel Data File.

SUMMARY: The Veterans Administration is providing notice that the Department of Veterans Benefits will conduct a series of recurring computer matches of VA compensation, pension, education, rehabilitation and home loan default indebtedness records with Office of Personnel Management Central Personnel Data File.

The goal of these matches is to identify active federal employees and retired federal annuitants, who are indebted to the Veterans Administration under the compensation, pension, education and rehabilitation benefit programs or resulting from home loan defaults. The purpose of the match is to initiate salary offset in the collection of unpaid obligations to the VA.

DATES: It is anticipated that the matches will commence in approximately June 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Correne Crawford, Department of Veterans Benefits (201E), Veterans Administration, 810 Vermont Avenue NW, Washington, D.C., 20420, area code 202-389-5213.

SUPPLEMENTARY INFORMATION: Further information regarding the matching program is provided below. This information is required by paragraph 5.f. (1) of the Revised Supplemental Guidance for Conducting Matching Programs, issued by the Office of Management and Budget (47 FR 21656, May 19, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

Approved: May 24, 1985.

Harry N. Walters,

Administrator.

Report of Matching Program: Veterans Administration Compensation, Pension, Education, Rehabilitation and Home Loan Default Indebtedness Records and Office of Personnel Management Central Personnel Data File

a. *Authority:* The Debt Collection Act of 1982, Pub. L. 97-365.

b. *Program Description:*

(1) *Purpose:* The Veterans Adminstration, Department of Veterans Benefits, plans to match indebtedness records for veterans and their dependents with the Central Personnel Data File of the Office of Personnel Management, to identify active and retired federal employees, who are indebted to the Veterans Administration. The purpose of the match is to initiate salary offset when all other collection actions have been unsatisfactory.

(2) *Procedures:* A match will be made of VA debt records with the OPM Central Personnel Data File. The match will be performed by the VA, Department of Veterans Benefits. In order to conduct a match, the VA will request that OPM provide computerized extracts of the Central Personnel Data File containing names, identifying data and record descriptions. When necessary to resolve the identity of debtors who may be listed in OPM records, the VA will conduct appropriate, independent inquires. This match will be repeated periodically.

In the event of a "hit", i.e., the determination through the matching program that a debtor appears on OPM files as a federal employee/retiree, the identity of the debtor will be verified by the VA. If confirmed, the information will be referred by the VA for action to recover the outstanding debt(s) by salary offset, when all other collection actions have been pursued and have been unsatisfactory.

c. *Records to be Matched:* A computer extract list from the following systems of records will be matched with OPM Central Personnel Data File:

Compensation, Pension, Education and Rehabilitation Record-VA (58VA21/22/28) (47 FR 372-375, January 5, 1982; 47 FR 16132, April 14, 1982). The disclosure of information from this system of records, for the purpose of the matching program, is pemitted by a published routine usage.

Loan Guaranty Home, Condominium and Manufactured Home Loan Application Records, Specially Adapted Housing Applicant Records and Vendee Loan Applicant Records—VA (55VA26) (48 FR 49965-49969 October 28, 1983). The disclosure of information from this system of records, for the purpose of the matching program, is permitted by a published routine usage.

d. *Period of Match:* Intermittently from approximately June 1985.

e. *Safeguards:* Records used in the matches and data generated as a result, will be safeguarded from authorized disclosure. Access will be limited to those persons who have a need for the

information in order to conduct the matches or follow-up actions. All of the material will be stored in locked containers when not is use. The matching files to be used in this project will remain under the control of the Department of Veterans Benefits. The matching file will be used and accessed only to match files in accordance with this notice. I will not be used to extract information concerning "non-hit" individuals for any purpose. It will not be disseminated outside the Department of Veterans Benefits unless authorized by the Chief Benefits Director.

f. *Retention and Disposition:* Records not resulting in "hits" will be destroyed by burning, shredding or electronic erasing within two months of the completion of the individual matches. Records resulting in "hits" will be retained by the Department of Veterans Benefits until the completion of any necessary administrative, collection or legal action and will then be disposed of in accordance with approved records control schedules and/or approved disposition authority from the Archivist of the United States.

[FR Doc. 85-13607 Filed 6-5-85; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 109
Thursday, June 6, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 10, 1985, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Notice of acquisition of control:

Name of acquiring person and name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Memorandum regarding the Corporation's assistance agreement with an insured bank pursuant to section 13 of the Federal Deposit Insurance Act.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note. Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to merge and establish one branch:

Indian Head Bank-North, Littleton, New Hampshire, an insured State nonmember bank, for consent to merge, under its charter and title, with The Whitefield Saving Bank & Trust Company, Whitefield, New Hampshire, and to establish the sole office of The Whitefield Saving Bank & Trust Company as a branch of the resultant bank.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17 Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 3, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive SEcretary.

[FR Doc. 85–13761 Filed 6–4–85; 3:34 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 10, 1985, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Peoples Savings Bank, an operating noninsured bank located at 314 High Street, Holyoke, Massachusetts.

Request for approval of a core deposit intangible as a part of equity capital:

The Hibernia Bank, San Francisco, California.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 3, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–13762 Filed 6–4–85; 3:34 pm]

BILLING CODE 6714-01-M

3

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, June 11, 1985, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

DATE AND TIME: Thursday, June 13, 1985, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor.)

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential primary matching funds
Proposed alternative statements of reasons—final repayment determination—friends of George McGovern
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 85-13754 Filed 6-4-85; 2:58 pm]

BILLING CODE 6715-01-M

4

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 50.

DATE PUBLISHED: Friday, May 31, 1985, Page No. 23238.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202-377-6679).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Thursday, June 6, 1985, at 10:30 a.m., has been changed to Monday, June 10, 1985, at 10:00 a.m.

Jeff Sconyers,

Secretary.

No. 10, June 4, 1985.

[FR Doc. 85-13739 Filed 6-4-85; 8:45 am]

BILLING CODE 6720-01-M

5

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: May 31, 1985, 50 FR 23238.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:00 a.m., June 5, 1985.

CHANGE IN THE MEETING: Addition of the following items to the closed session.

3. Administrative Matters Requiring Commission Authorization.
4. Court Reporting Services: Consideration of Determination of the Small Business Administration.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-13752 Filed 6-4-85; 2:58 pm]

BILLING CODE 6730-01-M

6

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, June 12, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Street, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Implementation of the Board's Program Improvement Project.
2. Personnel actions (appointments, promotions, assignments, reassignment, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3207, beginning 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 4, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-13770 Filed 6-4-85; 4:02 p.m.]

BILLING CODE 6210-01-M

federal register

Thursday
June 6, 1985

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status and Critical Habitat for Three Beach Mice; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status and Critical Habitat for Three Beach Mice

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status and critical habitat for the Alabama beach mouse, Choctawhatchee beach mouse, and Perdido Key beach mouse. The three beach mice are endemic to the Gulf Coast of southern Alabama and northwestern Florida. They are restricted to sand dune habitat, which is being destroyed by residential and commercial development, recreational activity, and tropical storms. This rule will provide the three beach mice with the protection of the Endangered Species Act of 1973, as amended. The Service will initiate recovery actions for the three beach mice.

EFFECTIVE DATE: June 6, 1985.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours (7:00 AM–4:30 PM) at the Service's Endangered Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Wesley, Endangered Species Field Supervisor, at the above address (904/791–2580 or FTS 946–2580).

SUPPLEMENTARY INFORMATION:

Background

The species *Peromyscus polionotus*, often known as the old field mouse, occurs in northeastern Mississippi, Alabama, Georgia, South Carolina, and Florida; 16 subspecies are currently recognized (Hall, 1981). Certain of the subspecies are endemic to the beaches and sandy fields of southern Alabama and northwestern Florida. Prior to a detailed study by Bowen (1968), involving genetics, morphology, historical geology, and habitat, only 3 subspecies were recognized in the latter region. Bowen determined that variation was much more extensive than previously thought, and he described 5 new subspecies, including the 3 that are the subjects of this final rule: the Alabama beach mouse (*P. p. ammobates*), originally found on coastal dunes from Fort Morgan to Alabama Point, and on Ono Island, Baldwin County, Alabama; the Peridido Key beach mouse (*P. p. trissyllepsis*), originally found on much of Perdido Key, which extends along the Gulf Coast of Baldwin Conty, Alabama, and Escambia County, Florida; and the Choctawhatchee beach mouse (*P. p. allophrys*), originally found on the Gulf Coast of Florida from the East Pass of Choctawhatchee Bay, Okaloosa County, eastward to Shell Island, Bay County.

Beach mice have small bodies, haired tails, relatively large ears, protuberant eyes, and coloration that blends well with the sandy soils and dune vegetation of their habitat. In the Alabama beach mouse, also called the Alabama Gulf Coast beach mouse or white-fronted mouse, head and body length is 68 to 88 millimeters (mm) (2.7 to 3.4 inches (in.)), tail length is 42 to 60 mm (1.6 to 2.3 in.), the upper parts are pale gray with an indistinct middorsal stripe, the sides and underparts are white, and the tail is white with an incomplete dorsal stripe. In the Perdido Key beach mouse, also called the Perdido Bay beach mouse or Florala beach mouse, head and body length is 70 to 85 mm (2.7 to 3.3 in.), tail length is 45 to 54 mm (1.8 to 2.1 in.), the upper parts are grayish fawn to wood brown with a very pale yellow hue and an indistinct middorsal stripe, the white of the underparts reaches to the lower border of the eyes and ears, and the tail is white to pale grayish brown with no dorsal stripe. In the Choctawhatchee beach mouse, head and body length is 70 to 89 mm (2.7 to 3.5 in.), tail length is 43 to 64 mm (1.7 to 2.5 in.), the upper parts are orange-brown to yellow-brown, the underparts are white, and the tail has a variable dorsal stripe (Bowen, 1968; Ehrhart, 1978; Howell, 1920; Linzey, 1978).

The sand dune habitat of the beach mouse is not uniform. The depth of the habitat, from the beach inland, may vary depending upon the configuration of the sand dune system and the vegetation. There are commonly several rows of dunes, paralleling the shoreline and occasionally ranging up to 14 meters (46 feet) in height. The frontal dunes are sparsely vegetated with widely scattered grasses including sea oats (*Uniola paniculata*), bunch-grass (*Andropogon maritimus*), and beach grass (*Panicum amarum* and *P. repens*), and with seaside rosemary (*Ceratiola ericoides*), beach morning glory (*Ipomoea stolonifera*), and railroad vine (*I. pes-caprae*). The interdunal areas contain cordgrass (*Spartina patens*), sedges (*Cyperus* sp.), rushes (*Juncus scirpoides*), pennywort (*Hydrocotyle bonariensis*), and salt-grass (*Distichlis spicata*). The dunes farther inland from the Gulf support growths of saw palmetto (*Serenoa repens*), slash pine (*Pinus elliotti*), sand pine (*P. clausa*), and scrubby shrubs and oaks including yaupon (*Ilex vomitoria*), marsh-elder (*Iva* sp.), scrub oak (*Quercus myrtifolia*), and sand-live oak (*Q. virginiana* var. *maritima*). Seaside goldenrod (*Solidago pauciflosculosa*), aster (*Heterotheca subaxillaris*), and *Paronychia* sp. may also be present.

Human and natural alteration of coastal ecosystems has resulted in severe declines of beach mice. Most suitable habitat has been lost because of residential and commercial development, recreational activity, beach erosion, and vegetational succession. Competition from introduced house mice (*Mus musculus*) and predation by domestic cats (*Felis catus*) also seem to be problems. Tropical storms are a constant threat to the remnant, fragmented populations of beach mice. Hurricane Eloise in 1975 and Hurricane Frederick in 1979 were especially bad, destroying large areas of habitat for all three subspecies. Bowen (1968) observed that more than two-thirds of the habitat of *P. p. allophrys* had been lost since 1950, as a result of the coastal real estate boom.

Several recent status surveys and habitat analyses have indicated that the situation continues to worsen. Holliman (1983) found *P. p. ammobates* to still survive on disjunct tracts of the sand dune system from Fort Morgan State Park to the Romar Beach area, but to have apparently disappeared from most of its original range, including all of Ono Island. Working in various parts of the habitat of the subspecies, with a total length of 20.6 kilometers (km) (12.8 miles (mi.)), he live-trapped (and released after marking) an average of 10.7 mice per 100 trap-nights of effort. He estimated *P. p. ammobates* to contain a total of 875 individuals on 134.6 hectares (ha) (332.6 acres (A)), a relatively low population size for a small mammal. A few months later, Meyers (1983), working in the same areas, live-trapped an average of only 3.6 *P. p. ammobates* per 100-trap-nights. Additional record of *P. p. ammobates* have been obtained recently by Dawson (1983) and Meyers (pers. comm.).

Humphrey and Barbour (1981) made a study of *P. p. trissyllepsis* in 1979, prior to Hurricane Frederick. They estimated that only 78 individuals of the subspecies survived, there being 52 at the Gulf Islands National Seashore on the eastern part of Perdido Key and 26 at the Gulf State Park on the western

part of the Key. Holliman (1983), working at the Gulf State Park after Hurricane Frederick, caught only a single specimen of *P. p. trissyllepsis*. Subsequently, Meyers (1983) captured 13 idividual *P. p. trissyllepsis* at the Gulf State Park, but none at the Gulf Islands National Seashore. He considered the subspecies to have been extirpated from the latter area by Hurricane Frederick in 1979. Holliman (1984), trapping on the north side of State Road 182 at the west end of Perdido Key, captured only a single *P. p. trissyllepsis* in June 1984 in low dunes isolated by poor quality habitat. This drastic reduction to one population, with only a few animals occupying a restricted habitat that is highly vulnerable to destruction, probably makes the Perdido Key beach mouse one of the most critically endangered mammals in the United States.

As late as 1950, *P. p. allophrys* was widespread and abundant along the barrier beach between the Choctawhatchee and St. Andrew Bays. In 1979, however, Humphrey and Barbour (1981) found that the subspecies had been extirpated from 7 of the 9 localities from which it has previously been known. They also discovered it on Shell Island, a former peninsula that had been isolated by the dredging of the St. Andrew Bay entrance channel.The subspecies was estimated to contain at least 515 individuals. Meyers (1983) confirmed the survival of *P. p. allophrys* on Shell Island.

On June 7, 1979, the Alabama Department of Conservation and Natural Resources, Game and Fish Division, responded to a Service inquiry regarding priority ratings for candidate species that might merit addition to the U.S. List of Endangered and Threatened Wildlife, pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). The Department stated that the Alabama and Perdido Key beach mice should have the highest listing priority for mammals in Alabama.

On June 9, 1982, Dr. Stephen R. Humphrey, Associate Curator in Ecology, Florida State Museum, Gainesville, Florida, petitioned the Service to add the Perdido Key beach mouse and the Choctawhatchee beach mouse to the List. The petition included a status report prepared under contract to the Florida Game and Fresh Water Fish Commission. Portions of the report were subsequently published (Humphrey and Barbour, 1981). On June 21, 1982, the Commission gave its full support to Dr. Humphrey's petition and requested that listing be expedited. In the **Federal Register** of October 6, 1982 (47 FR 44125), the Service published a notice of petition acceptance and status review, and announced its intention to propose listing the two subspecies with critical habitat.

On October 26, 1982, Dr. Dan C. Holliman, Division of Science and Mathematics, Birmingham-Southern College, Birmingham, Alabama, petitioned the Service to add the Alabama beach mouse and the Perdido Key beach mouse to the List. In the **Federal Register** of February 15, 1983 (48 FR 6752–6753), the Service published a notice of findings that accepted this petition.

In the **Federal Register** of December 30, 1982 (47 FR 58454–58460), all three mice were included in the Service's Review of Vertebrate Wildlife. The Perdido Key and Choctawhatchee beach mice were placed in Category 1 of the Review, meaning that there was substantial information on hand to support the biological appropriateness of a listing proposal. The Alabama beach mouse was placed in Category 2, meaning that proposing to list was possibly appropriate, but substantial supporting data were not available. Such data were subsequently received, specifically the reports by Holliman (1983) and Meyers (1983).

On October 13, 1983, the petition finding was made that listing of all three beach mice was warranted but precluded by other pending listing measures, in accordance with Section 4(b)(3)(B)(iii) of the Act. Such findings require a recycling of the petitions pursuant to Section 4(b)(3)(C)(i) of the Act. When other pending measures had been processed, a new finding was made and set forth in the **Federal Register** of June 7, 1984 (49 FR 23794–23804), in conjunction with a proposed determination of endangered status and critical habitat for the three subspecies of beach mice. On July 5, 1984, the Service was requested to hold a public hearing on the proposal; in the **Federal Register** of August 13, 1984 (49 FR 32321), the Service announced a public hearing and an extension of the comment period through September 7, 1984. The hearing was held on August 28, 1984, at the Gulf State Park Resort, State Road 182, Gulf Shores, Baldwin County, Alabama. During the public comment period, June 7 through September 7, 1984, the Service received numerous comments. In the **Federal Register** of October 4, 1984 (49 FR 39179), the Service published a notice reopening the public comment period through November 5, 1984, to allow for a review of two papers received during the public comment period. In the **Federal Register** of October 15, 1984 (49 FR 40196), a typographical error in the October 4, 1984, notice, was corrected.

Summary of Comments and Recommendations

In the proposed rule of June 7, 1984, and associated notifications, all interested parties were requested to submit relevant data and comments that might contribute to the development of a final rule. Appropriate State and Federal agencies, county governments, scientific organizations, biologists, and other interested parties were contacted and requested to comment. Newspaper notices, inviting general public comment, were published in the *Mobile Press Register* on June 30, July 29, and October 20, 1984; *Playground Daily News* on June 27 and July 28, 1984; *Montgomery Advertiser* on June 30, July 28, and October 20, 1984; *Panama City News Herald* on June 30, August 1, and October 27, 1984; *Pensacola News Journal* on July 1 and 29, and October 20, 1984; *Independent* on June 27 and July 25, 1984; *Birmingham News/Post Herald* on July 1, August 1, and October 20, 1984; *Destin Log* on June 30 and October 24, 1984; *Onlooker* on June 28 and July 29, 1984; and *Islander* on July 5, 1984.

During both comment periods, totalling 4 months, 183 comments were received and are discussed below. The public hearing was attended by 180 individuals, 27 of whom made oral statements. Numerous written comments and oral statements either supported or opposed listing the beach mice, but provided no substantive data. Support for the listing proposal was voiced by 16 environmental organizations, as well as Federal and State agencies, landowners, members of the academic community, and interested citizens.

Several Federal agencies reacted favorably to the Service's proposal. These agencies indicated that they would experience no economic or other significant impacts, that their activities would not impact beach mice or critical habitat, that they had no objection to the listing with critical habitat, that they supported the protection of the beach mice and their sand dune habitat, and/or that they would assure protection of beach mice and critical habitat pursuant to Section 7 of the Act (see "Available Conservation Measures," below). These Federal agencies were the Army Corps of Engineers; Coast Guard, Department of Transportation; Environmental Protection Agency; Bureau of Land Management, Department of the Interior; Veterans Administration; Office of Ocean and Coastal Resource

Management, National Oceanic and Atmospheric Administration; Gulf Islands National Seashore, National Park Service; and Tyndall Air Force Base, Department of the Air Force. The Service will consult with any of these or other Federal agencies on actions that might jeopardize the continued existence of the beach mice and/or adversely modify or destroy critical habitat.

Several State agencies reacted favorably to the Service's proposal to list the beach mice with critical habitat. These agencies indicated that they would be pleased to work with the Service to protect beach mice and their habitat, they would consider the beach mice and their fragile sand dune habitat, in the planning of future projects, they concur with the proposal, and/or they support recovery efforts and would provide additional protection for beach mice. These State agencies were the Alabama Historical Commission (Fort Morgan State Park); Alabama Highway Department; Alabama Division of Game and Fish; Florida Department of Environmental Regulation; Florida Game and Fresh Water Fish Commission; and Division of Recreation and Parks, Florida Department of Natural Resources. The Florida State Clearinghouse has stated that the determination of endangered status with critical habitat for the beach mice is in accord with State plans, programs, procedures, and objectives.

Opposition was generally received from developers, landowners, attorneys representing developers, and two consultants retained by development interests. The opposing comments received can be placed in a number of different categories depending on content. The comments and the Service response to each, are listed below.

Comment 1. The beach mouse population surveys used by the Service were superficial. Trapping data summarized by Griswold (undated) show that beach mouse populations have remained stable throughout this century. In addition, Dawson (1983) concluded it was premature for the Service to list the Alabama beach mouse.

Service response. The Service disagrees that its listing action is based on superficial data. The Service has based its findings on documents, including published scientific literature and status surveys, which contain data from more than 9000 trap-nights at about 50 trap sites along approximately 100 miles of Gulf Coast sand dunes. These sources document significant habitat loss that has occurred throughout the range of the three subspecies, as well as other threats to beach mice including tropical storms, and possible competition from house mice and predation by house cats.

The conclusion drawn from Griswold's (undated) paper, that beach mouse populations have actually remained stable, is in error. The trapping data he summarized show that in some areas where beach mice occur at present, their relative abundance (number of animals trapped per 100 trap-nights) may have remained unchanged, but Griswold's analysis fails to take into account that occupied beach mouse range has been reduced to approximately one-fifth of its historic size, that habitat loss continues to be a threat, and that other threats, cited above, exist as well. The Service disagrees with Dawson's conclusion, which was based on data from 64 trap-nights at one trap site. Dawson's data are inadequate for drawing any conclusions on the overall status of the Alabama beach mouse.

Comment 2. Since experts do not know how many beach mice there are, it is unreasonable to conclude that mice are endangered.

Service response. It is not necessary to have precise population numbers to determine that the beach mice are endangered; indeed, it would probably be impossible to obtain such numbers. The Service has, however, carefully reviewed the relative population data of Holliman (1983), Humphrey and Barbour (1981), and Meyers (1983), as well as other data documenting habitat loss. Based on these data the Service has drawn its conclusion that the three beach mice are facing extinction (see "Background," above, and "Summary of Factors Affecting the Species," below).

Comment 3. Beach mice should be translocated to federally owned property, sanctuaries, or wildife refuges to determine beach mouse adaptability to new sand dune habitat.

Service response. The Service generally agrees with this comment, and will address translocation as one type of a recovery measure in the beach mouse recovery plan. However, the potential effects of translocation are not relevant to a decision on whether to list a species. Under Section 4 of the Act, if data warrant listing, the Service must proceed to list the species. Moreover, one of the central purposes of the Act is to protect the natural habitat of listed species. Therefore, while translocation in a given setting may constitute an acceptable conservation measure, it would be inappropriate under the Act to make it the exclusive conservation mechanism for the species.

Comment 4. A translocation project should be initiated to introduce beach mice to the west end of Dauphin Island, Alabama, where no beach mice now occur. The habitat is similar (to Alabama beach mouse habitat). Translocation to Dauphin Island could be considered as mitigation for critical habitat loss due to development.

Service response. While translocation may be a means of helping a species to survive and recover, the Service must act to preserve the ability of a species to survive in its current range. One of the primary purposes of the Endangered Species Act, as stated in Section 2(b), is to provide a means whereby the ecosystems upon which endangered species depend may be conserved. Thus, the Service's policy is to attempt to conserve and recover endangered and threatened species within their known historic ranges. Dauphin Island is not known to be within the historic range of the Alabama beach mouse.

Comment 5. Variations in relative abundance data (number of animals trapped per 100 trap-nights) for beach mice could be explained by migration of beach mice inland from sand dune habitat, thus indicating beach mouse ability to occupy other habitat types. Research should be conducted to determine if beach mice migrate to inland areas, before the Service considers listing action. The Governor of Alabama was among those parties making the latter point.

Service response. There are no data to indicate that the three subspecies of beach mice in question migrate between sand dune habitat and adjacent inland habitat types. These beach mice have been documented only in sand dune habitat. Other subsepecies of *P. polionotus*, and other species of *Peromyscus*, such as *P. gossypinus* (Humphrey and Barbour, 1981), inhabit adjacent habitat types. Within a beach mouse population, it is expected that there will be movement or dispersal of animals within the sand dune habitat attributed in part to young animal's efforts to establish individual territories, and to search for food, but there is no evidence that they disperse inland. The Service considers that research on beach mouse migration to inland areas, prior to any listing action, is unwarranted.

Comment 6. The Service did not use the best and most recent scientific data available, as required by Section 4 of the Act, when it proposed listing the beach mice as endangered. According to this view, the best scientific data available on the taxonomy of these mice demonstrate that *Peromyscus polionotus*

ammobates, P. p. trissyllepsis, and *P. p. allophrys* are not valid taxonomic entities. In support of this opinion, two unpublished papers (Dawson, 1984, Griswold, undated) were submitted, which, according to the commenter, contain data that were available to the Service but were not utilized in the preparation of the proposal. These two papers attempt to cast doubt on the taxonomic validity of the three beach mice through the use of statistical and biochemical techniques, and chromosomal analyses. The conclusion reached by both authors is that the subspecific names *ammobates, trissyllepsis,* and *allophrys* have been applied to beach populations of *Peromyscus polionotus* that in reality do not differ sufficiently from adjacent inland populations to warrant their recognition as valid subspecies. The commenter maintained that since the Service did not use the scientific data contained in the Dawson and Griswold papers, the statutory requirements of the Act has not been met, and the proposal therefore should be withdrawn. The commenter further requested the Service to submit the Dawson and Griswold papers to a "peer review," and recommended the names of five biologists qualified to conduct the review.

Service response. The Service rejects the argument that it failed to use the best scientific data available. The taxonomic treatment used in the proposed rule was based on the last comprehensive review of beach mice (Bowen, 1968). This review was published in a recognized scientific journal, and was accepted by Hall (1981). Neither the Dawson nor the Griswold paper has been published, and both appear to be interim reports, rather than completed studies; Dawson specifically points out that additional work needs to be done. It should be noted also that neither paper was available to the Service during the preparation of the proposed rule. Both appear to have been expressly prepared in response to publication of the proposed rule itself.

Service biologists have reviewed the Dawson and Griswold papers, and consider the data presented to form an insufficient basis for nonrecognition of the subspecific distinction of the three beach mice. Indeed, to some extent these data seem to support such distinction. In addition, the Service submitted review copies of the two papers to not only the 5 biologists recommended by the commenter, but to 13 others considered possibly knowledgeable on the subject. These 18 biologists were asked their opinion on the validity of the three subspecies in question and on whether Dawson and Griswold had demonstrated that these subspecies were not valid. Of these biologists, 8 responded, and, as anticipated, there was substantial disagreement both with regard to the taxonomic status of the beach mice and to the use of the subspecific category in general. Several of the biologists thought the three subspecies to be valid and several thought them not or probably not valid, but there was considerable uncertainty. There also was disagreement relative to the usefulness of the Dawson and Griswold papers, with half of the commenting biologists thinking the papers did not support nonrecognition of subspecific status for the beach mice, and half thinking that one or both papers did support (though did not necessarily demonstrate) such nonrecognition. The one point on which there was the most agreement, as suggested by the comments of 7 of the biologists, is that beach mouse populations in question may warrant protection and/or endangered status, whether treated as three separate subspecies, as components of a single subspecies, or as discrete and unique populations. Section 3(16) of the Act does indicate that a vertebrate population may be added to the List of Endangered and Threatened Wildlife, even if it is not a biological species or subspecies.

Comment 7. There are conflicting statements in the Service's files regarding ability of beach mice to survive hurricanes. The commenter stated that one observer had noted how beach mice can survive several hours of inundation from storm tides, but no one knows how they survive; that another observer had noted evidence of beach mouse activity the night after storm waters subsided; and that Holliman (1983) has stated that higher dunes probably served as a refuge for beach mice during Hurricane Frederick, but that Holliman added (pers. comm.) that the beach mouse population cannot take another storm. In summary, the commenter stated these data contradict the statement in the listing proposal that beach mice are destroyed by hurricanes.

Service response. The Service considers there to be no contradiction in these statements. Further, there is clearly a relationship between tropical storms and habitat loss, and beach mouse population decline and extirpation. The data cited in the "Background" and "Summary of Factors Affecting the Species" clearly explain the impacts of Hurricanes Eloise and Frederick on beach mouse populations; some populations have been extirpated. No studies have been conducted to determine how some beach mice are able to survive tropical storm inundation. Some may seek refuge in nearby dunes with elevations above flood level.

Tropical storms are a threat to beach mice, and their habitat, alone and in association with other threats such as loss of habitat due to development. Holliman's personal communication actually stated that there have been tropical storms throughout recorded history, but Hurricane Frederick, coupled with increased development, has had a major impact on the Alabama beach mouse population. Holliman stated that given these circumstances, he did not believe the Alabama beach mouse population could survive another storm.

Comment 8. The Perdido Key beach mouse population level appears to have been quite small in recent years. It is possible that the lack of reproduction in the subspecies is a result of inbreeding depression, rather than poor environmental quality. A year-long study should be done before any determination of the cause for the low population level is made.

Service response. Inbreeding depression could be a factor responsible for the low population level of the Perdido Key beach mouse; this in itself could be a major threat to the survival of this mouse that justifies listing. The fact remains that the population is facing extinction and listing action is warranted.

Comment 9. The scientists who have described beach mouse habitat disagree among themselves as to the type of dunes in which beach mice live. Despite this disagreement, the Service has proceeded to determine critical habitat. In addition, the delineation of critical habitat in the proposal is unclear.

Service response. The Service thinks that the descriptions of beach mouse habitat by Humphrey and Barbour (1981), Holliman (1983), and Meyers (1983) are not in disagreement, and that the delineations of critical habitat in the proposal are accurate and clear. The Service recognizes (see above "Background") that there are significant topographical and ecological variations within the dune systems, which may be caused by numerous factors. It is obvious that the sand dune systems are not uniform. Thus, beach mouse habitat is best characterized using broad terms. The major factor is that beach mice are restricted to the undisturbed dune systems. The Service considers that its

verbal descriptions and maps of these areas in the proposal clearly delineate the critical habitat for these mice.

Comment 10. There are conflicting statements in the literature regarding the relationship between beach mice and house mice. Holliman concluded that beach mice succumb to competition from house mice that accompany human settlement. However, Holliman trapped no house mice. Meyers (1983) stated that his data did not support Humphrey and Barbour's (1981) suggestion that beach mice succumb to competition from house mice associated with human dwellings.

Service response. Refer to factor "E" in the "Summary of Factors Affecting the Species." The Service thinks that house mice may compete with beach mice for food and cover. Humphrey and Barbour (1981) speculated that one of the reasons for the disappearance of beach mice in some areas could be that beach mice succumb to competition from house mice that accompany human settlement. Their study provided possible evidence of competitive exclusion. Holliman (1983) also found that house mice and beach mice do not occur together in the same habitat, and noted Humphrey and Barbour's hypothesis as a possible explanation. On the other hand, Meyers (1983) believed that the absence of house mice in beach mouse habitat could be due to the inability of the beach/dune ecosystem to support house mouse populations. Despite these differing views, there remain sufficient grounds for the belief that house mice and beach mice do compete to the detriment of the beach mouse populations.

Comment 11. There are contradictory statements regarding the impacts of house cats on beach mice. No one has produced data showing that such predation actually occurs.

Service response. As stated in the "Background," above, and "Summary of Factors Affecting the Species," below, the Service considers that house cats may prey upon beach mice. Bowen (1968) indicated that predation by feral house cats was becoming an increasingly important factor in the reduction of beach mouse populations. During his field work (1950–1961), the impact of cats on beach mice became so apparent to him that in later years he avoided trapping wherever he found cat tracks. Bowen (1968) photographically documented an instance where beach mouse tracks and cat tracks converged on the entrance to a hole in a rotten log on the sand. Similar observations of house cat tracks following beach mouse trails have been made by Service personnel.

Humphrey and Barbour (1981) indicated that their data are consistent with the hypothesis that beach mouse populations may be extirpated by predation from house cats. Holliman (1983) stated that predator data from Ono Island suggest that house cats may be responsible for the absence of beach mice from that island. Service personnel and others have observed house cat tracks in other areas of beach mouse habitat as well. Meyers (1983) stated that the majority of the predators at Gulf Shores, Alabama, sites were dogs and cats. Cat presence was limited to Romar Beach, Alabama, where 25 percent of his trapping stations were visited by at least two cats. Humphrey (pers. comm.) pointed out, however, that no one has actually produced concrete data showing that predation by house cats occurs. The Service acknowledges that no studies have been conducted on predation of beach mice by house cats. However, the Service thinks that the data presented by Bowen (1968), Humphrey and Barbour (1981), Holliman (1983), and Meyers (1983) strongly indicate that predation by house cats may be a threat to beach mice.

Comment 12. Beach mice are vermin associated with human dwellings. Beach mice are a menace to public health, carrying parasites and diseases, such as rabies.

Service response. Beach mice do not normally occur in human dwellings, nor are they a menaçe to human health. According to Florida Public Health Office records, there has never been an incidence of human plague in rodents in Florida, and there are no documented cases of rabies ever occurring in mice in Florida. Likewise, according to the Alabama State Health Office there have been no reported cases of plague, and rabies in rodents is virtually unheard of, in Alabama.

Comment 13. Beach mice, feeding on sea oats and their root systems, may be a threat to sand dune stability. A reduction in beach mice might enhance sand dune development.

Service response. Beach mice evolved with sea oats in a sand dune environment. Beach mice and sea oats (*Uniola paniculata*) have coexisted for thousands of years on sand dunes. Such a condition usually indicates that the species are in some way mutually beneficial. It is almost certain that if one of these species were detrimental to the survival of the other, the weaker would have been extirpated from the shared environment long ago. At present, with beach mouse populations significantly reduced in range and numbers, they could not pose any sort of threat to the well-being of sea oats. Further, it is thought that beach mice actually may enhance sea distribution by dispersing sea oat seeds throughout a sand dune system.

Comment 14. It is possible for beach mice to thrive in areas adjacent to high density development, and there are no valid data to support the conclusion that development adversely affects beach mice.

Service response. Available data clearly show the impact of development. In most of the historic range of beach mice, where sand dunes occupied by beach mice once existed and where beach mice were actually trapped, the dunes have been replaced or seriously degraded by development and associated impacts. Beach mice have been extirpated from these areas.

Comment 15. If proper provisions are made to preserve front dunes and corridors for repopulation of areas by beach mice after hurricanes, commerical real estate development can be made compatible with survival of beach mice.

Service response. The Service basically agrees with this observation, but considers it an oversimplification of a complex situation. The Service does agree that residential and commercial development can be designed, situated, constructed, and managed in such a manner so as to be compatible with beach mouse protection and recovery. Development must be situated inland from beach mouse habitat in order to protect the dunes and interdunal areas and associated grasses and shrubs that provide food and cover for beach mice. Pedestrian access across sand dunes must be limited to elevated boardwalks in order to preserve the sand dunes and associated vegetation. Vehicles must be strictly prohibited from the dunes. Development should be managed to discourage the presence of house cats and house mice, which may prey upon or compete with beach mice; this can be achieved by using scavenger-proof trash receptacles and maintaining them on a schedule to avoid overflow that might attract house cats and house mice.

The wise management of sand dunes to preserve their natural stormwater barrier and esthetic qualities will also serve to protect their value as beach mouse habitat. Beach mouse corridors generally are not clearly delineated strips of land, but rather are natural ill-defined pathways, probably changing seasonally, used by beach mice to provide access to different parts of their range. This general protection of habitat from destruction or adverse modification will protect the network of corridors.

Comment 16. The intent of Congress, in passing the Endangered Species Act of 1973, was not to protect subspecies. By doing so, the Department of the Interior would go beyond the intent of Congress.

Service response. This statement is incorrect. The term "species" as defined by the Act in Section 3(16), "includes any subspecies of fish or wildlife or plants."

Comment 17. The Service has failed to meet its statutory obligation by having no economic data as a prerequisite for determining critical habitat. Further, the Service has failed to demonstrate the environmental impact of the designation of critical habitat.

Service response. The Service has met its statutory obligations in the designation of critical habitat. The Endangered Species Act states that the determination of the status of a species must be based solely on the best scientific and commercial data available. Critical habitat is also proposed based on the best scientific data available. When critical habitat is reviewed for final determination the Service analyzes the scientific data, the economic impacts, and any other relevant impacts (Section 4(b)(2) of the Act). In accordance with these guidelines, the Service has completed an economic analysis and determination of effects (see "Regulatory Flexibility Act and Executive Order 12291," below). Further, the Service has determined that an environmental assessment is not required (see "National Environmental Policy Act," below).

Comment 18. The Service proposes to protect beach mice from natural forces such as hurricanes and predators; this far exceeds the scope of the Endangered Species Act. The Endangered Species Act was intended to protect species from unnatural extinction.

Service response. Section 2(a) of the Act states that various species have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation, and that the United States has pledged itself to conserve various species facing extinction. The Act further specifically states in Section 4(a)(1)(E) that both natural and manmade factors affecting a species' continued survival shall be considered whenever a species is listed as endangered or threatened. In the case of beach mice, both natural and manmade factors apply. Before development destroyed vast expanses of dunes, tropical storms probably periodically wiped out sand dune communities and associated beach mice. As the dunes recovered, beach mice surviving in adjacent areas could repopulate the recovering area. Today, so much habitat has been lost to development that there are few beach mice remaining to repopulate areas devastated by storms.

Comment 19. During the summer of 1984, additional threats to beach mouse habitat developed when a new ferry service began between Dauphin Island and Fort Morgan, Alabama. During the first 48 days of service, 40,000 people/ 6,000 vehicles were transported back and forth, increasing human influx and illegal vehicular traffic across the dunes in the Fort Morgan area.

Service response. The Service acknowledges the increased threat to beach mouse habitat. See "Comment 15" and "Service response," above, regarding the need to prohibit vehicular access and to limit pedestrians to boardwalks over sand dunes in order to protect the dunes and associated wildlife, including beach mice.

Comment 20. The Service was requested to investigate the possibility of *P. p. allophrys* being on Crooked Island, Tyndall Air Force Base, Bay County, Florida.

Service response. The Service has reviewed existing data regarding beach mice on Crooked Island. Bowen (1968) showed Crooked Island to be within the range of *P. p. peninsularis*. Hall (1981) indicated that *P. p. peninsularis* is recorded from St. Andrews Point Peninsula on Crooked Island and from Cape San Blas, Gulf County, Florida. Thus, the Service concludes that the southernmost range of *P. p. allophrys* is Shell Island, Bay County.

Comment 21. A local and State chapter of a conservation organization recommended that the Service include the Santa Rosa Island beach mouse (*P. p. leucocephalus*) in the Service's listing action. These organizations maintain that this subspecies is also threatened by beach front development in Santa Rosa and Okaloosa Counties, Florida.

Service response. As the two original beach mouse petitions did not cover *P. p. leucocephalus*, the Service did not collect substantial information on that subspecies, and did not include it in the proposed rule. Upon receipt of substantial data, the Service would consider a separate proposal to list *P. p. leucocephalus*.

Comment 22. One commenter alleged that the U.S. Army Corps of Engineers' channel maintenance program and beach restoration project in the Florida panhandle will face increased costs as a result of the listing of beach mice with critical habitat. The cost of delivering spoil to outlying areas, and the cost of monitoring dredging activities, will be extremely expensive.

Service response. The Service disagrees with the statements referring to significant increased costs, since the Corps has not identified such costs (see "Critical Habitat" section, below).

Comment 23. Some commenters questioned the Service's statements regarding the threat of oil and gas extraction to beach mouse habitat.

Service response. The Service acknowledges the State and Bureau of Land Management positions on State and Federal oil and gas extraction facility planning along the Fort Morgan Peninsula. They stated that the threat is much less critical than was described by the Service. Further, it is unlikely that oil and gas leasing will be affected by the listing (see "Critical Habitat" section, below).

Comment 24. The U.S. Army Corps of Engineers indicated that critical habitat should be more precisely designated so as to exclude existing navigation fairways and channel maintenance disposal areas, and to permit beach nourishment.

Service response. Described below, under "Regulations Promulgation" (§ 17.95), are the major constituent elements of critical habitat that are known to require special management considerations or protection. These elements include the dunes and interdunal areas, and associated grasses and shrubs, that provide food and cover for beach mice, but do not include navigation fairways and existing channel maintenance disposal areas. Further, it would be impossible to describe in words a legal boundary that exactly follows a natural ecological zone or to precisely separate every parcel of suitable habitat from other areas that may be less suitable. Therefore, it has been the general practice of the Service in delineating critical habitat to make critical habitat conform to an easily understood border such as a road, shoreline, or section line.

Comment 25. Some of the areas proposed for critical habitat designation appear unsuitable for optimum habitat and should be excluded from critical habitat designation. The Governor of Alabama and the Alabama Department of Conservation and Natural Resources were among those parties making this point, though both indicated general support for the proposed rule.

Service response. The Service agrees that some areas proposed as critical habitat are no longer suitable beach mouse habitat. The four proposed critical habitat units in the State of Alabama have therefore been substantially reduced in size in this final rule. Approximately 6 km (3.8 mi) of

private land has been deleted from the units. The reductions were warranted primarily by habitat loss or degradation resulting from development activities that have occurred subsequent to the preparation of the June 7, 1984, listing proposal. Two of the six proposed critical habitat areas in the State of Florida have also been reduced in size in this final rule. Approximately 2.4 km (1.5 mi.) of private land has been deleted from these proposed critical habitat units. These reductions were also warranted due to habitat loss or degradation resulting from development activities that have occurred subsequent to the preparation of the listing proposal.

Comment 26. There is already sufficent land in Federal or State ownership to provide protection for beach mice; therefore, there is no need to designate private lands as critical habitat in Alabama and Florida. Each State has been treated differently in the distribution of critical habitat units.

Service response. The Service disagrees with the statement that there is enough beach mouse habitat already in Federal or State ownership and that no additional land need be designated as critical habitat. Residential and commercial development have already isolated the remaining areas of beach mouse habitat, fragmenting populations. Because of the history of devastating tropical storms, often extirpating beach mice, it is necessary to maintain several suitable areas of habitat, irrespective of ownership, if the beach mice are to have a reasonable chance of survival and recovery.

The critical habitat units have been designated based on the needs of each of the subspecies rather than on political boundaries or ownership patterns. Since the coastlines of Alabama and Florida are not identical, it cannot be expected that each State should have critical habitat units of like number, size, or ownership patterns.

Comment 27. The Florida Game and Fresh Water Fish Commission stated that the critical habitat delineations appear prudent and reasonable, but that the Commission would have preferred to have had Choctawhatchee beach mouse critical habitat component 2 extended westward to include the undeveloped coastline west of Grayton Beach, Walton County.

Service response. Subsequent to the comment from the Commission, the State of Florida signed a purchase agreement for most of the undeveloped sand dune habitat west of Grayton Beach, known as Grayton Dunes and Grayton Additions. In the future, should the Service determine that this area should be designated as critical habitat, a proposed rule to make that determination could be initiated as a separate action.

Comment 28. The U.S. Department of Transportation, Federal Highway Administration (FHwA), after coordinating with the Florida Department of Transportation, requested that existing rights-of-way along State, County, and Federal highways not be designated as critical habitat in order to accommodate FHwA future projects.

Service response. The Service has already indicated that habitat loss is one of the primary reasons for the decline in beach mouse populations. The occupied range of beach mice in Florida has been reduced from approximately 109 km (68 mi.) of Gulf Coast sand dunes to only 14.9 km (9.3 mi.). Thus, protection of the remaining habitat is essential for the long-term survival and recovery of the beach mice regardless of the legal description of the land (i.e. right-of-way). Only approximately 2.6 km (1.6 mi.) of critical habitat for the Perdido Key and Choctawhatchee beach mice include highway right-of-way or are in close proximity to it.

Comment 29. Sand dune habitat in Okaloosa County, Florida, should have been designated as critical habitat for the Choctawhatchee beach mouse.

Service response. The Service carefully reviewed the Henderson Beach State Recreation Area, Okaloosa County, Florida, for determination as critical habitat, but concluded that the area was not essential for the conservation and recovery of *P. p. allophrys*. The area, located east of the population center of Destin, Florida, is not suitable beach mouse habitat at present because of the nature of intense pedestrian use, and because of the placement of the State Road 98 roadbed on the top of the dune system.

Comment 30. It has been suggested that, if the beach mice are listed with critical habitat, property owners could suffer a financial loss and the U.S. Government should be required to compensate the property owners for their loss.

Service response. If there is no Federal funding or authorization of the private activities, then the designation of critical habitat under the Endangered Species Act will have no impact on private activities. See "Critical Habitat" and "Available Conservation Measures" sections, below, for a description of the possible effects of the listing on Federal activities. Federal financial involvement in development within units of the Coastal Barrier Resources System, established by the Coastal Barrier Resources Act of 1982, is generally prohibited by that Act. Coastal Barrier Resources System Units in the vicinity of designated critical habitat are described later in this rule.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Alabama beach mouse, Perdido Key beach mouse, and Choctawhatchee beach mouse should be classified as endangered species. Procedures found at Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (October 1, 1984, 49 FR 38900, to be codified at 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 Alabama beach mouse (*Peromyscus polionotus ammobates*), Perdido Key beach mouse (*P. p. trissyllepsis*), and Choctawhatchee beach mouse (*P. p. allophrys*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Alabama, Perdido Key, and Choctawhatchee beach mice historically ranged along approximately 166.0 km (103.1 mi.) of coastal sand dunes in Baldwin County, Alabama; and Escambia, Okaloosa, Walton, and Bay Counties, Florida. Based on recent status surveys (Dawson, 1983; Holliman, 1983, 1984; Humphrey and Barbour, 1981; Meyers, 1983), and on observations by the primary author between July 1983 and January 1985, the three beach mice are at present found on approximately 35.1 km (21.8 mi.) of Gulf Coast dunes. Thus, their range has been reduced to about one-fifth of the original size.

A substantial decline of beach mouse habitat, through destruction or adverse impact by development, has been noted just since data were collected for the proposed rule of June 7, 1984. Mainly for this reason, the amount of habitat reported to exist in that proposal has now been reduced by approximately 23 percent or 5.1 km (3.2 mi.) for the Alabama beach mouse, approximately 8 percent or 1.8 km (1.1 mi.) for the Choctawhatchee beach mouse, and approximately 9 percent or 1.6 km (1.0 mi.) for the Perdido Key beach mouse. With respect to that portion of the habitat of the Pedido Key beach mouse that was actually known to be occupied when the proposal data were collected, the reduction has been 34 percent or 1 km (0.6 mi.).

The major threat to beach mouse habitat continues to be human destruction of the coastal sand dune ecosystem for commercial and residential development (Bowen, 1968; Ehrhart, 1978; Meyers, 1983). In addition, recreational use of the sand dunes by pedestrians and vehicles can destroy vegetation essential for dune development and maintenance. Such loss of vegetation results in extensive wind and water erosion, reducing the effectiveness of coastal dunes as a protective barrier and ultimately destroying beach mouse habitat.

Intensive commercial and residential development in Florida has restricted public use of beaches. Property owners are not required to provide access to the publicly owned wet sand beaches. This results in an increasing demand on accessible public beaches, causing increased erosion and loss of beach mouse habitat. If properly managed, however, public use of beaches is compatible with maintenance of beach mouse habitat (Meyers, 1983).

Residential and commercial development isolates small areas of beach mouse habitat, thereby fragmenting populations and upsetting gene flow. Low-density residential development does not necessarily create isolation of habitat, but high density multiple housing can act as a barrier to migration between populations. If any such population segment is extirpated, it cannot be replaced by natural immigration (Meyers, 1983).

Another problem might be the routine channel maintenance program conducted by the U.S. Army Corps of Engineers. The program involves the removal of accreted sand from channels and passes, and then disposal of the sand in the vicinity of beach mouse habitat. If measures are not taken to protect beach mouse habitat during the dredging and diposal activities, the habitat could be threatened. Based on the Corps' recent planning and implementation of a maintenance project at the Perdido Pass Channel, Alabama, however, it appears that, with careful consideration of beach mouse requirements in developing and conducting the maintenance projects, habitat should not be threatened.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not now known to be applicable.

C. *Disease or predation.* Bowen (1968) suggested that predation by feral house cats posed an imminent threat to beach mouse populations. The absence of a beach mouse population on Ono Island may be attributable to cat predation (Holliman, 1983). The presence of feral house cats and other predators in or near beach mouse habitat may be fostered by the existence of open refuse containers associated with residential and commercial development or recreational use (James N. Layne, Archbold Biological Station, Lake Placid, Florida, personal communication; Meyers, 1983).

D. *The inadequacy of existing regulatory mechanisms.* Current controls affecting development in Gulf Coast sand dunes include subdivision, building department, and coast high hazard construction regulations, including setback lines, in Baldwin County, Alabama; and building codes, subdivision regulations, and coastal construction lines in Escambia, Walton, and Bay Counties, Florida. In addition, vehicular access to the dunes is regulated. None of these controls makes special provisions for beach mouse habitat protection. They do not prevent development in such habitat, or deal with the specific needs of the mice in relation to development, but instead simply establish general requirements for the sitting and construction of buildings, utilities, and access corridors. These regulatory mechanisms have not prevented the substantial loss of beach mouse habitat in the past; despite their existence, degradation and destruction of such habitat continues.

In both Alabama and Florida, State laws protect seas oats from being picked. However, these laws do not prohibit the destruction of seas oats during construction activities.

The Federal Coastal Barrier Resources Act of 1982 (CBRA) generally prohibits Federal expenditures and financial assistance in units of the Coastal Barrier Resources System (CBRS). The CBRA mandated a statutory ban on Federal flood insurance in CBRS units that went into effect on October 1, 1983. Within the range of *P. p. ammobates* is the Mobile Point Unit of the CBRS, which includes approximately 4.0 km (2.4 mi.) of beach mouse habitat. Within the historical range of *P. p. allophrys* are the Moreno Point, Four Mile Village, and St. Andrews Complex Units of the CBRS, which include approximately 12.3 km (7.6 mi.) of beach mouse habitat.

Despite all of these regulatory devices of the county, State, and Federal governments, beach mouse habitat continues to be rapidly destroyed or degraded by construction activities. In the Coastal Barrier Resources System Units, construction is still proceeding rapidly with no Federal involvement. While vehicular access to the dunes is prohibited in most cases, there is evidence that it still occurs intermittently.

In Alabama, *P. p. ammobates* and *P. p. trissyllepsis* have no legal status. The Alabama Nongame Wildlife Committee prepared a list of vertebrate wildlife in Alabama (Auburn University, 1984). The list identifies *P. p. ammobates* and *P. p. trissyllepsis* as endangered. It is anticipated that the list will be used by governmental agencies and others in making decisions that will affect the beach mice. The list, however, affords the beach mice no legal protection. The only protection afforded the mice in Alabama is through the permit system which requires a permit for scientific collecting. The Alabama Coastal Area Management Program (ACAMP) (U.S. Department of Commerce and Alabama Coastal Area Board, 1979) states that it is the policy of the Coastal Area Board (functions assumed by the Alabama Department of Environmental Management) to promote and encourage the preservation of the critical habitat of recognized endangered species. The ACAMP states that limited extent and uniqueness of some habitats, coupled with destructive activities, has resulted in a number of rare and endangered species occurring in the coastal area. The ACAMP list of endangered and threatened species in coastal Alabama as designated by the State of Alabama includes *P. p. ammobates* and *P. p. trissyllepsis* as endangered. Despite the recognition of the threat to these mammals, habitat loss is permitted to continue. The Florida Endangered and Threatened Species Act of 1977 lists *P. p. trissyllepsis* and *P. p. allophrys* as threatened. Title 39-27.02 of the Florida Administrative Code affords them protection from taking, possession, and sale, except by permit, but does not protect their habitat. The Florida Coastal Management Program (FCMP) (U.S. Department of Commerce and State of Florida, 1981) states that it is the policy of the State to conserve its resources, particularly endangered and threatened species. The FCMP cites Title 39-27.02 of the Administrative Code and the Florida Endangered and Threatened Species Act of 1977 discussed above. Despite the recognition of the threat to beach mice, habitat loss has continued.

E. *Other natural or manmade factors affecting its continued existence.* Tropical storms periodically devastate Gulf Coast sand dune communities, dramatically altering or destroying habitat, and either drowning beach mice or forcing them to concentrate on high scrub dunes (Blair, 1951) where they are exposed to predators. The habitat of *P. p. ammobates* includes the Fort Morgan, Alabama area, which was severely

flooded by Hurricane Frederick on September 13, 1979. Washovers completely destroyed the primary dune system at Fort Morgan, Gulf Highlands, Pine Beach, Gulf Shores, the Gulf State Park, and Romar Beach. Only remnants of the secondary and tertiary lines were left; most sand was removed inland beyond the beach dune complex. The habitat of *P. p. trissyllepsis* includes three areas on Perdido Key in Alabama and Florida. The western end of Perdido Key is part of the Gulf State Park and includes Florida Point, Alabama. It was completely covered by sand south of State Road 182 by Hurricane Frederick on September 13, 1979. Beach mouse habitat remained only on the unflooded elevations (Holliman, 1983). In the central part of Perdido Key is the Perdido Key State Preserve, which also contains beach mouse habitat, and which also was overwashed during Hurricane Frederick. The eastern end of Perdido Key is included in the Gulf Islands National Seashore, Escambia County, Florida. Eighty percent of the National Seashore was overwashed during Hurricane Frederick. The habitat of *P. p. allophrys* includes the Topsail Hill area of coastal Walton County and the Grayton Beach State Recreation Area, both of which were heavily damaged by Hurricane Eloise in 1975.

House mice (*Mus musculus*), which are associated with human development, may compete with beach mice for food and cover (Humphrey and Barbour, 1981). The significance of such competition is presently unknown, and some have doubted its significance (Holliman, 1983). Competition has been documented, however, between house mice and the subspecies *Peromyscus polionotus lucubrans* (Briese and Smith, 1973). Over-wintering savannah sparrows may also affect beach mice by competing for food (Holliman, 1983; Humphrey and Barbour, 1981).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to make this rule final. Based on this evaluation, the preferred action is to list the Alabama beach mouse, Perdido Key beach mouse, and Choctawhatchee beach mouse as endangered. Due to the low population levels and the threats posed to the species and their habitat, threatened status is inappropriate. Critical habitat, discussed below, is being determined for the protection and recovery of the species. The areas of sand dune habitat used by the beach mice are generally well defined.

Critical Habitat

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

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat is being designated for the Alabama, Perdido Key, and Choctawhatchee beach mice to include 53.2 km (33.0 mi.) of coastline along the Gulf of Mexico in Baldwin County, Alabama, and Escambia, Walton, and Bay Counties, Florida, divided into 10 separate parts. Of the total critical habitat, 35.1 km (21.8 mi.) is actually now inhabited by the beach mice and 18.2 km (11.2 mi.) is not currently occupied. In the case of the Alabama beach mouse, all 17.2 km (10.6 mi.) of the critical habitat is now inhabited. The precise metes and bounds of each critical habitat unit are described in the "Regulations Promulgation" section.

The critical habitat of the Perdido Key beach mouse is 15.8 km (9.8 mi.) in total length, of which 1.9 km (1.2 mi.) is now inhabited and 13.9 km (8.6 mi.) is unoccupied. The occupied portion is in the Gulf State Park at the western end of Perdido Key. The unoccupied portions are in the Perdido Key State Preserve on the central part of the key and in the Gulf Islands National Seashore on the eastern end of the key. The two unoccupied areas were originally within the range of the Perdido Key beach mouse, and the protection of these areas is essential for the conservation of the animal. If populations could not be reestablished in these areas, the beach mouse would survive only in a small stretch of suitable habitat, which would be constantly subject to destruction by tropical storms and other deleterious factors. Prior to Hurricane Frederick in 1979, a population of *P. p. trissyllepsis* did exist in the Gulf Islands National Seashore. It was destroyed by the hurricane, but fortunately the population in Gulf State Park was not completely extirpated. This experience demonstrates the necessity of maintaining several currently occupied or potentially suitable areas of habitat for the beach mouse, if it is to have a reasonable chance for survival and recovery.

The critical habitat of the Choctawhatchee beach mouse is 20.2 km (12.6 mi.) in total length, of which 15.9 km (10.0 mi.) is now inhabited and 4.3 km (2.6 mi.) is not occupied. The occupied portions are in the Topsail Hill area of coastal Walton County and on the Shell Island portion of the St. Andrews State Recreation Area, Bay County. The unoccupied portions are in the Grayton Beach State Recreation Area and adjacent private land, and on the mainland portion of the St. Andrews State Recreation Area. The two unoccupied areas were originally within the range of the Choctawhatchee beach mouse, and their protection is essential for the conservation of the animal. The rationale is basically the same as given above for *P. p. trissyllepsis*. In the case of *P. p. allophrys*, Hurricane Eloise in 1975 had a severe impact. The population of beach mice at the Grayton Beach State Recreation Area may have been extirpated at that time; the Topsail Hill area was also heavily damaged in the same storm.

As indicated above in factor "A" of the "Summary of Factors Affecting the Species," the Service has learned of the loss of a substantial amount of beach mouse habitat, since data were collected for the proposed rule of June 7, 1984. This loss, plus minor adjustments based on reevaluation of constituent elements, are reflected in the reduced size of the critical habitat being designated in this final rule. In area, the total reduction amounts to about 183 ha (452 A). This area consists of portions of each component of the critical habitat of the Alabama beach mouse, a total reduction of 126 ha (313 A); portions of the Alabama component and Florida component 2 of the critical habitat of the Perdido Key beach mouse, a total reduction of 28.4 ha (70 A); and a portion of component 1 of the critical habitat of the Choctawhatchee beach mouse, a reduction of 27.9 ha (69 A).

In considering designation of critical habitat, 50 CFR 424.12 requires focus on the biological or physical constituent elements within the defined area that are essential to the conservation of the species involved. With respect to the Alabama, Perdido Key, and Choctawhatchee beach mice, the areas designated as critical habitat currently or potentially satisfy known criteria for the physiological, behavioral, ecological, and evolutionary requirements of the animals. Meyers (1983) found optimal

beach mouse habitat to be characterized by: (1) High maximum elevation of the coastal sand dunes, (2) relatively great differences between maximum dune height and minimum interdunal elevation, (3) close proximity of forest, (4) a sparse cover of ground vegetation with a moderate number (average 3.5) of plant species, and (5) a relatively low cover of sea oats. Such conditions of topography and vegetation provide necessary food and cover for populations of beach mice, and allow attainment of reproductive potential. Meyers also reported that the minimum area needed to maintain a population of beach mice is 50 hectaries (ha) (124 acres (A)), that preferable size is at least 100-200 ha (247-494 A), and that there should be natural corridors for migration between areas. Such requirements were considered in the delineation of the critical habitat. The protection of several separate areas of habitat for each species of beach mouse is essential for the conservation of these animals. Should a species of beach mouse exist in only one small stretch of suitable habitat, it would be much more vulnerable to extinction through the effects of tropical storms and other deleterious factors (see above discussion of Perdido Key beach mouse).

Section 4(b)(8) of the Act requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) which may adversely modify such habitat or may be affected by such designation. Activities most likely to adversely modify the critical habitat of the three beach mice are the continued destruction of sand dunes for residential and commercial development. Indiscriminate pedestrian and vehicular use also adversely impacts the sand dunes.

There are several Federal activities in the coastal parts of Alabama and Florida that may have involvement with the critical habitat designation. One form of involvement is the flood insurance provided by the Federal Emergency Management Agency (FEMA). County regulations in Baldwin County, Alabama, and Escambia, Walton, and Bay Counties, Florida, qualify the coastal strand under the National Flood Insurance Program (NFIP) administered by FEMA. Insurance is provided only for completed structures. FEMA indicated on October 9, 1984, that it has a requirement through the NFIP to "prohibit manmade alteration of sand dunes . . . which would increase potential flood damage." As a result of this requirement, FEMA believes that alteration of the sand dune system should be significantly reduced.

The Department of the Interior, Office of the Solicitor, reviewed the application of Section 7 of the Act to Federal flood insurance. It concluded in an August 21, 1984, opinion that if the determination of eligibility for flood insurance by the FEMA authorizes and/or in effect partially subsidizes construction activity that may affect listed species or their critical habitat, then such construction becomes an action authorized or funded by a Federal agency for purposes of Section 7 and the FEMA would be obligated to request the initiation of formal Section 7 consultation. The consultation will assure that the beach mice and critical habitat are considered in the FEMA's determination of a community's eligibility for Federal flood insurance. Should the flood insurance program be restricted on parts of the Alabama and Florida Gulf Coasts, increased risk or increased insurance costs could result. Due to the unknown or hypothetical nature of the consultations that may occur, however, it is not now known whether any activities or FEMA's management costs will be affected.

Planned activity in the coastal strand includes a variety of commercial and residential developments. The Federal Housing Administration and the Veterans Administration do not expect to receive requests for housing project approval in critical habitat. Therefore, it appears unlikely that Federal loans will be affected by the designation of critical habitat.

The Bureau of Land Management (BLM), U.S. Department of the Interior, and the Alabama Department of Conservation and Natural Resources have stated that oil and gas leasing is not expected to be affected by the listing, and that beach mice habitat is not likely to be destroyed or modified by future oil and gas activity. Thus, the Federal Coastal Energy Impact Program, National Oceanic and Atmospheric Administration, which provides grants and loan assistance for a variety of activities associated with energy-related facility sitings, will not affect critical habitat or be affected by the designation.

The U.S. Army Corps of Engineers' proposed beach restoration project in the area from Phillips Inlet, Bay County, Florida, eastward to, and including, the mainland portion of the St. Andrews State Recreation Area (SRA) has been cancelled because local communities were unable to fund their share of the project's total cost. Thus, there will be no impact of or on the beach restoration project. The Corp's routine maintenance program for the Mobile Bay Main Channel, the Perdido Pass Channel, the Pensacola Bay Channel, and the St. Andrew Bay Entrance Channel may actually enhance beach mice habitat if care is taken in the planning and implementation of the operations. The Corps has stated that the designation of critical habitat should not significantly affect the operation and maintenance of these Corps projects.

The Gulf Islands National Seashore (GINS), administered by the National Park Service, includes the east end of Perdido Key. This area of the Seashore is designated as critical habitat. The Park Service sees no impacts arising from critical habitat designation and will consult with the Service under Section 7 as appropriate.

Fish and Wildlife Service involvement in the critical habitat area would include the acquisition of additional land, and the management and development, at the Bon Secour National Wildlife Refuge (NWR). The proposed acquisition boundary includes approximately 6.0 km (3.7 mi.) of Alabama beach mouse habitat, of which about 4.3 km (2.7 mi.) has been purchased to date by the Service.

The Office of Ocean and Coastal Resource Management (OCRM), National Oceanic and Atmospheric Administration, may be affected by the critical habitat designation. When the States of Alabama and Florida propose to revise their approved coastal management programs under the Coastal Zone Management Act, OCRM is required to consult with the Service under Section 7 of the Endangered Species Act to insure that OCRM's action approving a State's coastal management program revision is not likely to jeopardize the continued existence of the beach mice or result in the destruction or adverse modification of their critical habitat. It is not possible to provide a quantitative estimate of the impacts that may result from future revisions of coastal management programs, due to the unknown nature of the consultations that may occur concerning critical habitat areas.

The Rural Electrification Administration (REA), U.S. Department of Agriculture, may be affected by the critical habitat designation when the REA receives loan applications from, or administers loans to, local utility corporations for the operation and/or expansion of electric or telephone services. The REA is required to consult with the Service under Section 7 of the

Act to insure that REA's action in approving loans will not result in actions that would be likely to jeopardize the continued existence of the beach mice or result in the destruction or adverse modification of their critical habitat.

The Department of the Air Force indicated there would be no economic impact on Tyndall Air Force Base from the critical habitat designation. The Air Force already has a wildlife law enforcement officer on its staff to protect the dune habitat and associated wildlife, as well as outdoor recreation participants, on Shell Island.

The Alabama Historical Commission and the Service have entered into a cooperative management agreement regarding lands within the Fort Morgan State Park, including approximately 3.0 km (1.9 mi.) of beach mouse habitat. This cooperative agreement is compatible with the designation of critical habitat. The Service does not expect that its management costs for implementing the agreement will be affected as a result of the critical habitat designation.

At this time, developers are installing individual wastewater treatment facilities in the Gulf Shores area in Alabama because the municipal system cannot accommodate new growth. Therefore, the Environmental Protection Agency (EPA) decided in February, 1985, to prepare an Environmental Impact Statement (EIS) on wastewater facility planning for the Gulf Shores area. Currently, it is not known how EPA will define "Gulf Shores area." If this area is defined within the city limits of Gulf Shores, then EPA's involvement is not expected to affect or be affected by the critical habitat designations. If the area is defined to include development along the Fort Morgan Peninsula, then EPA activities may affect or be affected by the critical habitat designations. It is not possible at this time to evaluate EPA's possible involvement, because of the uncertainties concerning the definition of "Gulf Shores area" and the unknown nature of the consultations that may occur.

A city water line is currently being installed to serve the drinking water needs of the Fort Morgan peninsula in Alabama. EPA is only involved in this project to ensure that the quality of the drinking water from this line conforms to national drinking water quality standards. The project is also located outside critical habitat. For these reasons, this water line project is not expected to affect or be affected by the proposed critical habitat designations.

The critical habitat does contain some road rights-of-way. Currently, there are no known road or bridge construction or maintenance projects involving Federal funds or permits that might affect or be affected by the critical habitat designations. The roads adjacent to critical habitat are not expected to be expanded toward the Gulf of Mexico due to the dynamic nature of the sand dune system that hinders road maintenance and leaves roads vulnerable to destruction by storm damage. At this time, it is not possible to provide a quantitative estimate of the road and bridge cost impacts that might result from the designation of critical habitat, due to the unknown or hypothetical nature of the consultations that may occur.

BLM owns a few small parcels of land within the designated critical habitat. BLM anticipates disposing of these parcels by transferring them to the Bon Secour National Wildlife Refuge and the Gulf Islands National Seashore. BLM's actions will not affect critical habitat designation or be affected by the designation.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. To obtain this information, the Service contacted Federal agencies that might possibly be involved in authorizing or funding projects within the critical habitat as proposed. The Service has considered the critical habitat designation in light of relevant additional information obtained and concluded in its economic analysis document that no adjustments to the areas proposed as critical habitat are warranted based on the economic and other impact information that was obtained. In conducting its economic impact analysis, the Service reviewed the economic consequences of designating critical habitat on 1,037 acres of Federal land, 1,089 acres of State land, and 1,029 acres of private land. The 29 page economic assessment document is incorporated here by reference and copies may be obtained either from the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, or the Service's Jacksonville Endangered Species Field Station (see "ADDRESSES" section).

Available Conservation Measures

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

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to 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 or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Federal activities that may be affected in this regard, with respect to the listing of the Alabama, Perdido Key, and Choctawhatchee beach mice, are described above under "Critical Habitat."

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

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be

suffered if such relief were not available.

Several important State commitments have been made regarding beach mouse conservation measures. The Governor of Alabama indicated that the State will assist in beach mouse translocation research and in critical habitat management in any feasible manner. The Alabama Division of Game and Fish stated that it is committed to coordinating the protection and enhancement of beach mice on State lands. Further, the Alabama State Parks Division has indicated it will seek the Game and Fish Division's input in managing the critical habitat on the Gulf State Park units at Gulf Shores and Perdido Key. The Alabama Historical Commission, which administers the Fort Morgan State Park, signed a Wildlife Resource Management Agreement on June 12, 1984, with the U.S. Fish and Wildlife Service, granting to the Service the wildlife resource management responsibilities for the Fort Morgan State Park, Baldwin County. The agreement is implemented by the staff of the nearby Bon Secour National Wildlife Refuge. Through this agreement, protection and management of Alabama beach mouse habitat should be achieved. The Florida Division of Recreation and Parks, Department of Natural Resources, which manages the Perdido Key State Preserve and the Grayton Beach and St. Andrews State Recreation Areas, including Shell Island, indicated that it may be necessary in the future to provide additional boardwalks in some locations to protect the beach mouse habitat from foot traffic.

This rule is effective immediately upon publication. Any delay could adversely impact the three beach mice by delaying the initiation of Section 7 consultations that would assure the consideration of the mice and their critical habitat with respect to Federal actions in areas where residential and commercial development has destroyed and will continue to destroy sand dune habitat at a very rapid rate. The Service, therefore, finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedures Act, for these regulations to take effect immediately upon publication.

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 these 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.*). It is not expected that the critical habitat designations will result in any significant changes in management costs for the Federal agencies affected by the designations. No significant economic or other impacts are expected to result from the designations of critical habitat on Federal, State, or private land in Baldwin County, Alabama, or Escambia, Walton, or Bay Counties, Florida. These conclusions are based on the following: (1) The Service's management of the Bon Secour NWR and agreement to manage wildlife resources within Fort Morgan State Park; (2) the National Park Service's management of GINS; (3) Tyndall Air Force Base's management of Shell Island; (4) BLM's planned transfer of scattered oil and gas leasing lots to Bon Secour NWR and GINS; (5) management of CBRS units under CBRA restrictions; (6) management of State-owned critical habitat areas by the States of Florida and Alabama; (7) Army Corps of Engineers maintenance of Mobile Bay Main Channel and adjacent channels and passes; (8) absence of ongoing or planned road and bridge construction or maintenance; (9) FEMA, REA, EPA, NOAA, and Corps awareness of the critical habitat designations and compatible management objectives for these areas; (10) absence of applications for or existing Federal loans for residential or commercial construction projects within or in the vicinity of the proposed critical habitat designations; and (11) the unquantifiable benefits that may result from the designations of critical habitat for the three beach mice. In addition, no significant impact on the economy or present economic status of Baldwin County, Alabama, or Escambia, Walton, or Bay Counties, Florida, is expected as a result of the critical habitat designations. These determinations are based on a Determination of Effects that is available at the Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

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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 three entries, in alphabetical order under "Mammals," to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*		*		*
Mouse, Alabama beach	*Peromyscus polionotus ammobates.*	U.S.A. (AL).	Entire	E	183	17.95(a)	NA
Mouse, Choctawhatchee beach.	*Peromyscus polionotus allophrys.*	U.S.A. (FL).	Entire	E	183	17.95(a)	NA
Mouse, Perdido Key beach	*Peromyscus polionotus trissyllepsis.*	U.S.A. (AL, FL).	Entire	E	183	17.95(a)	NA
*	*	*	*		*		*

3. Amend § 17.95(a), "Mammals," by adding critical habitat of the Alabama, Choctawhatchee, and Perdido Key beach mice, as follows: The position of these entries under § 17.95(a) will follow the same sequence as the species occur in § 17.11.

§ 17.95 Critical habitat—fish and wildlife.

(a) * * *

* * * * *

Alabama beach mouse

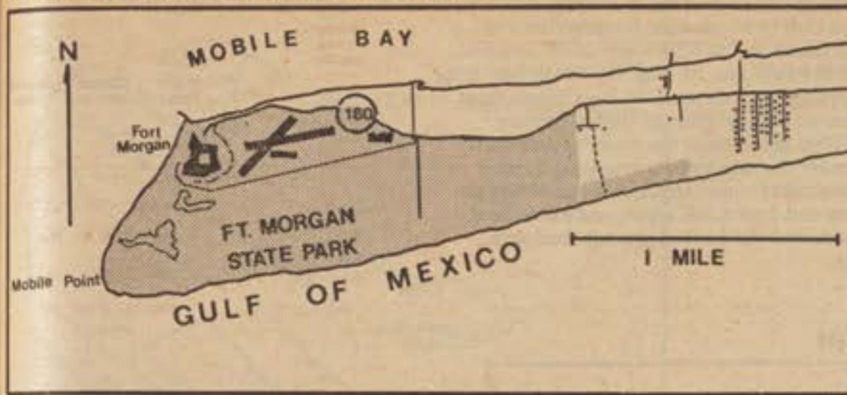
(Peromyscus polionotus ammobates)

Alabama. Areas of land, water and airspace in Baldwin County with the following components (St. Stephens Meridian): (1) That portion of the Fort Morgan Peninsula south of State Road 180 and west of 87°59'35" W, except for that part each of Fort Morgan State Park and more than 152.5 meters (500 feet) inland from the mean high tide line of the Gulf of Mexico; (2) those portions of T9S R3E Sec. 30 and T9S R2E Sec. 25-28 and E15/16 Sec. 29 extending 152.5 meters (500 feet) inland from the mean high tide line of the Gulf of Mexico; (3) that portion of the Gulf Shores unit of the Gulf State Park south of State Road 182 in T9S R4E Sec. 14-15 and Sec. 21-23.

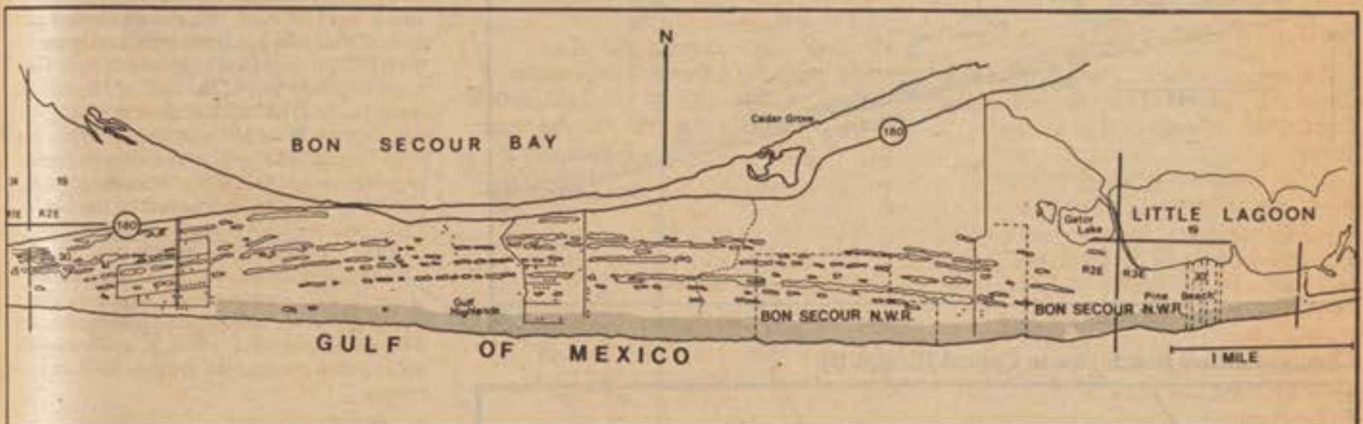
Within these areas the major constituent elements that are known to require special management consideratons or protection are dunes and interdunal areas, and associated grasses and shrubs that provide food and cover.

BILLING CODE 4310-55-M

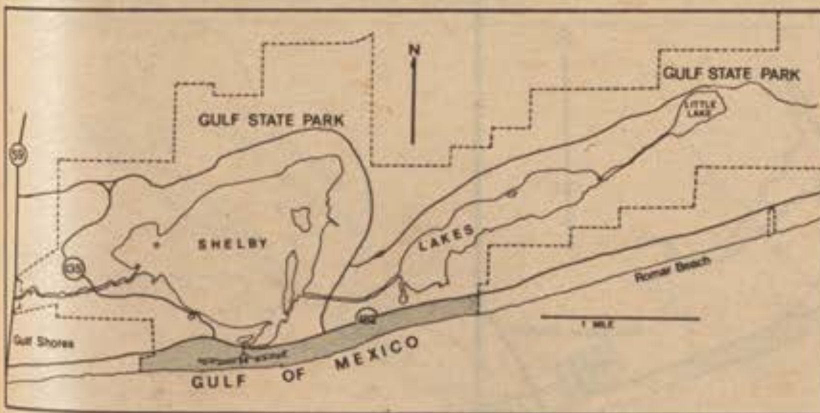
Alabama Beach Mouse Critical Habitat (1)



Alabama Beach Mouse Critical Habitat (2)



Alabama Beach Mouse Critical Habitat (3)



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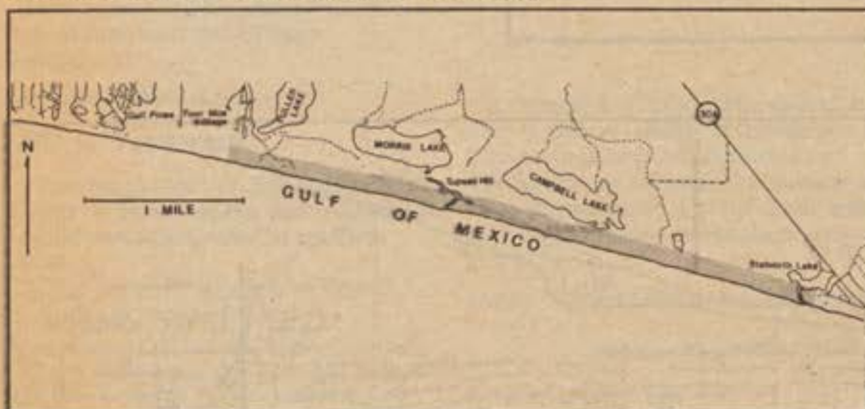
Choctawhatchee beach mouse

(Peromyscus polionotus allophrys)

Florida. Areas of land, water, and airspace in Walton and Bay Counties with the following components (Tallahassee Meridian): (1) Those portions of T2S R21W E⅝ Sec. 35, Sec. 36, T2S R20W S¼ Sec. 31, and T3S R20W W⅓ Sec. 4, N½ Sec. 5, and NE¼ Sec. 6 extending 152.5 meters (500 feet) inland from the mean high tide line of the Gulf of Mexico; (2) those portions of T3S R19W W½ Sec. 15 and Sec. 16 extending 152.5 meters (500 feet) inland from the mean high tide line of the Gulf of Mexico; (3) those portions of the mainland part of the St. Andrews State Recreation Area in T4S R15W Sec. 21 and Sec. 22 extending 152.5 meters (500 feet) inland from the mean high tide line of the Gulf of Mexico; (4) those portions of Shell Island in T4S R15W Sec. 25–27 and Sec. 36, T4S R14W Sec. 31, and T5S R14W Sec. 4–6 extending 152.5 meters (500 feet) inland from the mean high tide line of Gulf of Mexico.

Within these areas the major constituent elements that are known to require special management considerations or protection are dunes and interdunal areas, and associated grasses and shrubs that provide food and cover.

Choctawhatchee Beach Mouse Critical Habitat (1)



Choctawhatchee Beach Mouse Critical Habitat (2)

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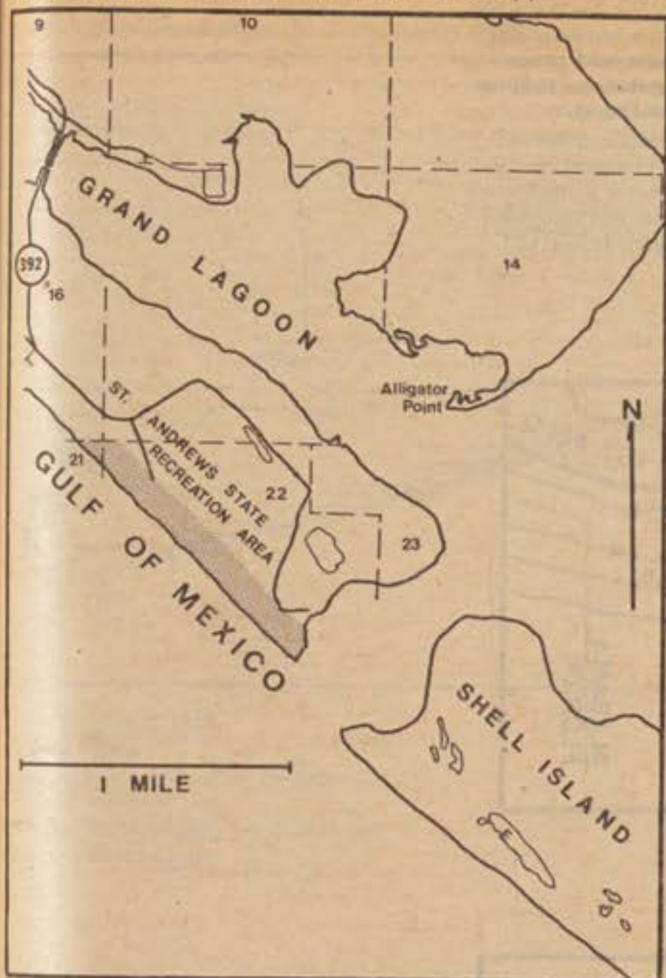
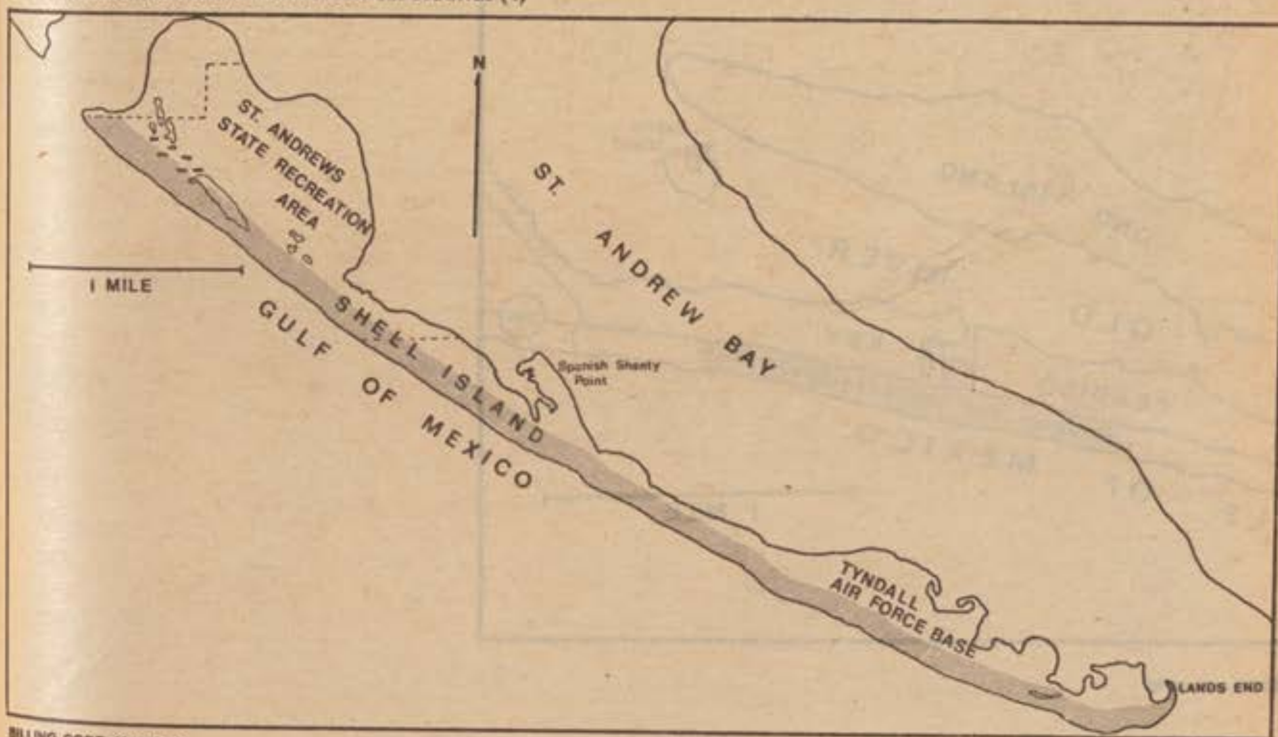
Choctawhatchee Beach Mouse Critical Habitat (3)



Choctawhatchee Beach Mouse Critical Habitat (4)



BILLING CODE 4310-55-C

Perdido Key beach mouse

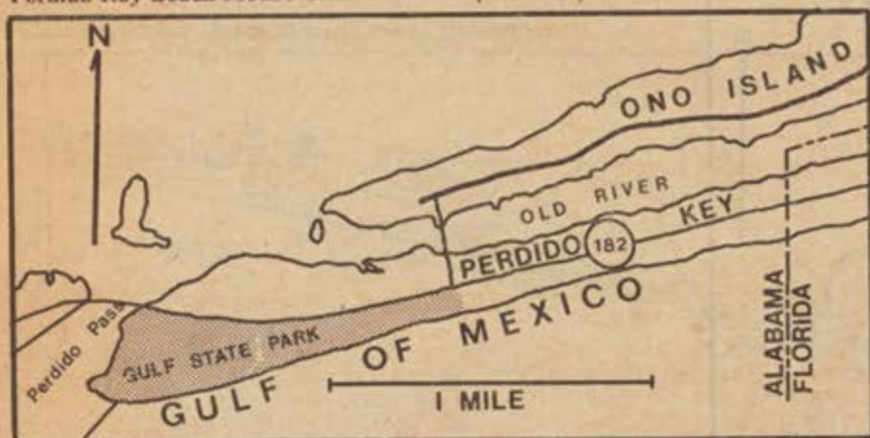
(Peromyscus polionotus trissyllepsis)

Alabama. An area of land, water, and airspace in Baldwin County with the following component (Tallahassee Meridian): That portion of the Perdido Key unit of the Gulf State Park south of State Road 182 in T9S R33W Sec. 2–3.

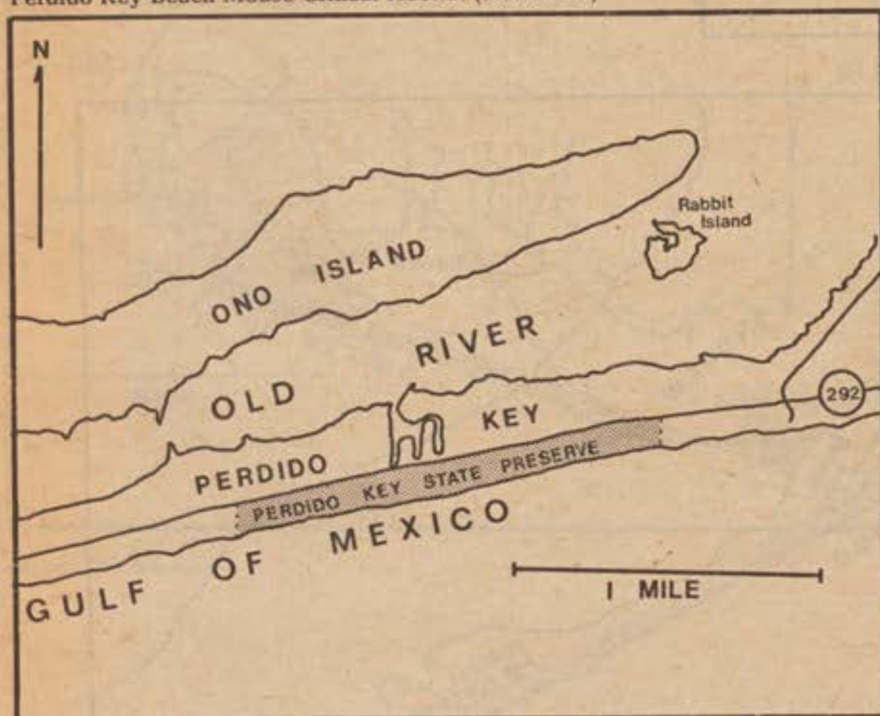
Florida. Areas of land, water, and airspace in Escambia County with the following components (Tallahassee Meridian): (1) That portion of the Perdido Key State Preserve south of State Road 292 in T3S R32W Sec. 32–33 and T4S R32W Sec. 5; (2) those portions of Perdido Key in T3S R31W Sec. 25–26 and Sec. 28–34, and in T3S R32W E½ Sec. 36, and W½ Sec. 36 south of the entrance road, parking lot, and Johnson Beach recreational facilities at the Gulf Islands National Seashore.

Within these areas the major constituent elements that are known to require special management considerations or protection are dunes and interdunal areas, and associated grasses and shrubs that provide food and cover.

Perdido Key Beach Mouse Critical Habitat (Alabama)



Perdido Key Beach Mouse Critical Habitat (Florida—1)



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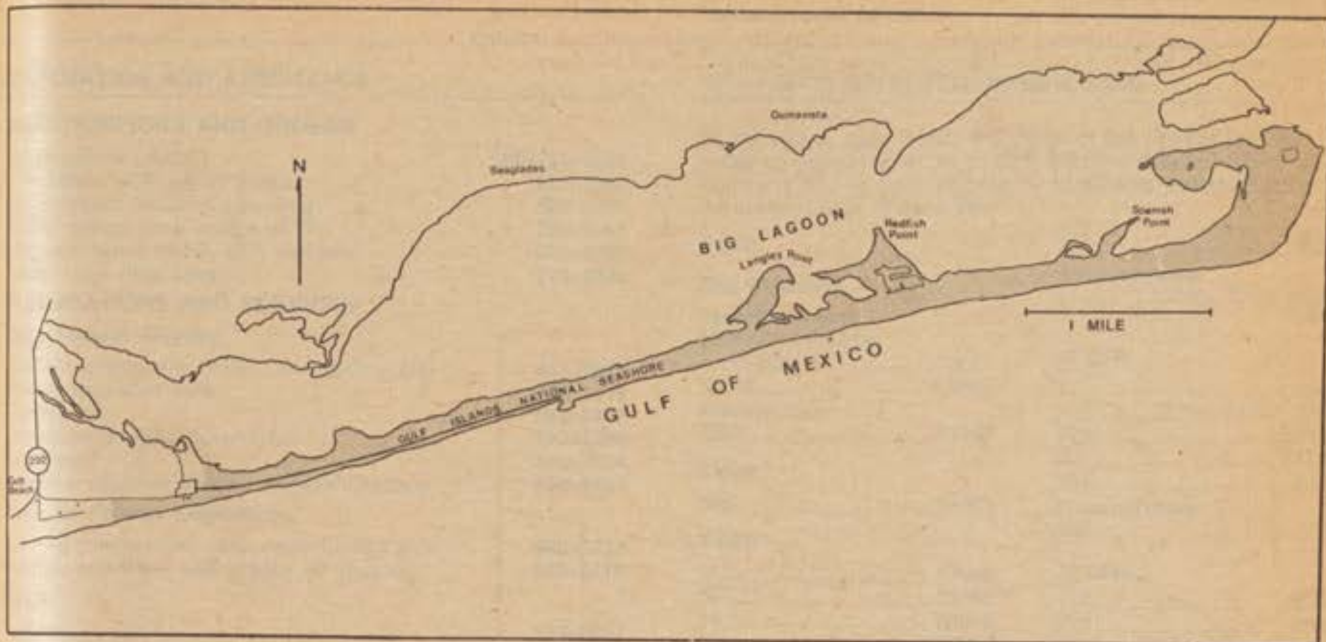
Perdido Key Beach Mouse Critical Habitat (Florida—2)



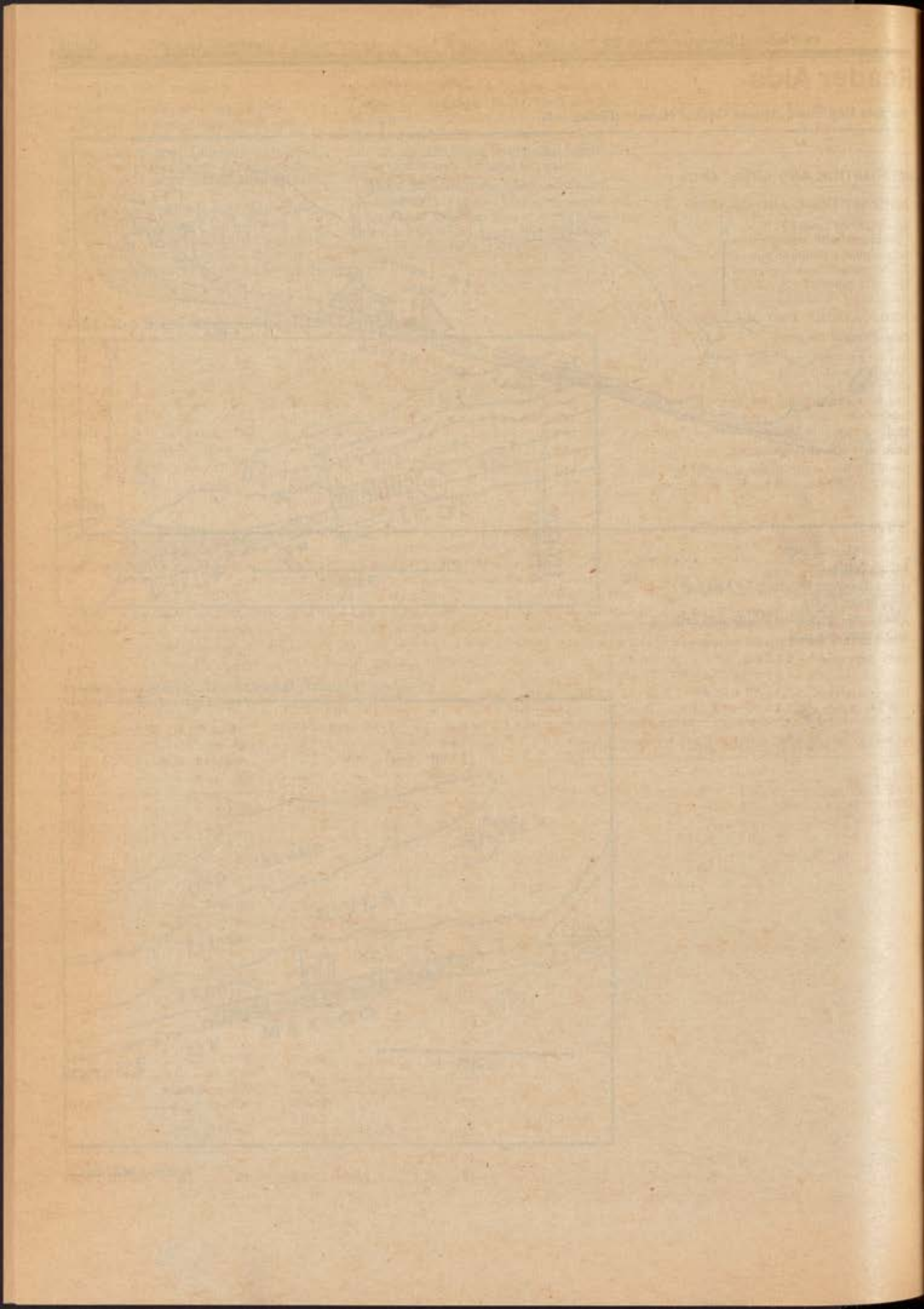
Dated: May 22, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-13500 Filed 6-5-85; 8:45 am]

BILLING CODE 4310-55-M



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Federal Register

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Thursday, June 6, 1985

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