

Tuesday  
November 5, 1985



# federal register

**Briefings on How To Use the Federal Register**  
For information on briefings in Atlanta, GA, and Philadelphia, PA, see announcement on the inside cover of this issue.

## Selected Subjects

### **Animal Drugs**

Food and Drug Administration

### **Credit**

Farmers Home Administration

### **Crop Insurance**

Federal Crop Insurance Corporation

### **Customs Duties and Inspection**

Customs Service

### **Imports**

Animal and Plant Health Inspection Service

### **Marketing Agreement**

Agricultural Marketing Service

### **Medicaid**

Health Care Financing Administration





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

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

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

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

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

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

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

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

#### ATLANTA, GA

**WHEN:** Nov. 21; at 1 pm.  
Nov. 22; at 9 am. (identical session)

**WHERE:** Room LP-7,  
Richard B. Russell Federal Building,  
75 Spring Street, SW., Atlanta, GA.

**RESERVATIONS:** Deborah Hogan,  
Atlanta Federal Information Center.  
Before Nov. 12: 404-221-2170  
On or after Nov. 12: 404-331-2170

#### PHILADELPHIA, PA

**WHEN:** Dec. 17; at 1 pm.  
Dec. 18; at 9 am. (identical session)

**WHERE:** Room 3306/10  
William J. Green, Jr., Federal Building,  
600 Arch Street, Philadelphia, PA.

**RESERVATIONS:** Laura Lewis,  
Philadelphia Federal Information Center.  
215-597-1709



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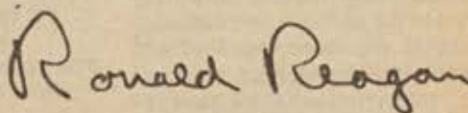
Title 3—

Notice of November 1, 1985

The President

## Continuation of Iran Emergency

On November 14, 1979, by Executive Order No. 12170, the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. Notices of the continuation of this national emergency were transmitted by the President to the Congress and the *Federal Register* on November 12, 1980, November 12, 1981, November 8, 1982, November 4, 1983, and November 7, 1984. Because our relations with Iran have not yet returned to normal and the process of implementing the January 19, 1981, agreements with Iran is still underway, the national emergency declared on November 14, 1979, must continue in effect beyond November 14, 1985. Therefore, in accordance with Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Iran. This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,  
November 1, 1985.

[FR Doc. 85-26504

Filed 11-1-85; 4:19 pm]

Billing code 3195-01-M

**Editorial note:** For the text of the President's message to Congress, dated Nov. 1, on the continuation of the Iran emergency, see the *Weekly Compilation of Presidential Documents* (vol. 21, p. 1335).



Federal Documents

Form 10-100-1-1000  
Continuation of Form 10-100-1-1000

The purpose of this form is to provide a summary of the information reported on Form 10-100-1-1000. This information is used for the purpose of determining the amount of tax to be paid. The information reported on this form is used for the purpose of determining the amount of tax to be paid. The information reported on this form is used for the purpose of determining the amount of tax to be paid.

*Handwritten signature*

Form 10-100-1-1000  
Continuation of Form 10-100-1-1000

Form 10-100-1-1000  
Continuation of Form 10-100-1-1000



# Rules and Regulations

Federal Register

Vol. 50, No. 214

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

7 CFR Parts 404, 405, and 408

[Docket No. 2722S]

#### Apple Crop Insurance Regulations

##### Correction

In FR Doc. 85-25719, beginning on page 43652 in the issue of Tuesday, October 29, 1985, make the following correction:

On page 43652, second column, the **EFFECTIVE DATE** should read "October 29, 1985."

BILLING CODE 1505-01-M

#### 7 CFR Part 442

[Amdt. No. 3; Doc. No. 2898S]

#### Prevented Planting Crop Insurance Regulations

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

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby amends the Prevented Planting Crop Insurance Regulations (7 CFR 442.7), effective for the 1986 and succeeding crop years. The intended effect of this rule is to: (1) Remove the Premium Adjustment Table; (2) change the method of computing indemnities when acreage or share is underreported; (3) remove the provision for transfer of insurance experience based on premium adjustments from one contract to another; (4) add definitions of "ASCS" and "Loss Ratio"; and (5) redefine "County" to clarify when land located outside the county will be included in the county. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

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

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

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

Merritt W. Sprague, Manager, FCIC, has determined and certifies that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of \$100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the federal paperwork burden for individuals, small businesses, and other persons.

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

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

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

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

Other than minor changes in language and format, the principal changes in the prevented planting policy are:

1. *Section 5.*—Remove the Premium Adjustment Table. FCIC is moving toward placing all crops on an actual

production history (APH) basis. Since the insured with a good production and loss history derives the benefit under that concept by the increase in the guarantee, the premium adjustment table, (which reduced the premium for good loss history and increased the premium for poor loss history) was no longer applicable. FCIC is therefore deleting the premium adjustment table from the prevented planting insurance policy so to maintain consistency with other corporation policies. Insureds with good loss experience who are now receiving a premium discount are protected since they will retain any discount under the present schedule through the 1990 crop year, or until their loss experience causes them to lose the advantage, whichever is earlier.

Remove the provisions for the transfer of insurance experience and for premium computation when insurance has not been continuous. Deletion of the Premium Adjustment Table eliminates the need for these provisions.

2. *Section 9.d*—Change the method of computing indemnities when acres are underreported. This change will reduce the complexity of calculations.

3. *Section 17.*—Add definitions of "ASCS" and "Loss ratio". Amend the "County" definition to clarify when land located outside the county is deemed to be in the county. Amend the "Unit" definition to be consistent with other crop policies.

On Monday, September 9, 1985, FCIC published a Notice of Proposed Rulemaking in the Federal Register at 50 FR 36597, amending the Prevented Planting Crop Insurance Regulations (7 CFR Part 442), effective for the 1986 and succeeding crop years. The public was given 30 days in which to submit written comments on the proposed rule, but none were received.

Changes in the Prevented Planting Crop Insurance Policy must be on file in the county office by October 31, 1985. Therefore, good cause is shown for making this rule effective in less than 30 days from the date of publication in the Federal Register. With the exception of minor changes in language and format, the proposed rule, amended as outlined above, is hereby adopted.

#### List of Subjects in 7 CFR Part 442

Crop insurance, Prevented planting.



**Final Rule**

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Prevented Planting Crop Insurance Regulations (7 CFR Part 442), effective for the 1986 and succeeding crop years as follows:

1. The Authority Citation for 7 CFR Part 442 continues to read as follows:

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

**PART 442—[AMENDED]**

2. 7 CFR 442.7(d) is revised to read as follows:

**§ 442.7 The application and policy.**

(d) The application for the 1986 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Prevented Planting Crop Insurance Policy for the 1986 and succeeding crop years are as follows:

**DEPARTMENT OF AGRICULTURE****Federal Crop Insurance Corporation***Prevented Planting Crop Insurance Policy*

(This is a continuous contract. Refer to Section 15.)

**AGREEMENT TO INSURE:** We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

**Terms and Conditions****1. Causes of Loss.**

a. The insurance provided is against the unavoidable prevention of planting insured acreage during the insurance period due to excessive moisture conditions occurring within the insurance period, unless this cause is excepted, excluded, or limited by the actuarial table.

b. We will not cover any prevention of planting due to:

(1) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants, or employees;

(2) the failure to follow recognized good farming practices;

(3) the impoundment of water by any governmental, public, or private dam or reservoir project; or

(4) the failure to plant insured acreage due to a cause other than excessive moisture.

**2. Acreage and Share Insured.**

a. The acreage insured for each crop year will be the cultivated acreage intended for planting in which you have a share, as reported by you or as determined by us,

whichever we elect and for which an amount of insurance and premium rate are provided by the actuarial table.

b. The insured share will be your share as landlord, owner-operator, or tenant in the insured prevented planting at the time insurance attaches.

c. "Cultivated acreage intended for planting" means land that was ready or, except for excessive moisture could have been made ready, for planting, but does not include land:

(1) On which a perennial forage crop is being grown or on which a crop was planted prior to the acreage reporting date;

(2) on which a prevented planting indemnity was claimed the prior crop year if such land was not worked by October 31 of the prior year; or

(3) which was not or would not have been planted to comply with any other United States Department of Agriculture or state programs or for any other reason.

**3. Report of Acreage and Share.**

You must report on our form:

a. all the cultivated acreage intended for planting in the county in which you have a share; and

b. your share at the time of reporting.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any insurable acreage in the county. This report must be submitted annually on or before January 31. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage and share or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

**4. Amounts of Insurance and Coverage Levels.**

a. The amounts of insurance and coverage levels are contained in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the amount of insurance and coverage level on or before the closing date for submitting applications for the crop year as established by the actuarial table.

**5. Annual Premium.**

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the amount of insurance times the premium rate, times the insured acreage, times the coverage level, times your share on the date insurance attaches.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the prevented planting policy in effect for the 1985 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1990 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year;

(4) Once the loss ratio exceeds .80, no further premium reduction will apply; and

(5) Participation must be continuous.

**6. Deductions for Debt.**

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

**7. Insurance Period.**

Insurance attaches March 5 of the crop year and ends at the earliest of:

a. Planting of the acreage; or

b. The prevented planting date.

**8. Notice of Damage or Loss.**

a. If you are going to claim an indemnity on any unit, we must be given notice not later than 5 days after the prevented planting date.

b. We may reject any claim for indemnity if you fail to comply with any of the requirements of this section or section 9.

**9. Claim for Indemnity.**

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the prevented planting date.

b. We will not pay any indemnity unless you:

(1) Establish that any prevention of planting on the unit was directly caused by excessive moisture during the insurance period for the crop year for which the indemnity is claimed; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage times the coverage level, times the amount of insurance;

(2) Subtracting therefrom the amount obtained by multiplying the spring-planted acreage, plus any acreage intended for planting from which a forage crop is harvested, plus any acreage which could have been planted, times the amount of insurance; and

(3) Multiplying this result by your share.

d. If the information reported by you under section 3 of the policy results in a lower premium than the actual premium determined to be due, the amount of insurance on the unit will be computed on the information you reported but the premium will be changed in accordance with the actual amount determined to be due.

e. You must not abandon any acreage to us.

f. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

g. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or



disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published semi-annually in the Federal Register on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

h. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the date insurance attaches for any crop year, any indemnity will be paid to the person(s) determined to be beneficially entitled thereto.

#### 10. Concealment or Fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

#### 11. Transfer of Right to Indemnity on Insured Share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

#### 12. Assignment of Indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

#### 13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

#### 14. Records and Access to Farm.

You must keep, for two years after the time of loss, records of the insured, uninsured and planted acreage in your farming operation. Any person designated by us will have access to such records and the farm for purposes related to the contract.

#### 15. Life of Contract: Cancellation and Termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due if deducted from:

(1) An indemnity, will be the date you sign such claim; or

(2) Payment under another program administered by the United States Department of Agriculture, will be the date both such other payment and setoff are approved.

d. The cancellation and termination dates are January 31.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

f. The contract will terminate if no premium is earned for 5 consecutive years.

#### 16. Contract Changes.

We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table will provide the amount of insurance which you are deemed to have elected. All contract changes will be available at your service office by October 31 preceding the cancellation date. Acceptance of any change will be conclusively presumed in the absence of notice from you to cancel the contract.

#### 17. Meaning of Terms.

For the purposes of prevented planting crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amounts of insurance, coverage levels, premium rates, insurable and uninsurable acreage, and related information regarding prevented planting insurance in the country.

b. "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

c. "County" means the county shown on the application and any:

(1) Additional land located in a local producing area bordering on the county as shown by the actuarial table; and  
(2) Land identified by an ASCS farm serial number for the county but physically located in another county.

d. "Crop year" means the period within which the crops to be planted are normally planted and will be designated by the calendar year in which the crops are normally planted.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Loss ratio" means the ratio of indemnity to premium.

h. "Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

i. "Prevented planting date" means the latest date established by the crop actuarial tables that we will insure any spring-planted crop in the county, except tobacco. This date includes any extended date or final date offered under any late planting agreement option.

j. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

k. "Spring-planted acreage" means the insured acreage:

(1) Planted to any crop during the insurance period; or

(2) which could have been planted during the insurance period to a crop normally included in your farming operation or shown in the actuarial table as suitable for production in the county.

l. "Tenant" means a person who rents land from another person for a share of the crop(s) or a share of the proceeds therefrom.

m. "Unit" means all insurable acreage in the county which you intend to plant:

(1) in which you have a 100 percent share; or

(2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the prevented planting on such land will be considered as owned by the lessee. Units will be determined when the acreage is reported. Errors in reporting such units may be corrected by us when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

#### 18. Descriptive Headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

#### 19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

#### 20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the



notice will be determined by the time of our receipt of the written notice.

Done in Washington, D.C., on September 27, 1985.

Merritt W. Sprague,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 85-28391 Filed 11-4-85; 8:45 am]

BILLING CODE 3410-06-M

## Farmers Home Administration

### 7 CFR Part 1900

#### Implementation of Internal Revenue Service Offset for Delinquent Housing Borrowers

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Interim rule.

**SUMMARY:** The Farmers Home Administration (FmHA) amends its regulations to add Internal Revenue Service (IRS) offset to decisions that may not be appealed. FmHA is implementing IRS offset to reduce delinquent amounts owed FmHA. In addition, taking this action may encourage delinquent debtors to bring their accounts current.

**DATES:** Comments are invited until January 6, 1986. This rule is effective November 5, 1985, but is subject to revision following the comment period.

**ADDRESS:** Send comments, in duplicate, to: Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Building, 14th and Independence SW., Washington, DC 20250. All written comments will be available for review during normal working hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Bob Nelson, Management Analyst, Farmers Home Administration, Room 6434, South Building, U.S. Department of Agriculture, Washington, DC 20250. Phone (202) 475-4705.

**SUPPLEMENTARY INFORMATION:** FmHA is implementing IRS offset based on IRS regulations and 31 U.S.C. 3720A. This statute allows the Internal Revenue Service to reduce a taxpayer's overpayment of tax by the amount of any legally enforceable debt which is owed to a federal agency and which is at least three months overdue. Implementing IRS offset requires that FmHA appeal procedures address IRS offset. FmHA is implementing this provision immediately via publication of this interim rule. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for

comment, notwithstanding the exemptions in 5 U.S.C. 553 with respect to such rules. This action, however, is not published as a Proposed Rule because the statute requires FmHA to comply with Department of Treasury regulations which require FmHA to take action by December 1, 1985 to comply with section 3720A. Section 3720A also requires FmHA to give borrowers 60 days notice of the Agency's intention to use the provisions of section 3720A. FmHA does not have time to publish this change as a Proposed Rule, give its borrowers 60 days notice of the Agency's intent to use section 3720A, meet the Department of Treasury's December 1 deadline and inform its more than 2000 field offices of the actions they are required to take to comply with the statute's provisions and the Department of Treasury's regulations. FmHA finds it necessary to publish this rule on an emergency basis.

The Secretary of Agriculture has determined that this rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. Although this document solicits public comment, the Department of Agriculture has concluded that the regulations are interpretive and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

It is found, upon good cause, that notice and other public procedures with respect to this interim action are impracticable, and good cause is found for making this action effective immediately.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

The FmHA programs and projects which are affected by this regulation are subject to intergovernmental consultation in the manner delineated in FmHA Instruction 1940-J, "Intergovernmental Review of Farmers Home Administration Programs and Activities," available in any FmHA office.

#### List of Subjects in 7 CFR Part 1900

Appeals, Credit, Loan Programs—Housing and Community Development.

The Catalog of Federal Domestic Assistance numbers and titles for this regulation are:

No.	Program title
10.404	Emergency Loans.
10.405	Farm Labor Housing Loans and Grants.
10.406	Farm Operating Loans.
10.407	Farm Ownership Loans.
10.410	Low Income Housing Loans (Section 502 Rural Housing Loans).
10.411	Rural Housing Site Loans (Section 523 and 524 Site Loans).
10.414	Resource Conservation and Development Loans.
10.415	Rural Rental Housing Loans.
10.416	Soil and Water Loans (SW Loans).
10.417	Very Low-Income Housing Repair Loans and Grants (Section 504 Rural Housing Loans and Grants).
10.418	Water and Waste Disposal Systems for Rural Communities.
10.419	Watershed Protection and Flood Prevention Loans.
10.420	Rural Self-Help Housing Technical Assistance (Section 523 Technical Assistance).
10.421	Indian Tribes and Tribal Corporation Loans.
10.422	Business and Industrial Loans.
10.423	Community Facilities Loans.
10.427	Rural Rental Assistance Payments (Rental Assistance).
10.428	Economic Emergency Loans.

Therefore, Part 1900, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

#### PART 1900—GENERAL

1. The authority citation for Part 1900 is revised to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, 7 CFR 2.23, and 7 CFR 2.70.

#### Subpart B—Farmers Home Administration Appeal Procedure

2. Section 1900.51 is amended by adding paragraph (h) to read as follows:

##### § 1900.51 General.

(h) Tax refund offset based on section 2653 of the Deficit Reduction Act of 1984 (Pub. L. 98-369).

3. Section 1900.53 is amended by revising the introductory text of paragraph (a) and adding paragraph (a)(16), to read as follows:

##### § 1900.53 Decisions which are not appealable.

(a) FmHA decisions based on statutory requirements or on objective standards that are included in published regulations may not be appealed. Exhibit C will be used without revision to notify applicants or organizations of a denial of assistance based on this type of action. Exhibit C will not be provided to borrowers who are notified that FmHA plans to offset their Internal Revenue Service (IRS) refund. The letter will state that if there is objection as to whether the action is appealable, the individual or organization may write to



the State Director requesting review of the determination. Examples of types of action which are not appealable include but are not limited to the following:

(16) A decision made by the County Supervisor to use IRS offset authorities.

Dated: October 28, 1985.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 85-26326 Filed 11-4-85; 8:45 am]

BILLING CODE 3410-07-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

18 CFR Parts 2, 157, 250, 284, and 375

(Docket No. RM85-1-000)

#### Regulation of Natural Gas Pipeline After Partial Wellhead Decontrol

Issued October 24, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final Rule; Technical Corrections.

**SUMMARY:** This document corrects typographical errors contained in the final regulations issued in Order No. 436 on October 9, 1985, that begins on page 42408 in the Federal Register of Friday, October 18, 1985 (50 FR 42,408). This document also makes technical corrections to certain aspects of the rule, as issued.

**DATE:** The technical corrections were issued October 24, 1985.

**FOR FURTHER INFORMATION CONTACT:** Christopher J. Warner, Associate General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8440.

#### SUPPLEMENTARY INFORMATION:

Specifically, the notice makes technical corrections to:

1. Reflect the Commission's intent that, unless a pipeline agrees otherwise, no notice period associated with a reduction or conversion of firm sales entitlements may begin sooner than February 1, 1986.

2. Reflect the Commission's intent that (a) an NGPA section 311 self-implementing transportation arrangement authorized and for which service had commenced on or before October 9, 1985, may continue until the expiration of its authorized original or extended term or until October 9, 1987,

whichever comes first; (b) an authorized transportation arrangement under Order Nos. 60 (interstate pipelines on behalf of other interstates) and 63 (LDCs or Hinshaw pipelines on behalf of interstates) may continue subject to the "grandfather" provisions of Subparts B and C of Part 284, as amended, respectively; and (c) an NGPA section 311 transportation arrangement authorized and for which service had commenced on or prior to October 9, 1985, by Commission order under § 284.107 or 284.127 of the Commission's regulations as in effect prior to November 1, 1985, may continue subject to the same "grandfather" provisions as NGPA section 311 self-implementing transportation arrangements.

3. Reflect the Commission's intent to permit a blanket certificate transportation arrangement authorized and for which service had commenced on or before October 9, 1985, under existing § 157.209(a) of the Commission's regulations (Order No. 319) to continue for the time remaining in its authorized term after November 1, 1985.

4. Reflect the Commission's intent to permit a transportation arrangement authorized on a self-implementing basis for 120 days pursuant to existing § 157.209(e)(1) of the Commission's regulations (Order No. 234-B) to continue only for the time remaining in its 120-day term past October 31, 1985.

5. The preamble of Order No. 436 to reflect the Commission's intent that *only* optional transportation certificates, *not* optional sales certificates, will be subject to their prerequisite that the applicant has filed for and will accept a new blanket transportation certificate under new § 284.221 of Part 284 of the Commission's regulations.

Accordingly, the following corrections are made in FR Doc. 85-24943 appearing on page 42408 in the issue of October 18, 1985:

1. On page 42412, at the top of column one, in the first sentence of the first paragraph, the words "prior to November 1, 1985" are corrected to read "on or before October 9, 1985"; the words "original term of the transportation agreement" are corrected to read "original or extended term of the authorized transportation arrangement"; the date "October 31, 1987" is corrected to read "October 9, 1987"; the words "does not affect" in the first sentence of the second full paragraph is corrected to read "also grandfathers"; and the words "prior to November 1," in the first sentence of the third full paragraph is corrected to read "on or before October 9,".

2. On page 42412, column two, seventh full paragraph, the words "notice of an intent" in the second sentence are corrected to read "notice on or after February 1, 1986, of an intent"; and the words "on February 1, 1986" in the second sentence are removed; and the words "before September 1, 1986" in the third sentence are corrected to read "until 150 days thereafter".

3. On page 42422, column three, sixth full paragraph, the words "the whatever" in the second sentence are corrected to read "whatever".

4. On page 42424, column two, in the sixth sentence of the first full paragraph, the words "234-B market certificate programs" are corrected to read "234-B blanket certificate programs".

5. On page 42426, in lines two and three at the top of column two, the words "their original term or October 31, 1987" are corrected to read "their original or extended term or October 9, 1987".

6. On page 42453, column two, in the second sentence of the first full paragraph, the word "such" is corrected to read "so".

7. On page 42460, column two, the heading "8. Reporting Requirements." is corrected to read "12. Reporting Requirements.".

8. On page 42470, column two, the words "or sales" are removed from the first sentence of the third full paragraph; and "§ 157.14(a) (10) and (11)" in the fourth sentence of the fourth full paragraph is corrected to read "§§ 157.14(a) (10), (11) and (18)".

9. On page 42474, the heading "8. Hearing Procedures." in column one, is corrected to read "7. Hearing Procedures."; and the heading "1. The factors involved." in column two, is corrected to read "b. The factors involved.".

10. On page 42475, column one, second full paragraph, the word "proved" in the first sentence is corrected to read "proven".

11. On page 42478, column two, in the first sentence of the second full paragraph, footnote "16" is corrected to read "18" and footnote "17" is corrected to read "19".

12. On page 42487, column one, "32 FERC ¶ (1985)" in footnote 5 is corrected to read "32 FERC ¶ 61,285 (1985)".

13. On page 42487, at the bottom of column one, footnote 15 is corrected by adding the words "of violation." *Id.*) at the end of the footnote.

14. On page 42487, at the top of column two, footnote 16 in the first partial paragraph is corrected by removing the words "of violation." *Id.* at the end of the footnote.



**§ 157.102 [Corrected].**

15. On page 42488, column two, in § 157.102(b) (1) (iii), the words, "except for the information required by § 157.14(a) (10), (11) and (18);" are corrected to read "except for the information required by §§ 157.14(a) (10), (11) and (18), unless the application is filed under § 157.7:".

**§ 284.10 [Corrected].**

16. On page 42494, column two, in § 284.10(c)(2) the words "written notice, not later than" are corrected to read "written notice, not earlier than February 1, 1986 and not later than"; and the words "period beginning February 1, 1986," in § 284.10(c)(3)(i), are corrected to read "period following the requisite notice,".

17. On page 42494, column three in § 284.10(d)(2) the words "written notice, not later than" are corrected to read "written notice, not earlier than February 1, 1986 and not later than", and the words "period beginning February 1, 1986," in § 284.10(d)(3)(i) are corrected to read "period following the requisite notice,".

18. On page 42495, column one, in § 284.10(f)(1) the words "customer exercises" are corrected to read "customer gives notice of an intent to exercise", and the words "Exercise by a customer of an option" in § 284.10(f)(2) are corrected to read "Notice of an intent by a customer to exercise an option".

**§ 284.105 [Corrected].**

19. On page 42495, column two in § 284.105(a) the words "under this subpart before November 1, 1985," in the first sentence are corrected to read "and commenced on or before October 9, 1985, under this subpart or under § 284.221 of Subpart G as such subparts were effective before November 1, 1985,"; the words "transportation agreement" in § 284.105(a)(1) are corrected to read "authorized transportation arrangement"; and the date "October 31, 1987" in § 284.105(a)(2) is corrected to read "October 9, 1987".

**§ 284.125 [Corrected].**

20. On page 42496, column one in § 284.125(a) the words "under this subpart before November 1, 1985," are corrected to read "and commenced on or before October 9, 1985, under this subpart or § 284.222 of Subpart G as such subparts were effective before November 1, 1985,"; the words "original term of any transportation agreement" in § 284.125(a)(1) are corrected to read "original or extended term of any authorized transportation arrangement";

and the date "October 31, 1987" in § 284.125(a)(2) is corrected to read "October 9, 1987".

**§ 284.223 [Corrected].**

21. On page 42498, column two in § 284.223(g)(1) the words "prior to November 1, 1985," in the first sentence are corrected to read "on or before October 9, 1985,"; the words "for the full term of the underlying agreement if" in § 284.223(g)(2) are corrected to read "for its full term if", and the word "subpart" in § 284.223(g)(4) is corrected to read "section".

**PART 375—[CORRECTED]**

23. On page 42499, column two, the word "Advisory:" in the authority for Part 375 is corrected to read "Authority:".

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-25867 Filed 11-4-85; 8:45 am]

BILLING CODE 6717-01-M

**18 CFR Part 284**

[Docket No. RM85-1-000]

**Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol**

Issued October 29, 1985.

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

**ACTION:** Order Granting Clarification.

**SUMMARY:** The Federal Energy Regulatory Commission is clarifying its regulations governing transportation under the transitional regulation in § 284.223(g). That section provides for a brief transitional arrangement for on-going transportation under the Order No. 234-B program which otherwise must halt as of October 31, 1985. That section provides that such transportation may continue from November 1, 1985 until December 15, 1985, provided, among other things, the pipeline files a "statement of notification" that it intends to comply with the non-discriminatory access provisions in §§ 284.8(b) and 284.9(b). Authorization to continue transporting beyond December 15, 1985 terminates unless the pipeline files for a non-discriminatory, open access blanket certificate by that date. This order clarifies that if a pipeline files a "statement of notification" by November 1, 1985 but elects not to file for an open access blanket certificate application by December 15, 1985, that the statement of notification will not be deemed an election by the pipeline to become an

open access transporter after December 15, 1985.

**FOR FURTHER INFORMATION CONTACT:** Thomas P. Gross, Certificate Division, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8569.

**SUPPLEMENTARY INFORMATION:**

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

On October 9, 1985, the Commission issued its final rule in Docket No. RM85-1.<sup>1</sup> § 284.223(g) of that rule provides for a brief transitional arrangement for on-going transportation under the Order No. 234-B program which otherwise must halt as of October 31, 1985.<sup>2</sup> That section provides that the transportation may continue beyond November 1, 1985, provided several conditions are satisfied. The most important condition is that the transporting pipeline file prior to November 1, 1985, a statement that it will, effective November 1, 1985, comply with the nondiscriminatory access condition set forth in §§ 284.8(b), 284.9(b), and with the rate conditions in § 284.7.<sup>3</sup>

On October 24, 1985, Northwest Pipeline Corporation filed a request for immediate clarification of the "statement of notification" required pursuant to § 284.223(g). Specifically, Northwest seeks clarification of whether, by filing a transition "statement of notification" pursuant to that section, an interstate pipeline commits itself to becoming an open transporter of natural gas after the transition period ends. Section 284.223(g)(3) provides that authorization for transitional transportation under § 284.223(g)(2) will cease on December 15, 1985, if the transporting pipeline has not filed for an open access blanket certificate before that date. However, Northwest states that the regulations are silent as to what, if any, continuing effect the previously filed "statement of notification" may have on transportation by the filing pipeline after December 15, 1985. Northwest states that the preamble to the rule<sup>4</sup> appears

<sup>1</sup> Final Rule and Notice Requesting Supplemental Comments, Docket No. RM85-1-000, 50 FR 42372 (October 18, 1985).

<sup>2</sup> 18 CFR 157.209(e). See Maryland Peoples Council v. FERC, No. 84-1090 (D.C. Cir. June 28, 1985).

<sup>3</sup> 50 FR 42459. *Mimeo* at pages IV -A, 177-178. The remaining provisions allow for the continuous authorization so long as the notice and protest procedure has been followed, or where the transaction is within the 120 day automatic authorization period that has not expired.

<sup>4</sup> Northwest cites the following language from the preamble of Order No. 436: "Thus, even where a

Continued



to indicate that the filing of a "statement of notification" will not itself be deemed an election by the pipeline to become an open access transporter subsequent to the end of the transition. However, since the regulations are silent on this point, Northwest requests clarification.<sup>5</sup>

We agree with Northwest's interpretation. The transitional rule in § 284.223(g) of our regulations was intended to prevent service interruption to end-users who are receiving gas under the transportation program implemented by § 157.209(e). Pursuant to the Court of Appeals' decision in *Maryland People's Counsel, supra*, authorization for such transportation must terminate on November 1, 1985. To prevent service interruption to end-users relying on that transportation, however, pipelines may continue transportation to those end-users provided they file a statement of notification that they will comply with the open access provisions in §§ 284.8(b) and 284.9(b) and, as appropriate, the rate provisions of § 284.7. Such authorization terminates on December 15, 1985 unless the pipeline has actually filed an application for a blanket certificate.

If an application has not been filed, the transportation authorization ceases on December 15, 1985. During that 45 day temporary authorization period, the regulations require that the pipeline comply with the nondiscriminatory access provision set forth in §§ 284.8(b) and 284.9(b) and the rate provisions of § 284.7. However, if the pipeline elects not to file the blanket certificate application by December 15, 1985, it would no longer be subject to the non-discriminatory access provision. Since transportation under the transitional section would have terminated, and the pipeline would not be transporting under a new blanket certificate, the pipeline would no longer be subject to the non-discriminatory access condition.<sup>6</sup>

pipeline does not ultimately elect to continue to provide service under the non-discriminatory access condition of the new rules, existing blanket certificates and section 311 authorizations will allow transportation to continue during the transition period." (footnote omitted). Northwest Pipeline Corporation Request for Immediate Clarification, at page 3, citing 50 FR 42426 (1985).

<sup>5</sup> On October 29, 1985, Washington Water Power Company filed an answer supporting Northwest's request.

<sup>6</sup> In the event that the pipeline were to file an application at some later date for a new blanket certificate under § 284.221, the pipeline would then become subject to all the conditions of the blanket certificate program when it accepted that new certificate.

By the Commission,  
Kenneth F. Plumb,  
Secretary,  
[FR Doc. 85-26322 Filed 11-4-85; 8:45 am]  
BILLING CODE 9717-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 74, 81, and 82

[Docket Nos. 84N-0319 and 76N-0366]

#### FD&C Yellow No. 5 and Its Lakes; Stay of Effectiveness, Postponement of Closing Date, and Provisional Listing

**AGENCY:** Food and Drug Administration.  
**ACTION:** Final rule; stay of effective date.

**SUMMARY:** The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of FD&C Yellow No. 5 for use in coloring cosmetics generally and externally applied drugs and of its lakes for use in coloring food and ingested drugs. FDA is establishing a new closing date for FD&C Yellow No. 5 to give the agency time to complete its evaluation of the objections that it received in response to the final rule on the use of FD&C Yellow No. 5 that FDA published in the *Federal Register* of September 4, 1985 (50 FR 35774). The regulations that permanently list FD&C Yellow No. 5 and that remove it from the provisional list are stayed until January 6, 1986.

**DATES:** Effective November 5, 1985; the new closing date for FD&C Yellow No. 5 will be January 6, 1986. The effective date of the final rule published September 4, 1985 is stayed pending final FDA action on the objections that it received.

**FOR FURTHER INFORMATION CONTACT:** Julius Smith, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** FDA established the current closing date of November 5, 1985, for the provisional listing of FD&C Yellow No. 5 in a regulation published in the *Federal Register* of September 4, 1985 (50 FR 35789). The agency established the November 5, 1985, closing date for FD&C Yellow No. 5 to provide time for receipt and evaluation of any objections to the final rule on the use of this color additive that FDA published on September 4, 1985.

After the review and evaluation of the data relevant to the petition to list FD&C Yellow No. 5 for use in externally

applied drugs and in cosmetics generally, the agency concluded that FD&C Yellow No. 5 was safe for these uses. Therefore, FDA issued a final rule in the *Federal Register* of September 4, 1985 (50 FR 35774), that would permanently list FD&C Yellow No. 5 for those uses and would remove the stay on the use of FD&C Yellow No. 5 in external cosmetics. FDA stated that the final rule would become effective on October 7, 1985, unless stayed by the filing of proper objections.

FDA received three letters stating objections to this final rule. Because of the objections, under section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)(2)), the effect of this final rule is stayed until the agency can rule upon the objections. FDA expects that it will need only a brief time to complete its evaluation of the objections. Therefore, FDA concludes that only a brief postponement is necessary at this time. The regulation set forth below will postpone the November 5, 1985, closing date for provisional listing of FD&C Yellow No. 5 until January 6, 1986.

Because the current closing date expires on November 5, 1985, FDA has concluded that the use of notice and public procedure on this regulation is impracticable. Thus, good cause exists for issuing the postponement as a final rule. Moreover, this action is consistent with the protection of the public health because the agency has previously concluded that FD&C Yellow No. 5 is safe for its intended use under the Color Additive Amendments of 1960. This regulation will permit the uninterrupted use of the color additive until January 6, 1986. To prevent and interruption in the provisional listing of FD&C Yellow No. 5 and in accordance with 5 U.S.C. 553(d)(1) and (3), this regulation is being made effective on November 5, 1985. Any person who wishes to comment on the regulation may do so in accordance with 21 CFR 10.40(e)(1).

#### List of Subjects

##### 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

##### 21 CFR Part 81

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

##### 21 CFR Part 82

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

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner



of Food and Drugs, Parts, 74, 81, and 82 are amended as follows:

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

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

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

##### § 74.1705 [Stayed]

2. Part 74 is amended by staying the modifications of § 74.1705 *FD&C Yellow No. 5* included in the September 4, 1985, final rule.

##### § 74.2705 [Stayed]

3. By staying § 74.2705 *FD&C Yellow No. 5*.

#### PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

4. The authority citation for 21 CFR Part 81 continues to read as follows:

Authority: Secs. 701, 706, 52 Stat. 1055-1056 as amended; 74 Stat. 399-407 as amended (21 U.S.C. 371, 376); Title II, Pub. L. 89-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note); 21 CFR 5.10.

##### § 81.1 [Amended]

5. Part 81 is amended in § 81.1 *Provisional list of color additives* in paragraph (a) by reinstating the entry "FD&C Yellow No. 5" and by revising the closing date to read "January 6, 1986."

##### § 81.27 [Amended]

6. In § 81.27 *Conditions of provisional listing* in paragraph (d) by reinstating the entry "FD&C Yellow No. 5" and by revising the closing date to read "January 6, 1986."

#### PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

7. The authority citation for 21 CFR Part 82 continues to read as follows:

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

##### § 82.705 [Stayed]

8. Part 82 is amended by staying § 82.705 *FD&C Yellow No. 5*.

Dated: October 22, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-26310 Filed 11-4-85; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 558

#### New Animal Drugs for Use in Animal Feeds; Salinomycin and Roxarsone

AGENCY: Food and Drug Administration.

ACTION: Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplement to a new animal drug application (NADA) filed by A. H. Robins Co., providing for use of a combination of previously approved premixes containing salinomycin and roxarsone for making finished feed for broiler chickens. The feed is for use as an aid in the prevention of coccidiosis and for improved feed efficiency.

**EFFECTIVE DATE:** November 5, 1985.

**FOR FURTHER INFORMATION CONTACT:** Lonnie W. Luther, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

**SUPPLEMENTARY INFORMATION:** A.H. Robins Co., 1405 Cummings Dr., P.O. Box 26609, Richmond, VA 23261, filed a supplement to NADA 132-447 providing for use of salinomycin at 40 to 60 grams per ton in combination with roxarsone at 22.7 to 45.4 grams per ton to make finished feeds for broiler chickens. The feeds are used for prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, *E. maxima*, and for improved feed efficiency. The supplemental NADA is approved and the regulations are amended accordingly. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-82, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

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

#### List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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

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

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

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

2. In § 558.550 by adding new paragraph (c)(1)(v) to read as follows:

##### § 558.550 Salinomycin.

(c) \* \* \*

(1) \* \* \*

(v)(a) *Amount per ton.* Salinomycin 40 to 60 grams per ton with roxarsone 22.7 to 45.4 grams per ton.

(b) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima* and for improved feed efficiency.

(c) *Limitations.* Feed continuously as sole ration. Use as sole source of organic arsenic. Not approved for use with pellet binders. Do not feed to layers. May be fatal if accidentally fed to adult turkeys or to horses. Withdraw 5 days before slaughter. Roxarsone as provided by No. 017210 in § 510.800(c) of this chapter.

Dated: October 30, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85-26258 Filed 10-4-85; 8:45 am]

BILLING CODE 4160-01-M

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Office of the Secretary

##### 24 CFR Part 20

[Docket No. R-85-1240; FR-1349]

##### Rules of the Board of Contract Appeals

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

**SUMMARY:** This final rule revises the procedures of the Department of Housing and Urban Development Board of Contract Appeals. The revision is required by the Contract Disputes Act of 1978 (41 U.S.C. 601-613). This final rule adopts in substantial part, the Uniform



Rules of Procedure for Boards of Contract Appeals issued by the Office of Federal Procurement Policy.

**EFFECTIVE DATE:** Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, but not before further notice of the effective date is published in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:** David T. Anderson, Chairman, Board of Contract Appeals, Room 2158, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755-0132. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** This final rule revises the procedures of the Department of Housing and Urban Development Board of Contract Appeals. This revision is required by the Contract Disputes Act of 1978 (41 U.S.C. 601-613). The final rule adopts, in substantial part, the Uniform Rules of Procedure for Boards of Contract Appeals issued by the Office of Federal Procurement Policy.

On June 14, 1985 (50 FR 24906) the Department published an interim rule seeking public comments on the rules of procedure. HUD received no public comments to the interim rule. This final rule substantially incorporates the interim rule. A few minor changes, however, have been made to reflect the Board's experience with the interim rule. For example, § 20.3(b) has been revised to reflect the Board's current practice of assigning one member of the panel of Administrative Judges to preside over the appeal. Additionally, the content requirements for an application for an order for the taking of depositions under Rule 14(b) have been reduced. Other minor changes have been made to improve the organization of the rule, to clarify terminology, to eliminate redundancies and for other editorial reasons.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10276, at the address listed above.

This rule does not constitute a "major rule," as that term is defined in section 1(b) of Executive Order 12291 issued by the President of February 17, 1981. Analysis of the final rule indicates that it does not (1) have an annual effect on the economy of \$100 million or more; (2)

cause a major increase in costs of prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the Regulatory Flexibility Act (5 U.S.C. 601), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule is procedural in nature and should impose few economic burdens of parties to actions before HUDBCA.

This rule was listed as item 752 on the Department's Semiannual Agenda of Regulations published October 29, 1985 (50 FR 44166 at 44174), under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance includes no program covering this Part.

#### List of Subjects in 24 CFR Part 20

Administrative practice and procedure, Government contracts, Organization and functions (Government agencies), Government procurement.

### PART 20—BOARD OF CONTRACT APPEALS

Accordingly, Part 20 of Title 24 CFR is amended as follows:

1. The table of contents for Part 20 is amended by revising Subpart A and B as follows:

#### Subpart A—Development of Housing and Urban Development Board of Contract Appeals

- Sec.
- 20.1 Scope of part.
  - 20.2 Establishment of Board
  - 20.3 Organization and location of the Board.
  - 20.4 Jurisdiction of the Board.
  - 20.5 Board powers.

#### Subpart B—Rules of the Department of Housing and Urban Development Board of Contract Appeals

20.10 Rules.

#### Preliminary Procedures

##### Rule

- 1. Appeals, How Taken.
- 2. Notice of Appeal, Contents of.
- 3. Docketing of Appeals.
- 4. Preparation, Content, Organization, Forwarding, and Status of Appeal File.
- 5. Dismissal for Lack of Jurisdiction
- 6. Pleadings.
- 7. Amendments of Pleadings or Record.
- 8. Hearing Election and Motions.

##### Rule

- 9. Prehearing Briefs.
- 10. Prehearing of Presubmission Conference.
- 11. Submission Without a Hearing.
- 12. Optional Small Claims (Expedited) and Accelerated Procedures. (These procedures are available solely at the election of the appellant.)
- 12.1 Elections to Utilize Small Claims (Expedited) and Accelerated Procedure.
- 12.2 The Small Claims (Expedited) Procedure.
- 12.3 The Accelerated Procedure.
- 12.4 Motions for Reconsideration in Rule 12 Cases.
- 13. Settling the Record.
- 14. Discovery—Depositions.
- 15. Interrogatories to Parties, Admission of Facts, and Production and Inspection of Documents.
- 16. Filing and Service of Papers Other Than Subpoenas.

#### Hearings

- 17. Where and When Held.
- 18. Notice of Hearings.
- 19. Unexcused Absence of a Party.
- 20. Hearings: Conduct: Examinations of Witnesses.
- 21. Subpoenas.
- 22. Copies of Papers.
- 23. Posthearing Briefs.
- 24. Transcript of Proceedings.
- 25. Withdrawal of Exhibits.

#### Representation

- 26. Appellant.
- 27. Government.

#### Decisions

- 28. Decisions.

#### Motion for Reconsideration

- 29. Motion for Reconsideration.

#### Dismissals and Defaults

- 30. Dismissal Without Prejudice.
- 31. Dismissal or Default for Failure to Prosecute or Defend.

#### Remand

- 32. Remand from Court.

#### Sanctions

- 33. Sanctions.

#### Miscellaneous Procedures

- 34. Applicability.
- 35. Time, Computation and Extensions.
- 36. Ex Parte Communications.

\* \* \* \* \*

Authority: The Contract Disputes Act of 1978, (41 U.S.C. 601-613); Section 7(d) of the Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).

2. Subpart A of Part 20 is revised to read as follows:

#### Subpart A—Department of Housing and Urban Development Board of Contract Appeals

##### § 20.1 Scope of part.

This part establishes a Board of Contract Appeals, sets forth its function,



policies and procedures regarding matters to be considered by the Board, and prescribes the rules of the Board.

#### § 20.2 Establishment of Board.

There is established in the Office of the Secretary, the Housing and Urban Development Board of Contract Appeals ("the Board").

#### § 20.3 Organization and location of the Board.

(a) *Location.* The Board's address is U.S. Department of Housing and Urban Development, Board of Contract Appeals, Room 2158, 451 Seventh Street, SW., Washington, D.C. 20410-5000. The telephone number is (202) 755-0132. (This is not a toll-free number.)

(b) *Organization.* The Board shall be comprised of a Chief Administrative Judge, who shall be the Chair, an Administrative Judge, who shall be the Vice-Chair, and such other Administrative Judges as may be appointed by the Secretary. All members of the Board shall be attorneys at law duly licensed by any State, commonwealth, territory, or the District of Columbia. All members shall be selected and appointed to serve in accordance with Section 8(b)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 608(b)(1)). Except as otherwise provided, appeals are assigned to a panel of at least three members who decide the case by a majority vote. The Chair shall assign one member of the panel to preside over the appeal and to conduct necessary conferences and hearings, supervise discovery and the development of the record for the Board, and to make such procedural determinations as are necessary to the proper disposition of the appeal.

#### § 20.4 Jurisdiction of the Board.

(a) *Contract appeals.* The Board shall consider and determine appeals from decisions of contracting officers under the Contract Disputes Act of 1978 (41 U.S.C. 601-613) relating to contracts entered into by (1) the Department of Housing and Urban Development or (2) any other executive agency when that agency or the Administrator for Federal Procurement Policy has designated the Board to decide the appeal.

(b) *Other matters.* The Board or its individual members shall have jurisdiction over other matters assigned to it by the Secretary or designee. Determinations in other matters shall have the finality provided by the applicable statute, regulation or agreement.

#### § 20.5 Board powers.

(a) *Board powers.* The Board shall employ support personnel, as needed, and shall have all powers necessary and incident to the proper performance of the duties assigned to it.

(b) *Disqualification.* No Administrative Judge may act for the Board or participate in a decision if, prior to the time the appeal was filed, he or she had participated in the matter in any manner on behalf of an interested party.

3. Subpart B of Part 20 is revised to read as follows:

#### Subpart B—Rules of the Department of Housing and Urban Development Board of Contract Appeals

##### § 20.10 Rules.

These rules govern the procedure in all matters before the Department of Housing and Urban Development Board of Contract Appeals, unless otherwise provided by applicable law or regulation. The Federal Rules of Civil Procedure may be applied where procedures are not otherwise provided in these rules.

##### Preliminary Procedures

###### Rule 1. Appeals, How Taken

(a) *General.* Notice of an appeal shall be in writing and mailed or otherwise furnished to the Board within 90 days from the date of receipt of a final written decision of the contracting officer.

(b) *Contracting officer's failure to act—claim of \$50,000 or less.* Where the contractor has submitted a claim of \$50,000 or less to the contracting officer and has requested a written decision within 60 days from receipt of the request, and the contracting officer has not issued the decision, the contractor may file a notice of appeal as provided in paragraph (a) above, citing the failure of the contracting officer to issue a decision.

(c) *Contracting officer's failure to act—claim in excess of \$50,000.* Where the contractor has submitted a claim in excess of \$50,000 to the contracting officer and the contracting officer has failed, within 60 days of submission of the claim, to issue a final written decision, or to advise the contractor of a date when the final written decision will be issued, the contractor may file a notice of appeal as provided in paragraph (a) above, citing the failure to issue a decision.

(d) *Unreasonable delay by contracting officer.* A contractor may request the Board to direct a contracting officer to issue a final written decision within a specified period of time, as determined by the Board, in the event of an unreasonable delay on the part of the contracting officer.

(e) *Stay of proceedings.* Upon docketing of appeals filed under paragraph (b) or (c) above, the Board may stay further proceedings pending issuance of a final decision by the contracting officer within the period of time determined by the Board.

###### Rule 2. Notice of Appeal, Contents of

A notice of appeal shall indicate that an appeal is being taken and shall identify the contract (by number), the department and agency involved in the dispute, the final written decision from which the appeal is taken, and the amount in dispute, if known. The notice of appeal shall be signed by the appellant (the contractor making the appeal), or by the appellant's duly authorized representative or attorney. The complaint referred to in Rule 6 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint. A notice of appeal from a final written decision of a contracting officer involving a claim in excess of \$50,000 shall state that certification has been made as required under Section 6(c)(1) of the Contract Disputes Act of 1978 [41 U.S.C. 606(c)(1)].

###### Rule 3. Docketing of Appeals

When a notice of appeal in any form has been received by the Board, it shall be docketed promptly. A written notice of docketing shall be transmitted to the appellant with a copy of these rules, to the contracting officer, and to HUD's Office of General Counsel.

###### Rule 4. Preparation, Content, Organization, Forwarding, and Status of Appeal File

(a) *Duties of contracting officer.* Within 30 days of receipt of notice from the Board that an appeal has been docketed, the contracting officer shall assemble and transmit to the Board (through HUD's Office of General Counsel) three copies of an appeal file consisting of all documents relevant to the appeal, including:

- (1) The decision from which the appeal is taken;
- (2) The contract including specifications and relevant amendments, plans, and drawings;
- (3) All correspondence between the parties relevant to the appeal, including the appellant's letter or letters of claim;
- (4) Transcripts of any testimony and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and
- (5) Any additional information considered relevant to the appeal.

Upon receipt of the appeals file, the Board shall furnish the appellant and HUD's Office of General Counsel with true and exact copies of the appeal file.

(b) *Duties of appellant.* Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant shall transmit to the Board any documents not contained in the appeal file which are relevant to the appeal, and furnish two copies of these documents to the government trial attorney.

(c) *Organization of appeal file.* Documents in the appeal file may be originals, legible facsimiles, or authenticated copies, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file.



(d) *Unusual documents.* Upon request by either party, the Board may waive the requirement to furnish to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when inclusion would be burdensome. At the time a party files with the Board a document for which waiver has been granted, he or she shall notify the other party that the document or a copy is available for inspection at the offices of the Board or of the party filing the document.

(e) *Status of documents in appeal file.* Documents contained in the appeal file are, without further action by the parties, part of the record upon which the Board will render its decision. However, a party may object, for reasons stated, to consideration of a particular document or documents within 30 days of receipt, unless good cause is shown for later objection. If an objection is made, the Board shall remove the document or documents from the appeal file and permit the party offering the document to move its admission as evidence in accordance with Rules 13 and 20.

(f) *Waiver of filing of documents.* Notwithstanding the foregoing, the filing of the Rule 4 (a) and (b) documents may be dispensed with by the Board either upon request of the appellant in the notice of appeal or thereafter upon stipulation of the parties.

#### Rule 5. Dismissal for Lack of Jurisdiction

Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party. However, the Board may defer its decision on the motion pending hearing on both the merits and the motion. The Board may at any time raise the issue of its jurisdiction to proceed with a particular case by an appropriate order, affording the parties an opportunity to be heard on the issue.

#### Rule 6. Pleadings

(a) *Appellant.* Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file a complaint with the Board. The complaint shall set forth simple, concise and direct statements of each of the appellant's claims. Appellant shall also set forth the basis, with appropriate reference to contract provisions, of each claim and the dollar amount claimed, to the extent known. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form is required. Should the complaint not be received within 30 days, appellant's notice of appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed its complaint and the Government shall be so notified.

(b) *Government.* Within 30 days from receipt of the complaint, the Government shall file an answer with the Board. The answer shall set forth simple, concise and direct statements of Government's defenses to each claim asserted by appellant, including any affirmative defenses available. Should the answer not be received within 30 days, the Board may enter a general denial on

behalf of the Government, and the appellant shall be so notified.

#### Rule 7. Amendments of Pleadings or Record

The Board, upon its own initiative or upon application by a party, may order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, within the proper scope of the appeal, permit either party to amend its pleading upon conditions fair to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings, are tried by express or implied consent of the parties, with the permission of the Board, they shall be treated in all respects as if they have been raised in the pleadings. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings, it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable it to meet this evidence.

#### Rule 8. Hearing Election and Motions

(a) *Hearing election.* After the filing of the Government's answer or notice from the Board that it has entered a general denial on behalf of the Government, each party shall advise whether it desires a hearing as prescribed in Rules 17 through 25, or whether it elects to submit its case on the record without a hearing, as prescribed in Rule 11.

(b) *Motions.* (1) The Board may entertain any timely motion for an appropriate order. Application to the Board for an order shall be by motion which, unless made during a hearing, shall be made in writing, shall state with particularity the grounds for the motion and shall set forth the relief or order sought.

(2) The Board may, on its own motion, initiate any action by notice to the parties.

(3) Unless otherwise specified by the Board, a party who receives a motion shall file any answering material within 20 days after the date of receipt of the motion. The Board may require the presentation of briefs or arguments. The Board shall issue a decision on each motion that is appropriate and just to the parties.

(4) Affidavits in support of motions shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. When a motion is made and supported as provided in this rule, a party opposing the motion who is represented by counsel may not rest upon the mere allegations or denials of his pleading; his response, by affidavits or as otherwise provided in this rule, must show that there is a genuine issue of fact or of law for decision. Should it appear from the affidavits of a party opposing the motion that for reasons stated he cannot present by affidavit facts essential to justify his opposition, the Board may deny the motion or may order a continuance to permit affidavits to be obtained or discovery to be had or may make such order as is just.

#### Rule 9. Prehearing Briefs

Based on an examination of the pleadings,

and its determination of whether the arguments and authorities addressed to the issues are adequately set forth in the pleadings, the Board may require the parties to submit prehearing briefs. If the Board does not require prehearing briefs, either party may upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party.

#### Rule 10. Prehearing or Presubmission Conference

(a) *Conference.* Whether the case is to be submitted under Rule 11, or heard under Rules 17 through 25, the Board may upon its own initiative, or upon the application of either party, arrange a telephone conference or call upon the parties to appear before an Administrative Judge for a conference to consider

(1) simplification, clarification, or severing of the issues;

(2) the possibility of obtaining stipulations, admissions, agreements and rulings on admissibility of documents, understandings on matters already on record, or similar agreements that will avoid unnecessary proof;

(3) agreements and rulings to facilitate discovery;

(4) limitation of the number of expert witnesses or avoidance of cumulative evidence;

(5) the possibility of agreement disposing of any or all of the issues in dispute; and

(6) such other matters as may aid in the disposition of the appeal.

(b) *Results of conference.* The Administrative Judge shall make such rulings and orders as may be appropriate to achieve settlement by agreement of the parties or to aid in the disposition of the appeal. The results of the conference, including any rulings and orders, shall be reduced to writing by the Administrative Judge or the conference shall be transcribed. The writing or the transcript shall constitute a part of the record.

#### Rule 11. Submission Without a Hearing

Either party may elect to waive its right to appear at a hearing and to submit its case upon the record before the Board, as settled under Rule 13. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the record. The Board may permit submissions to be supplemented by oral argument, which may be transcribed if requested, and by briefs in accordance with Rule 9 or Rule 23.



*Rule 12. Optional Small Claims (Expedited) and Accelerated Procedures. (These procedures are available solely at the election of the appellant.)*

**Rule 12.1 Elections to Utilize Small Claims (Expedited) and Accelerated Procedure**

(a) *Election-dispute involving \$10,000 or less.* In appeals where the amount in dispute is \$10,000 or less, the appellant may elect to have the appeal processed under a Small Claims (Expedited) procedure requiring decision of the appeal, whenever possible, within 120 days after the Board receives written notice of the appellant's election. The details of this procedure appear in section 12.2 of this Rule.

(b) *Election-dispute involving \$50,000 or less.* In appeals where the amount in dispute is \$50,000 or less, the appellant may elect to have the appeal processed under an Accelerated procedure requiring decision of the appeal, whenever possible, within 180 days after the Board receives written notice of the appellant's election. The details of this procedure appear in section 12.3 of this Rule.

(c) *Notice of election.* The appellant's election of either the Small Claims (Expedited) procedure or the Accelerated procedure may be made by written notice within 60 days after receipt of notice of docketing the appeal unless this period is extended by the Board for good cause. The election may not be withdrawn except with permission of the Board and for good cause.

(d) *Determination of amount in dispute.* In deciding whether the Small Claims (Expedited) procedure or the Accelerated procedure is applicable to a given appeal, the Board shall determine the amount in dispute.

**Rule 12.2 The Small Claims (Expedited) Procedure**

(a) *Document submission and prehearing conference.* In cases proceeding under the Small Claims (Expedited) procedure, the following time periods shall apply: (1) Within ten days from the Government's first receipt from either the appellant or the Board of a copy of the appellant's notice of election of the Small Claims (Expedited) procedure, the Government shall send the Board a copy of the contract, the contracting officer's final decision, and the appellant's letter or letters of claim, if any; remaining documents required under Rule 4 shall be submitted in accordance with times specified in that rule unless the Board otherwise directs;

(2) Within 15 days after the Board has acknowledged receipt of appellant's notice of election, the assigned Administrative Judge shall take the following actions, if feasible, in an informal meeting or a telephone conference with both parties: (i) identify and simplify the issues; (ii) establish a simplified procedure appropriate to the particular appeal; (iii) determine whether the appellant wants a hearing, and if so, fix a time and place for the hearing; (iv) require the Government to furnish all the additional documents relevant to the appeal, and (v) establish an expedited schedule for resolution of the appeal.

(b) *Pleadings, discovery and other prehearing activity.* Pleadings, discovery and other prehearing activity will be allowed only

as consistent with the requirement to conduct the hearing on the date scheduled, or if no hearing is scheduled, to close the record on a date that will allow decisions within the 120-day limit. The Board may impose shortened time periods for any actions prescribed or allowed under these rules, as necessary to enable the Board to decide the appeal within the 120-day limit, allowing whatever time, up to 30 days, that the Board considers necessary for the preparation of the decision after closing the record and the filing of briefs, if any.

(c) *Decision.* The written decision by the Board in cases processed under the Small Claims (Expedited) procedure will be short and contain only summary findings of fact and conclusions. Decisions will be rendered for the Board by a single Administrative Judge. If there has been a hearing, the Administrative Judge presiding at the hearing may at the conclusion of the hearing and after entertaining oral arguments as deemed appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the Appeal. Whenever an oral decision is rendered, the Board will subsequently furnish the parties a typed copy of the oral decision (or a copy of the transcript of the hearing) for record and payment purposes and to establish the starting date for the period for filing a motion for reconsideration under Rule 29.

(d) *Effect of decision.* A decision issued under the Small Claims (Expedited) procedure shall have no value as precedent and, in the absence of fraud shall be final and conclusive and may not be appealed or set aside.

**Rule 12.3 The Accelerated Procedure.**

(a) *Waiver of pleadings, discovery and briefs.* In cases proceeding under the Accelerated procedure, the parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) *Pleadings, discovery, and other prehearing activity.* Pleadings, discovery and other prehearing activity will be allowed only as consistent with the requirement to conduct the hearing on the dates scheduled or, if no hearing is scheduled, to close the record on a date that will allow decision within the 180-day limit. The Board may shorten time periods for any actions prescribed or allowed under these rules, as necessary to enable the Board to decide the appeal within the 180-day limit, and may reserve up to 30 days for preparation of the decision.

(c) *Decision.* Written decisions by the Board in cases processed under the Accelerated procedure will normally be short and contain only summary findings of fact and conclusions. In cases where the amount in dispute is \$10,000 or less where the Accelerated procedure has been elected and where there has been a hearing, the single Administrative Judge presiding at the hearing may, with the concurrence of both parties, at the conclusion of the hearing and after entertaining such oral arguments as deemed appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. Whenever an oral

decision is rendered, the Board will subsequently furnish the parties a typed copy of the oral decision (or a copy of the transcript of the hearing) for record and payment purposes, and to establish the starting date for the period for filing a motion for reconsideration under Rule 29.

**Rule 12.4 Motions for Reconsideration in Rule 12 Cases**

Motions for Reconsideration of cases decided under either the Small Claims (Expedited) procedure or the Accelerated procedure need not be decided within the original 120-day or 180-day limit, but all such motions shall be processed and decided rapidly to fulfill the intent of this Rule.

**Rule 13. Settling the Record**

(a) *Contents of record.* The record upon which the Board's decision will be rendered consists of the documents in the appeal file furnished under Rule 4 or 12 (unless removed by the Board) and the following items, if any: pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories admitted into evidence, admissions, stipulations, transcripts of conferences and hearings, exhibits admitted into evidence, posthearing briefs, orders of the Board, and documents which the Board has specifically designated to be made a part of the record. The record will, at all reasonable times, be available for inspection by the parties at the office of the Board.

(b) *Closing of record.* Except as the Board may otherwise order, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) *Weight of evidence.* The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

**Rule 14. Discovery—Depositions**

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any discovery procedure under this rule or rule 15, the Board may make any order required to protect a party or person from annoyance, embarrassment, or undue burden or expense. Those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or failing such agreement, governed by order of the Board.



(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal until the testimony is offered and received in evidence at the hearing. It will not ordinarily be received in evidence if the deponent is present and can testify at the hearing. In these instances, however, the deposition may be used to contradict or impeach the testimony of the deponent given at the hearing. In cases submitted on the record, the Board may receive depositions to supplement the record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any depositions.

**Rule 15. Interrogatories to Parties, Admission of Facts, and Production and Inspection of Documents**

After an appeal has been docketed and complaint filed with the Board, a party may serve on the other party: (a) written interrogatories to be answered separately in writing, signed under oath and answered or objected to within 30 days; (b) a request for the admission of specified facts or the authenticity of any documents, to be answered or objected to within 30 days after service; the factual statements and the authenticity of the documents to be deemed admitted upon failure of a party to respond to the request; and (c) a request for the production, inspection and copying of any documents or objects not privileged, which reasonably may lead to the discovery of admissible evidence.

**Rule 16. Filing and Service of Papers Other Than Subpoenas**

Papers shall be considered filed with the Board when mailed or otherwise furnished to the Board. Papers shall be served upon parties personally or by mail, addressed to the party upon whom service is to be made. Except as provided in rule 4(a), the party filing any paper with the Board shall simultaneously serve a copy of the paper upon the opposing party, and shall file a certificate of service with the Board indicating that a copy has been so served. Subpoenas shall be served as provided in Rule 21.

**Hearings**

**Rule 17. Where and When Held**

Hearings will be held at places determined by the Board to best serve the interest of the parties and the Board. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals, Rule 12 requirements, the convenience of the parties, the requirement for just and inexpensive determination of appeals without necessary delay, and other pertinent factors. On request or motion by either party and for good cause, the Board may adjust the date of a hearing.

**Rule 18. Notice of Hearings**

Parties shall be given not less than 20 days notice of the time and place for hearing, unless otherwise agreed. The notice of hearing shall be sent by certified mail (return receipt requested).

**Rule 19. Unexcused Absence of a Party**

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. Notwithstanding the provisions of Rule 31, in the event of an unexcused absence: (a) the appeal will be dismissed with prejudice for want of prosecution; or (b) the hearing will proceed and the case will be regarded as submitted on the record by the absent party.

**Rule 20. Hearings; Conduct; Examination of Witnesses**

(a) *Conduct of hearings.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and the Government may offer such evidence as would be admissible under the Federal Rules of Evidence or as otherwise determined to be reliable and relevant by the presiding Administrative Judge. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may require evidence in addition to that offered by the parties.

(b) *Examination of witnesses.* Oral testimony before the Board shall generally be given under oath or affirmation. However, if the testimony of a witness is not given under oath or affirmation, the Board shall advise the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provision of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency.

**Rule 21. Subpoenas**

(a) *General.* Upon written request of either party filed with the Board or on the Administrative Judge's initiative, the Administrative Judge to whom a case is assigned or who is otherwise designated by the Chairman may issue a subpoena requiring:

(1) testimony at a deposition—the deposing of a witness in the city or county where he or she resides, is employed or transacts business in person, or at another location convenient for the witness that is specifically determined by the Board;

(2) testimony at a hearing—the attendance of a witness for the purpose of taking testimony at a hearing; and

(3) production of books and papers—the production by the witness at the deposition or hearing of books and papers designated in the subpoena.

(b) *Voluntary cooperation.* Each party is expected (1) to cooperate and make available witnesses and evidence under its control as requested by the other party, without issuance of a subpoena, and (2) to secure voluntary attendance of desired third-party witnesses and production of desired third-party books, papers, documents, or tangible things whenever possible.

(c) *Requests for subpoenas.*

(1) A request for a subpoena shall normally be filed at least:

(i) 15 days before a scheduled deposition where the attendance of a witness at a deposition is sought;

(ii) 30 days before a scheduled hearing where the attendance of a witness at a hearing is sought.

In its discretion the Board may honor requests for subpoenas not made within these time limitations.

(2) A request for a subpoena shall state the reasonable scope and general relevance to the case of the testimony and of any books and papers sought.

(d) *Requests to quash or modify.* Upon written request by the person subpoenaed or by a party, made within 10 days after service but in any event not later than the time specified in the subpoena for compliance, the Board may (1) quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown, or (2) require the person in whose behalf the subpoena was issued to advance the reasonable cost of producing subpoenaed books and papers. Where circumstances require, the Board may act upon such a request at any time after a copy of the request has been served upon the opposing party.

(e) *Form; Issuance.*

(1) Every subpoena shall state the name of the Board and the title of the appeal, and shall command each person to whom it is directed to attend and give testimony, and if appropriate, to produce specified books and papers at the time and place specified in the subpoena. In issuing a subpoena to a requesting party, the Administrative Judge shall sign the subpoena and may, in his discretion, enter the name of the witness and otherwise leave it blank. The party to whom the subpoena is issued shall complete the subpoena before service.

(2) Where the witness is located in a foreign county, a letter rogatory or subpoena may be issued and served under the circumstances and in the manner provided in 28 U.S.C. 1781-1784.

(f) *Service.*

(1) The party requesting issuance of a subpoena shall be responsible for service.

(2) A subpoena requiring the attendance of a witness at a deposition or hearing may be served (i) by sending a copy of the subpoena by certified mail (return receipt requested) to the last known address of the party named in the subpoena, or (ii) by personal delivery of a copy of the subpoena to the party named in the subpoena, by a United States marshal or deputy marshal, or by any other person who is not a party and not less than 18 years of age. Service shall include the tender of the fees for one day's attendance and the mileage provided by 28 U.S.C. 1821 or other applicable law; however, where the subpoena is issued on behalf of the Government, money payments need not be tendered in advance of attendance.

(3) The party at whose instance a subpoena is issued shall be responsible for the payment of fees and mileage of the witness and for the costs of service of the subpoena.

(g) *Contumacy or refusal to obey subpoena.* In case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction



of a United States District Court, the Board will apply to the Court through the Attorney General of the United States for an order requiring the person to appear before the Board or a member of the Board to give testimony or produce evidence or both.

#### Rule 22. Copies of Papers

When books, records, papers, or documents have been received in evidence, a true copy of this evidence or a copy of any material or relevant part of this evidence may be substituted during or at the conclusion of the hearing.

#### Rule 23. Posthearing Briefs

The presiding Administrative Judge may order the parties to submit post hearing briefs to the Board.

#### Rule 24. Transcript of Proceedings

Testimony and argument at hearings shall be reported *verbatim*, unless the Board otherwise orders. Extra transcripts or copies of the proceedings in the possession of the board may be supplied to the parties. Otherwise, the parties may obtain transcripts or copies of the proceedings from the hearing reporter.

#### Rule 25. Withdrawal of Exhibits

After a decision has become final the Board may, upon request and after notice to the other party, permit the withdrawal of original exhibits, or any part of original exhibits by the party entitled to the exhibits. The substitution of true copies of exhibits or any part of exhibits may be required by the Board as a condition of granting permission for the withdrawal.

#### Representation

##### Rule 26. Appellant

An individual appellant may appear before the Board in person; a corporation by one of its duly authorized officers; and a partnership or joint venture by one of its duly authorized members; or any of these by an attorney at law duly licensed in any State, commonwealth, territory, the District of Columbia, or in a foreign country. An attorney representing an appellant shall file a written notice of appearance with the Board.

##### Rule 27. Government

Government counsel may, in accordance with their authority, represent the interests of the Government before the Board. They shall file notices of appearance with the Board. This notice of appearance will be given appellant or appellant's attorney in the form specified by the Board from time to time. Whenever an appellant and the Government are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal. However, if the Board is advised by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

#### Decisions

##### Rule 28. Decisions

Decisions of the Board shall be made in writing. Copies of the decision shall be

forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board shall be made solely upon the record, as described in Rule 13. Oral decisions shall be rendered in accordance with Rules 12.2(c) and 12.3(c).

#### Motion for Reconsideration

##### Rule 29. Motion for Reconsideration

A motion for reconsideration may be filed by either party. It shall set forth specifically the grounds relied upon to sustain the motion. The motion shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

#### Dismissals and Defaults

##### Rule 30. Dismissal Without Prejudice

In certain cases, appeals docketed before the Board are required to be placed in a suspended status and the Board is unable to proceed with disposition for reasons not within the control of the Board. Where the suspension has continued, or may continue, for an inordinate length of time, the Board may dismiss such appeals from its docket without prejudice to their restoration to the docket when the cause of suspension has been removed. Unless either party or the Board acts within three years to reinstate any appeal dismissed without prejudice, the dismissal shall be considered to be with prejudice.

##### Rule 31. Dismissal or Default for Failure to Prosecute or Defend

Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may, in the case of such a default by the appellant, issue an order to show cause why the appeal should not be dismissed with prejudice or, in the case of a default by the Government, issue an order to show cause why the Board should not act under Rule 33. If good cause is not shown, the Board may take appropriate action.

#### Remand

##### Rule 32. Remand from Court

Whenever any court remands a case to the Board for further proceedings, each of the parties shall, within 20 days of the remand, submit a report to the Board recommending procedures to be followed to comply with the court's order. The Board shall consider any timely filed reports and enter special orders governing the handling of the remanded case. To the extent the court's directive and time limitations permit, these orders shall conform to these rules.

#### Sanctions

##### Rule 33. Sanctions

If any party fails or refuses to obey an order issued by the Board, the Board may then make such order as it considers necessary to the just and expeditious conduct or dismissal of the appeal.

#### Miscellaneous Procedures

##### Rule 34. Applicability

These rules shall apply to all appeals relating to contracts entered into on or after March 1, 1979, and, to appeals relating to earlier contracts, with respect to claims pending before the contracting officer on March 1, 1979 or initiated thereafter, if the contractor elects to proceed under the Act.

##### Rule 35. Time, Computation, and Extensions

(a) *General.* Where possible, procedural actions should be taken in less time than the maximum time allowed. Where appropriate and justified, extensions of time shall be granted. All requests for extensions of time shall be in writing and shall be filed before the due date, unless excused.

(b) *Computation.* In computing any period of time, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

##### Rule 36. Ex Parte Communications

(a) *Definition.* An ex parte communication is any communication with a member of the Board, direct or indirect, oral or written, concerning the merits of matters in issue of any pending proceeding which is made by a party in the absence of any other party. Ex parte communications do not include communications where:

- (1) The purpose and content of the communication have been disclosed in advance or simultaneously to all parties;
- (2) The communication is a request for information concerning the status of the case or
- (3) The communication involves the Board's administrative functions or procedures.

(b) *Prohibition of ex parte communications.* Ex parte communications are prohibited.

(c) *Procedure after receipt of ex parte communications.* Any member of the Board who receives an ex parte communication that the member of the Board knows or has reason to believe is unauthorized shall promptly place the communication, or its substance, in all files and shall furnish copies to all parties. Unauthorized ex parte communications shall not be taken into consideration in deciding any matter in issue.

Dated: October 29, 1985.

Samuel R. Pierce, Jr.,

Secretary.

[FR Doc. 85-28318 Filed 11-4-85; 8:45 am]

BILLING CODE 4210-32-M



## DEPARTMENT OF TRANSPORTATION

## Federal Railroad Administration

49 CFR Parts 212, 217, 218, 219, and 255

[FRA Docket No. RSOR-6, Notice No. 11]

## Notice of Suspension; Control of Alcohol and Drug Use in Railroad Operations

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of suspension of final rule and amendments.

**SUMMARY:** The final rule on Control of Alcohol and Drug Use in Railroad Operations, including miscellaneous amendments issued therewith, is suspended pending further notice. Implementation of the final rule has been temporarily restrained by order of the U.S. District Court for the Northern District of California.

**DATE:** The rules are suspended retroactive to 9:30 a.m. on November 1, 1985.

**FOR FURTHER INFORMATION CONTACT:** Grady Cothen, Jr., Special Assistant to the Chief Counsel (Telephone: 202-426-9416), or Daniel Smith, Trial Attorney (Telephone: 202-426-8285), Office of Chief Counsel, FRA, Washington, D.C. 20590.

**SUPPLEMENTARY INFORMATION:** On July 29, 1985, FRA issued a final rule on Control of Alcohol and Drug Use in Railroad Operations (50 FR 31508; Aug. 2, 1985), which included a new Part 219 in Title 49, Code of Federal Regulations,

and certain amendments to Parts 212, 217, 218, and 255 of that title. FRA published technical corrections and amendments on September 24, 1985 (50 FR 38660) and October 31, 1985 (50 FR 45406).

With certain exceptions, the final rule became effective on November 1, 1985. At 9:30 a.m. (Pacific Standard Time) on that date the U.S. District Court for the Northern District of California issued a temporary restraining order (TRO) that prohibits FRA from continuing in effect or further implementing any portion of the final rule. The TRO issued on application of the plaintiffs in *Railway Labor Executives' Association v. Dole*, Civil Action No. 85-7958. In his ruling from the bench, Judge Legge indicated that the breath and body fluid testing provisions contained in Subparts C, D, and F of Part 219 were the specific provisions of concern to the court. However, the TRO blocks implementation of the entire final rule in order to avoid confusion in the regulated community. The order provides for further proceedings leading to a final decision on the merits.

Accordingly, Part 219 of Title 49, Code of Federal Regulations is suspended pending any further notice. In addition, the amendments made to Parts 212, 217, 218 and 225 by the final rule document (50 FR 31508, 31678-31579) are also suspended pending any further notice.

Issued in Washington, D.C., on November 1, 1985.

John H. Riley,

*Federal Railroad Administrator.*

[FR Doc. 85-26548 Filed 11-4-85; 9:31 am]

BILLING CODE 4910-06-M



# Proposed Rules

Federal Register

Vol. 50, No. 214

Tuesday, November 5, 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

#### 9 CFR Part 92

[Docket No. 82-107]

#### Importation of Poultry Hatching Eggs

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

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend the import regulations for poultry by deleting the quarantine requirement for poultry eggs for hatching imported into the United States from countries designated as free of viscerotropic velogenic Newcastle disease (VVND). This appears warranted since it has been determined that poultry eggs for hatching accompanied by a certificate pursuant to the regulations, that are imported from VVND-free countries, and the poultry from such eggs, would not present a risk of introducing communicable diseases of poultry, such as VVND, into the United States. This document also proposes to clarify the period of quarantine for certain poultry eggs for hatching and the poultry therefrom by providing that poultry eggs for hatching imported from any country not designated as VVND-free be quarantined from time of arrival at the port of entry and that the poultry from such eggs be quarantined for not less than 30 days following hatch. This document further proposes to change language in the regulations concerning such quarantine provisions to more closely reflect the language of the statutory authority for such provisions.

**DATE:** Written comments concerning this rule must be received on or before January 6, 1986.

**ADDRESSES:** Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, United States Department of Agriculture, 6505 Belcrest Road, Room

728, Federal Building, Hyattsville, MD 20782. Comments should state that they are in response to docket number 82-107. Written comments received may be inspected in Room 728 of the Federal Building, Hyattsville, Maryland, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR Part 92 (referred to below as the regulations), among other things, contain requirements for importation into the United States of poultry. Section 92.11(c) of the regulations provides that all poultry, including eggs for hatching, imported from any part of the world except Canada, shall be quarantined for not less than 30 days, and shall be subject to certain inspections, disinfections, and tests. The purpose of these requirements is to help protect the poultry industry of the United States from viscerotropic velogenic Newcastle disease (VVND) and other communicable diseases of poultry.

VVND is a contagious viral disease which affects poultry and birds and is fatal to a large percentage of poultry and birds that become infected. When it does not cause death in poultry, drastic decreases in production capacity result. VVND is considered to exist in all countries of the world except Australia, Canada, Denmark, Finland, Great Britain (England, Scotland, Wales, and the Isle of Man), Iceland, New Zealand, Northern Ireland, Norway, Republic of Ireland, and Sweden. These countries are designated in 9 CFR 94.6(a)(2) as free of VVND.

The import regulations also contain certain inspection and certification requirements for poultry eggs for hatching. Section 92.5(b) requires, among other things, that "[a]ll eggs for hatching offered for importation from any part of the world, shall be accompanied by a certificate . . . stating that the flock or flocks of origin were found upon inspection to be free from evidence of communicable diseases of poultry, that no Newcastle disease has

occurred on the premises of origin or on adjoining premises during the 90 days immediately preceding the date of movement of the eggs from such country, and that as far as it has been possible to determine such flock or flocks were not exposed to such disease during the preceding 90 days." Also, because of the natural protection provided by the eggshell, poultry eggs for hatching, unlike other poultry, would not be susceptible to disease from exposure while en route to the United States from the country of origin. It appears that the inspection and certification requirements would be adequate to assure that poultry eggs for hatching imported from countries that are designated as free of VVND, and the poultry from such imported eggs, would not present a risk of introducing communicable diseases of poultry, such as VVND, into the United States. Therefore, it appears that the current quarantine requirement for such eggs is not necessary. Accordingly, this document proposes to delete the quarantine requirement for poultry eggs for hatching imported from countries that are designated as free of VVND.

This document also proposes to clarify the period of quarantine for certain poultry eggs for hatching and the poultry from such eggs by providing that poultry eggs for hatching imported from any country not designated as VVND-free be quarantined from time of arrival at the port of entry and that the poultry from such eggs be quarantined for not less than 30 days following hatch. The current regulations (§ 92.11(c)) provide that such poultry must be quarantined "for not less than 30 days, counting from the date of arrival at the port of entry." Currently these provisions are interpreted to require that these eggs for hatching be quarantined from time of arrival at the port of entry until hatched and that the poultry from such eggs remain quarantined for no less than 30 days following hatch. It appears that it is necessary that the poultry remain quarantined for no less than 30 days following hatch in order to have adequate time for any symptoms of disease to become evident.

Also, § 92.11(c) of the regulations indicates that the purpose of the inspections, disinfections, and tests for the quarantined poultry eggs for hatching and other poultry is "to determine [their] freedom from disease



or the infection of disease and freedom from exposure thereto." In order to more closely reflect the language of the statutory authority for this provision, it is proposed to change this language. It is proposed to state that the purpose of these activities for poultry, other than poultry eggs for hatching, is "to determine [their] freedom from communicable diseases of poultry, and freedom from exposure to such diseases." It is also proposed to state that the purpose of these activities for poultry eggs for hatching and poultry from such eggs is "to determine [their] freedom from communicable diseases of poultry." It is not necessary to include "and freedom from exposure thereto" for poultry eggs for hatching and poultry from such eggs because, as explained above, such poultry eggs for hatching would not be susceptible to disease from exposure while en route to the United States from the country of origin and the poultry from such eggs would be hatched while in quarantine.

#### Executive Order 12291

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

Consideration was given concerning whether (1) to continue to impose the quarantine requirement for poultry eggs for hatching imported from countries designated as free of VVND, and the poultry from such eggs, or (2) to delete the quarantine requirement. Alternative 2 is proposed because it appears that poultry eggs for hatching accompanied by a certificate pursuant to the regulations, that are imported from VVND-free countries, and the poultry from such imported eggs, would not present a risk of introducing communicable diseases of poultry, such as VVND, into the United States.

Most of the poultry eggs for hatching imported into the United States come from Canada. This document has no effect on the importation of poultry eggs for hatching from Canada because poultry imported from Canada is exempt

from the quarantine requirement. Poultry eggs for hatching from countries other than Canada are imported in limited number for use in flock improvement projects, such as improving blood lines. These eggs are imported both from some of the VVND-free countries, such as Denmark, Great Britain, Iceland, Northern Ireland, and the Republic of Ireland, as well as from countries not designated as VVND-free, mainly Holland, France, and Germany. Although the elimination of the quarantine requirement would facilitate the entry of poultry eggs for hatching from those VVND-free countries that export these eggs to the United States, no significant change in the supply or of demand for poultry eggs for hatching imported into the United States from these countries is anticipated.

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

#### List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and 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, it is proposed to amend 9 CFR Part 92 as follows:

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

Authority: 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).

2. It is proposed to amend § 92.11 by revising paragraph (c) to read as follows:

#### § 92.11 Quarantine requirements.

(c) *Poultry.* (1) All poultry, other than eggs for hatching, imported, except as provided in § 92.26, shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to any inspections, disinfections, blood tests, and other tests as may be required by the Deputy Administrator, Veterinary Services, to determine their freedom from communicable diseases of poultry, and their freedom from exposure to such diseases.

(2) All poultry eggs for hatching imported, except from countries designated in § 94.6(a)(2) of this chapter as free of viscerotropic velogenic Newcastle disease, shall be quarantined from time of arrival at the port of entry until hatched and the poultry from such eggs shall remain quarantined for not less than 30 days following hatch. During their quarantine, such eggs for hatching and poultry from such eggs shall be subject to any inspection, disinfections, and tests as may be required by the Deputy Administrator, Veterinary Services, to determine their freedom from communicable diseases of poultry.

Done at Washington, D.C., this 30th day of October 1985.

G. J. Fichtner,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85-26331 Filed 11-4-85; 8:45 am]

BILLING CODE 3410-34-M

#### DEPARTMENT OF THE TREASURY

#### Customs Service

#### 19 CFR Part 191

#### Amendment Relating to Exemptions for Claimants Under Same Condition Drawback

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

**SUMMARY:** This document proposes to amend the Customs Regulations relating to claims for drawback of Customs duties by removing the exemption given same condition drawback claimants from the requirement of certifying whether or not the merchandise to be exported or already exported was sold to the U.S. Government. This change is necessary to protect the Government's interest in the drawback claim.

**DATE:** Comments must be received on or before January 6, 1986.

**ADDRESS:** Comments (preferably in triplicate) may be addressed to, and inspected at, the Regulations Control Branch, Room 2426, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**FOR FURTHER INFORMATION CONTACT:** Donald Beach, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 [202-566-5856].

#### SUPPLEMENTARY INFORMATION:

#### Background

Drawback is a refund or remission, in whole or in part, of a Customs duty,



internal revenue tax, or fee lawfully assessed or collected because of a particular use made of the merchandise on which the duty, or tax, or fee was assessed or collected. The rationale for drawback is to encourage domestic commerce or manufacturing, or both. It permits the domestic manufacturer to compete in foreign markets without the handicap of including in his costs, and consequently in his sales price, the duty paid on imported merchandise.

Part 191, Customs Regulations (19 CFR Part 191), sets forth the general provisions applicable to all drawback, and specialized provisions applicable to specific types of drawback. One type is same condition drawback, which is provided for under section 313(j), Tariff Act of 1930, as amended (19 U.S.C. 1313(j)). Essentially, same condition drawback is a drawback of duty on imported merchandise exported in the same condition as when imported, or destroyed under Customs supervision and not used within the U.S. before such exportation or destruction. The procedures governing same condition drawback are set forth in § 191.141, Customs Regulations (19 CFR 191.141).

As example of same condition drawback is as follows: A domestic supplier of bedding, which has contracted with the U.S. Army to supply its West Germany bases with bunk beds, imports mattresses from Taiwan, paying Customs duty upon entry. At the time of exportation of the mattresses, which have been sold to the U.S. Government, the domestic supplier/importer files a claim for drawback for a refund of the duty since the mattresses are in the same condition as when they were imported.

Section 191.11, Customs Regulations (19 CFR 191.11), concerns drawback merchandise in which the U.S. Government has an interest. Pursuant to this section, with each drawback entry, except those filed pursuant to sections 313(c) and 313(j), Tariff Act of 1930, as amended (19 U.S.C. 1313(c), (j)), the drawback claimant must certify whether or not the merchandise to be exported or already exported was sold to the U.S. Government. If the merchandise was sold to the U.S. Government, the drawback is available only to the (1) department, branch, or agency of the U.S. Government which purchased it; or (2) supplier, or any of the parties specified in § 191.73(b), Customs Regulations (19 CFR 191.73(b)), provided the drawback claim is supported by documentation signed by a proper officer of the department, branch or agency concerned, certifying that the right to drawback was reserved by the

supplier with the knowledge and consent of the department, branch, or agency.

Inasmuch as same condition drawback entries are filed under 19 U.S.C. 1313(j), the claimant is exempt from the requirement of certifying whether or not the merchandise to be exported or already exported was sold to the U.S. Government. In this situation the claimant is also under no obligation to obtain the Government's consent to its receipt of the drawback. Thus, the Government often has no knowledge that the merchandise it purchased is eligible for a drawback. This puts the Government at a disadvantage since if it had knowledge of its right to drawback, it could claim it for itself or use it as a bargaining chip in obtaining a lower purchase price from the domestic supplier.

Therefore, to protect the Government's interest in the drawback claim, we are proposing to amend § 191.11(b), by removing the reference to section 313(j), Tariff Act of 1930. Thus, the exemption from the requirement for certifying whether or not merchandise was sold to the Government will not apply to same condition drawback claimants.

#### Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and § 1.6, Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

#### Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendment will not have a significant economic impact on a substantial number of small entities inasmuch as it will affect only importers making entries under the same condition drawback procedures. Accordingly, the proposed amendment is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

#### Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly,

no regulatory impact analysis has been prepared.

#### Drafting Information

The principal author of this document was Susan Terranova, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

#### List of Subjects in 19 CFR Part 191

Customs duties and inspection, exports, imports, drawback.

#### Proposed Amendment

It is proposed to amend Part 191, Customs Regulations (19 CFR Part 191), as set forth below.

#### PART 191—DRAWBACK

1. The general authority citation for Part 191 would continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. Hdnote 11), 1313, 1624.

2. It is proposed to amend § 191.11(b), by removing the reference to section 313(j), Tariff Act of 1930, as amended (19 U.S.C. 1313(j)). Accordingly, § 191.11(b) would be revised to read as follows:

§ 191.11 Merchandise in which a United States Government interest exists.

(b) *Certificate.* With each drawback entry, except those filed pursuant to section 313(c), Tariff Act of 1930, as amended (19 U.S.C. 1313(c)), the drawback claimant shall certify whether or not the merchandise concerned was sold to the United States Government.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: October 17, 1985.

Daniel D. Queen,

Acting Assistant Secretary of the Treasury.

[FR Doc. 85-26354 Filed 11-4-85; 8:45 am]

BILLING CODE 4820-02-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 439

(OW-FRL-2918-8)

Pharmaceutical Manufacturing Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).



**ACTION:** Extension of comment period.

**SUMMARY:** On September 9, 1985, EPA published a notice of availability concerning controls on the discharge of methylene chloride and other toxic volatile organics by plants in the pharmaceutical manufacturing point source category (50 FR 36638). EPA is extending the end of the comment period on the information made available by the notice from November 8, 1985 to December 16, 1985.

**DATES:** Comments on the notice of availability for the pharmaceutical manufacturing category (50 FR 36638) must be submitted to EPA by December 16, 1985.

**ADDRESSES:** Send comments to Dr. Frank H. Hund, Industrial Technology Division (WH-552), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Attention: Docket Clerk, Pharmaceutical Manufacturing. The information supporting the notice is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213. The comments will be added to the record as they are received. The EPA Information Regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Hund (202) 382-7182.

**SUPPLEMENTARY INFORMATION:** On September 9, 1985, EPA published a notice of availability concerning controls on the discharge of methylene chloride and other toxic volatile organics from plants in the pharmaceutical manufacturing point source category. The notice stated that all comments on the issues raised by the notice must be submitted by November 8, 1985. Since then, a pharmaceutical industry association has requested that the Agency extend the comment period for sixty days.

In its request letter the association maintained that controls on the discharge of methylene chloride and other toxic volatile organics are very important to the industry and that the amount of information concerning the issues on which the Agency has requested comments is significant. The Agency agrees with the association that controls on the discharge of toxic volatile organics are very important to the industry. The Agency also believes that the issues generated by the notice and the companies responding to it are similar to the issues and companies involved with a notice of availability relating to the organic chemical, plastics, and synthetic fibers

manufacturing point source category found at 50 FR 29091. The Agency extended the comment period on that notice by 60 days (see FR 41528). Therefore, as a result of the similarity in issues and responding companies, the Agency believes that the comment period for both notices should end on the same day, December 16, 1985.

Dated: October 28, 1985.

Lawrence J. Jensen,

Assistant Administrator for Water.

[FR Doc. 85-26361 Filed 11-4-85-8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Part 442

[BERC-352-P]

#### Medicaid Program; Fire Safety Standards for ICFs/MR

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would amend the fire safety standards for intermediate care facilities for the mentally retarded (ICFs/MR). It would incorporate the 1985 edition of the Life Safety Code of the National Fire Protection Association. Current regulations incorporate the 1981 edition. The incorporation of the current edition of the Life Safety Code is intended to ensure that Medicaid providers and recipients have the benefit of the most current fire protection standards.

**DATE:** To be considered, comments must be mailed or delivered to the appropriate address, as provided below, and must be received by 5:00 p.m. on December 5, 1985.

**ADDRESS:** Mail comments to the following address:

Health Care Financing Administration,  
Department of Health and Human  
Services, Attention: BERC-352-P, P.O.  
Box 28676, Baltimore, Maryland 21207

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey  
Building, 200 Independence Ave., SW.,  
Washington, DC, or

Room 132, East, High Rise Building, 6325  
Security Boulevard, Baltimore,  
Maryland.

In commenting, please refer to file code BERC-352-P. Comments will be available for public inspection as they

are received, beginning approximately three weeks after publication of this document, in Room 309-G of the Department's offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

**FOR FURTHER INFORMATION CONTACT:** Samuel Kidder (301) 597-5909.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 1905(d) of the Social Security Act authorizes optional Medicaid coverage for services in intermediate care facilities for the mentally retarded (ICFs/MR). These are facilities that provide health or rehabilitative services to mentally retarded individuals.

In order to participate in the Medicaid program, an ICF/MR must have a provider agreement with the State Medicaid agency. To enter into a provider agreement, an ICF/MR must first be certified by a State survey agency as complying with certain health and safety requirements. These requirements are referred to as standards and are set forth in the regulations at 42 CFR Part 442, Subpart C—Standards for Intermediate Care Facilities for the Mentally Retarded.

Among these standards are the current ICF/MR standards on fire protection contained in regulations at 42 CFR 442.507 through 442.509. They provide two ways in which a facility can be surveyed for fire safety. First, a facility may be surveyed under the Health Care Occupancies chapter of either the 1967 or 1981 editions of the Life Safety Code (LSC) of the National Fire Protection Association (NFPA) or meet the equivalency requirements of the Fire Safety Evaluation System (FSES). The State may waive portions of this chapter where rigid application would cause unreasonable hardships and the safety of clients is not compromised.

Second, if the facility has 15 or fewer beds, the regulations at 42 CFR 442.508 permit the State survey agency to apply the Lodgings and Rooming Home section of the Residential Occupancies requirements of the 1981 Life Safety Code. This section relies principally on "alarms and exiting" as opposed to "protection in place" and, as such, imposes less stringent physical plant requirements than the Health Care Occupancy Chapter of the LSC. The current regulations have made it difficult for small facilities to become certified because, in order for the Lodging and Rooming Home provisions to be applied,



all clients must be ambulatory, capable of self-preservation and receiving active treatment. Those regulations define ambulatory as "able to walk without assistance." We have found this definition to be too rigid. It does not take into consideration the many cases in which clients, who require assistance devices (for example, wheelchairs), can quickly evacuate premises under emergency conditions. Thus, we are proposing to revise the current standards.

## II. Provisions of the Regulations

We would amend the regulations on fire protection by incorporating the existing standards relating to fire safety (§§ 442.507-442.509) in one new standard § 442.508, "Fire protection". Additionally, we are proposing to delete the following definitions from § 442.401: "Ambulatory", "Mobile nonambulatory", "Nonambulatory" and "Nonmobile". It is necessary to remove these definitions from Subpart G because the proposed fire safety standards would no longer refer to these terms in determining a facility's compliance with the LSC.

In the proposed § 442.508, we would require that facilities meet the applicable provisions of the 1985 edition of the LSC rather than the 1981 edition currently required. In the 1985 edition, NFPA adopted a new chapter 21 of the LSC entitled "Residential Board and Care Occupancies." As a part of chapter 21, the NFPA has included the Fire Safety Evaluation System for Board and Care Homes (FSES/BC). This equivalency system is designed to assure client safety and provide reasonable alternatives for facility compliance by taking into consideration the characteristics of the staff and the clients, as well as the fire protection features of the structure.

We are proposing to revise the regulations on fire protection to state that the facility must meet the appropriate provisions of either the Health Care Occupancies chapter or the Residential Board and Care Occupancies chapter of the LSC (or meet the FSES or FSES/BC, which are incorporated in the LSC). The State survey agency would determine which provision of the LSC the facility must meet. By incorporating these new fire safety measures in ICF/MR regulations, we can eliminate the interpretative problems caused by the current requirements without jeopardizing the health and safety of clients.

In the 1985 edition of the LSC, the NFPA has changed its requirement for classifying smaller facilities. Therefore, the proposed regulations refer to

facilities having "16 or fewer beds" or "more than 16 beds" in accordance with the new NFPA requirements. When describing existing regulations, we continue to refer to the 15 bed cutoff point.

We would also revise the regulations to specify that an ICF/MR that has 16 or fewer beds and that is classified as a Residential Board and Care Occupancy must have its evacuation capability evaluated in accordance with the Evacuation Difficulty Index (EDI) which is a part of the 1985 LSC. A facility's evacuation capability is an important factor used by surveyors to determine the specific requirements the facility must meet. We propose to use the EDI since the National Bureau of Standards has tested this tool and found it to be an effective, valid way to evaluate the evacuation capability of a facility based on the characteristics of the facility's staff and clients. The NFP, after extensive review, has adopted it. We believe that the application of the EDI would result in greater uniformity and accuracy in applying safety standards. Other evaluation mechanisms could lead to the application of inappropriately high or low requirements.

We would retain current waiver provisions for specific LSC requirements for facilities subject to the Health Care Occupancy chapter of the LSC as long as such waivers would not adversely affect the health and safety of clients. We do not propose to allow such waivers for facilities surveyed under the Residential Board and Care Occupancy Chapter because this chapter and its equivalency system, the FSES/BC, already offers the facility sufficient alternatives to remain in the program and still protect client health and safety. We propose to retain provisions for the acceptance of a State's fire and safety code for large facilities if the Secretary determines that it adequately protects clients. We do not propose to adopt a provision for the acceptance of a State's fire and safety code for small facilities (16 or fewer beds) because we will need experience in applying the Residential Board and Care Occupancy chapter to these facilities before we can responsibly decide whether or not a particular State code can adequately protect ICF/MR clients.

Finally, we propose to allow facilities that previously met and continue to meet the Health Care Occupancy chapter of the 1967 or the 1981 edition of the LSC to remain in compliance. That is, such facilities would not be required, but may choose to meet the 1985 edition. This grandfather provision is not proposed for facilities surveyed under

the Residential Board and Care Occupancy chapter since this new chapter is specifically designed for a board and care occupancy and no previous edition of the LSC was suitable, in and of itself, for this type of occupancy. We invite the public to comment on other options open to us regarding this issue.

## III. Regulatory Impact Statement

### Executive Order 12291

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for any regulations that are likely to have an annual economic impact of \$100 million or more, cause a major increase in costs or prices, or meet other thresholds specified in section 1(b) of the Order.

Although we can not develop a precise estimate, we do not believe that the economic impact of this regulation would exceed \$100 million, or meet the other thresholds specified in the Executive Order. Therefore, we have not prepared a regulatory impact analysis.

### Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612), we prepare and publish a regulatory flexibility analysis for any regulation that is likely to have a significant economic impact on a substantial number of small entities. A small entity is a small business, a nonprofit enterprise, or a government jurisdiction with a population of less than 50,000. We consider all nursing homes to be small entities for purposes of the RFA. Because this proposal may have a significant economic impact on a substantial number of nursing homes, we have prepared the following analysis.

As of September 9, 1985, there are about 2,911 certified ICFs/MR ranging in size from 4 to more than 1500 beds. The composition of these ICFs/MR is as follows:

Number of beds	Number of ICFs/MR	Percent of total
4 to 16	2,078	71
17 to 50	322	12
51 to 100	220	8
101 to 300	166	6
301 to 500	48	2
501 to 750	47	2
751 and over	30	1

Public ICFs/MR comprise about 31 percent of certified ICFs/MR and private facilities represent the remaining 69 percent.



We anticipate that the adoption of the Residential Board and Care Chapter of the LSC and the Fire Safety Evaluation System for Board and Care Homes (FSES/BC) would enable facilities to serve more clients in a wider variety of settings with reduced capital expenditures for fire protection features. Since the Residential Board and Care Occupancy chapter of the LSC and FSES/BC provides for various methods of achieving needed fire protection features, facilities would be able to tailor fire protection capital improvements to the specific needs of clients and staff.

We cannot estimate quantitatively the potential impact of this proposal. However, one important effect would be that a facility of 16 or fewer beds would not be bound to comply with the expensive requirements of the Health Care Occupancies Chapter of the Life Safety Code as required under current regulations. Currently, a facility must comply with that chapter if it serves persons who are not ambulatory or capable of self-preservation. As a result, some clients must be served by larger institutions despite costs and inconvenience to their families. Under the proposed standards, a facility that complies with the Residential Board and Care chapter of the LSC or passes the FSES/BC, would be able to serve more clients without applying all the costly features required under the Health Care Occupancies chapter of the code.

This proposal is intended to ensure a high level of fire safety in ICFs/MR, while reducing the costs of protection. This would afford significant benefits to both ICFs/MR, the patients they serve, and the families of those patients.

#### Paperwork Reduction Act of 1980

These proposed changes would not impose information collection requirements. Consequently, they need not be reviewed by the Executive Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

#### IV. Responses to Comments

Because of the large number of pieces of correspondence we normally receive on proposed regulations, we cannot acknowledge or respond to them individually. However, we will consider all comments that are received by the end of the comment period and, if we proceed with a final rule, we will respond to those comments in the preamble to that rule.

#### List of Subjects in 42 CFR Part 442

Certification of intermediate care facilities (ICFs), Certification of skilled nursing facilities (SNFs), Contracts (Agreements), Disabled, Grant-in-Aid program—health, Health facilities, Health professionals, Health records, Information (Disclosure), Medicaid, Mental health centers, Nursing homes, Nutrition, Privacy, Safety.

42 CFR Part 442 would be amended as follows:

#### PART 442—STANDARDS FOR PAYMENT FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITY SERVICES

1. In Part 442, the authority citation is revised and the table of contents for Subpart G is amended by removing §§ 442.507 and 442.509, and by revising the title of § 442.508 to read as follows:

##### Subpart G—Standards for Intermediate Care Facilities for the Mentally Retarded

Sec.

\* \* \* \* \*

442.508 Fire protection

\* \* \* \* \*

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

##### § 442.401 [Amended]

2. In § 442.401, "Definitions", the definitions of the terms "Ambulatory", "Mobile nonambulatory", "Nonambulatory", and "Nonmobile" are removed.

##### § 442.507 [Removed]

3. Section 442.507 is removed.

4. Section 442.508 is revised to read as follows:

##### § 442.508 Fire protection.

(a) Except as specified in paragraphs (b) and (c) of this section, the facility must meet the applicable provisions of either the Health Care Occupancies chapter or the Residential Board and Care Occupancies chapter of the Life Safety Code (LSC) of the National Fire Protection Association, 1985 edition, which is incorporated by reference.<sup>1</sup>

<sup>1</sup>Incorporation of the 1985 edition of the National Fire Protection Association's Life Safety Code, the Fire Safety Evaluation System and the Fire Safety Evaluation System for Board and Care Homes were approved by the Director of the Federal Register on \_\_\_\_\_. These documents are available for inspection at the Office of the Federal Register Information Center, Room 8301, 1110 L Street, N.W., Washington, DC. Copies may be obtained from the National Fire Protection Association, Battery March Park, Quincy, Mass 02269.

If any changes in this code are also to be incorporated by reference, a notice to that effect will be published in the Federal Register.

(b) For facilities that meet the LSC definition of a health care occupancy:

(1) The State survey agency may waive, for a period it considers appropriate, specific provisions of the LSC if—

(i) The waiver would not adversely affect the health and safety of the residents; and

(ii) Rigid application of specific provisions would result in an unreasonable hardship for the facility.

(2) The State survey agency may apply the State's fire and safety code instead of the LSC if the Secretary finds that the State has a code imposed by State law that adequately protects a facility's clients.

(3) The State survey agency may apply a single chapter of the LSC to the entire facility or may apply different chapters to different buildings or parts of buildings as permitted by the LSC.

(4) Compliance on November 26, 1982 with the 1967 edition of the LSC or compliance on [publication date of final rules] with the 1981 edition of the LSC, with or without waivers, is considered to be compliance with this standard as long as the facility continues to remain in compliance with that edition of the Code.

(c) For facilities that meet the LSC definition of a residential board and care occupancy and that have more than 16 beds, the State survey agency may apply the State's fire and safety code as specified in paragraph (b)(2) of this section, and may apply different chapters of the LSC to different buildings as specified in paragraph (b)(3) of this section.

(d) A facility that meets the LSC definitions of a residential board and care occupancy and that has 16 or fewer beds, must have its evacuation capability evaluated in accordance with the Evacuation Difficulty Index of the LSC (Appendix F).

##### § 442.509 [Removed]

5. Section 442.509 is removed.

(Catalog of Federal Domestic Assistance Program No. 13.714 Medical Assistance Program)

Dated: October 11, 1985.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

Approved: October 11, 1985.

Margaret M. Heckler,

Secretary.

[FR Doc. 85-26375 Filed 11-4-85; 8:45 am]

BILLING CODE 4120-01-M



# Notices

Federal Register

Vol. 50, No. 214

Tuesday, November 5, 1985

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

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Inyo National Forest; Mono Basin National Forest Scenic Area Advisory Board; Meeting

The Mono Basin National Forest Scenic Area Advisory Board will meet at 9:00 a.m. on December 6, 1985 at the June Lake Community Center, June Lake, California. The agenda of the meeting will include: Log Cabin Mine, Memorandum of Understanding with State of California, Visitor Center Update, General Update, Future Meeting Schedule.

The meeting will be open to the public. Persons who wish to attend and make oral presentation should notify Eugene E. Murphy, Forest Supervisor, Inyo National Forest, 873 N. Main Street, Bishop, California, 93514, telephone: (619) 873-5841. Written statements may be filed with the Committee before or after the meeting.

The Committee has established the following rules for public participation: After the Board has completed discussion of each topic, the public will be allowed time for questions or comment.

Dated: October 25, 1985.

Eugene E. Murphy,

Forest Supervisor and Chairman.

[FR Doc. 85-26345 Filed 11-4-85; 8:45 am]

BILLING CODE 3412-11-M

### Office of the Secretary

#### South Carolina Forest Renewal Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954, As Amended

AGENCY: Office of the Secretary, USDA.

#### ACTION: Notice of determination.

**SUMMARY:** The Secretary of Agriculture has determined that payments made to landowners under the South Carolina Forest Renewal Program are made primarily for purposes of improving forests. This determination, which is made in accordance with section 126 of the Internal Revenue Code of 1954, as amended, and the provisions of 7 CFR Part 14, permits recipients of these payments to exclude some or all of them from gross income for Federal income tax purposes if certain other conditions are met.

**FOR FURTHER INFORMATION CONTACT:** Frederick A. Dorrell, Director, Cooperative Forestry, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (703) 235-2212.

**SUPPLEMENTARY INFORMATION:** Section 126 of the Internal Revenue Code of 1954, as added by the Revenue Act of 1978 and amended by the Technical Corrections Act of 1979, provides that certain payments made under State programs may be eligible for exclusion from gross income if certain determinations are made. The Secretary of Agriculture must determine whether payments made under a State program, as described in section 126(a)(10), are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the program, as described in section 126(a)(10), are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing habitat for wildlife." In making this determination, the Secretary of Agriculture must evaluate each program according to criteria set forth in 7 CFR Part 14.

One such program carried out by the State of South Carolina is under the Forest Renewal Program, which is authorized by the Forest Renewal Law (U.S. Code sections 48-28-10 *et seq.*). In addition, the Primary Forest Product Assessment Law (S.C. Code sections 48-30-10 *et seq.*) provides for an assessment on primary forest products in order to make available a source of funds to finance the Forest Renewal Program. The program provides technical and financial assistance to nonindustrial private forest landowners to ensure the supply of high quality timber in the State. The program is

administered by the State Forester as a representative of the State Forestry Commission.

An eligible landowner is any private individual, group, partnership, association, corporation or other legal entity which owns nonindustrial private forest lands capable of producing industrial wood crops. Private entities engaged in the business of manufacturing forest products or providing public utility services or subsidiaries of such entities are not eligible for assistance under the program except that private individual forest landowners who own stock in such businesses are eligible. Cost-share payments are made to eligible landowners for the satisfactory installation of forest renewal practices. Approved practices are those silvicultural practices approved by the State Forester for the purpose of commercially growing timber through the establishment of forest stands or of ensuring the proper regeneration of forest stands to commercial production levels following the harvest of timber. Such practices shall include those required to accomplish site preparation, natural and artificial reforestation, noncommercial removal of undesirable vegetation for silvicultural purposes and cultivation of established young growth of desirable trees. In each case, approved practices shall be determined by the needs of the individual forest stand. These practices shall include existing practices and such practices as are developed in the future to ensure both maximum forest productivity and environmental protection.

The authorizing legislation, regulations, and operating procedures for the Forest Renewal Program of the State of South Carolina have been carefully examined using the criteria set forth in 7 CFR Part 14. The Department has concluded that the payments made under this forestry cost-share program are made to provide financial assistance to agricultural landowners in carrying out forest improvement practices. A "Record of Decision, South Carolina Forest Renewal Program: Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from Cooperative Forestry, Forest Service. Requests may be sent to the address listed above.



**Determination**

Therefore, it has been determined in accordance with section 126(b)(1) of the Internal Revenue Code of 1954, as amended, and 7 CFR Part 14 that all cost-share payments made for conservation practices under the Forest Renewal Program of the State of South Carolina are made primarily for the purpose of improving forests.

Signed at Washington, DC on October 30, 1985.

John R. Block.

Secretary of Agriculture.

[FR Doc. 85-26327 Filed 11-4-85; 8:45 am]

BILLING CODE 3410-01-M

**DEPARTMENT OF COMMERCE****Agency Forms Under Review by the Office of Management and Budget**

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census  
Title: Survey of Government Pass-Through Expenditures  
Form Number: Agency—CF-1; OMB—NA

Type of Request: New collection  
Burden: 336 respondents; 252 reporting hours

Needs and Uses: This data will be requested from State Government agencies to satisfy requirements of the Consolidated Federal Funds Report Act of 1982 (Pub. L. 97-328) which requires the compilation and publication of all Federal expenditures and/or obligations on a geographic basis. These data will be published in the annual consolidated Federal Funds Report.

Affected Public: State or local governments

Frequency: Annually  
Respondent's Obligation: Voluntary  
OMB Desk Officer: Timothy Sprehe, 395-4814

Agency: Bureau of the Census  
Title: Current Trade Report  
Form Number: Agency—B-300 (SR); OMB—0607-0190

Type of Request: Extension of a currently approved collection  
Burden: 5,556 respondents; 5,040 reporting hours

Needs and Uses: This survey provides the only continuous measure of monthly wholesale sales, inventory and stock/sales ratios. Information received indicates that the data have significant application to the needs of the public and other government agencies.

Affected Public: Businesses or other for-profit institutions  
Frequency: Monthly  
Respondent's Obligation: Voluntary  
OMB Desk Officer: Timothy Sprehe, 395-4814

Agency: Bureau of the Census  
Title: March 12 Employment From IRS Form 941E

Form Number: Agency—IRS 941E; OMB—0607-0203

Type of Request: Extension of a currently approved collection  
Burden: 100,000 respondents; 10,000 reporting hours

Needs and Uses: Employment information from IRS Form 941E updates the Standard Statistical Establishment List (SSEL). The SSEL, as a universal sampling frame of U.S. business activity, requires employment data from all sectors of the economy.

Affected Public: Business or other for-profit institutions

Frequency: First quarter only  
Respondent's Obligation: Mandatory  
OMB Desk Officer: Timothy Sprehe, 395-4814.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: October 30, 1985.  
Edward Michals,  
Departmental Clearance Officer.  
[FR Doc. 85-26348 Filed 11-4-85; 8:45 am]

BILLING CODE 3510-07-M

**Minority Business Development Agency****Financial Assistance Application; Tennessee**

AGENCY: Minority Business Development Agency, Commerce.  
ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first 12 months is estimated at \$270,588

for the project performance of April 1, 1986 to March 31, 1987. The MBDC will operate in the Memphis, Tennessee Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$230,000 in Federal funds and a minimum of \$40,588 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services). The Project Number is 04-10-86004-01 for the Memphis, Tennessee SMSA.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

DATE: The closing date for applications is December 6, 1985.

Applications must be postmarked on or before December 6, 1985.

ADDRESS: Atlanta Regional Office, 1371 Peachtree Street NE., Suite 505, Atlanta, Georgia 30309, (404) 881-4091.



**FOR FURTHER INFORMATION CONTACT:**  
Carlton L. Eccles, Regional Director,  
Atlanta Regional Office.

**SUPPLEMENTARY INFORMATION:**

Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

A pre-application conference to assist all interested applicants will be held at the U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street NE., Suite 505, Atlanta, Georgia, November 15, 1985 at 9:00 a.m.

(11,800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: October 30, 1985.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

Program Number and Title: 11-800

Minority Business Development  
Project Name: Memphis, Tennessee  
(Geographic Area or MSA) MBDC  
Project Identification Number: 04-10-  
86004-01

Operated By: (Firm/Organization)

Project periods:	1	2	3	Total
Project start and end dates	4/1/86- 3/31/87	4/1/87- 3/31/88	4/1/88- 3/31/89	4/1/86- 3/31/89
Project duration	12	12	12	36
Basic MBDC portion	\$209,091	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
SCS portion	20,909			
Federal funding level (65%)	230,000			
Minimum non-Federal cost sharing (15%)	40,588			
Total project cost (100%)	270,588			

<sup>1</sup> Months.

<sup>2</sup> To be determined based upon available MBDA funds.

Closing Date for Submission of this Application: December 6, 1985.

**Geographic Specification:** The Minority Business Development Center shall offer assistance in the geographic area of: Memphis, Tennessee.

**Eligibility Criteria:** There are no eligibility restrictions for this project. Eligible applicants may include individuals, non-profit organizations, for-profit firms, local and state governments, American Indian Tribes, and educational institutions.

**Project Period:** The competitive award period will be for approximately three years consisting of three separate project periods. Performance evaluations will be conducted, and funding levels will be established for each of three project periods. The MBDC will receive continued funding after the initial competitive year, at the discretion of MBDA based upon the availability of

funds, the MBDC's performance, and Agency priorities.

MBDA's suggested levels of efforts:

Financial packages \$3,230,000

M&TA \$185,000

Procurements \$7,251,000

Number of Clients 72.

Note.—All levels of effort proposed by the applicant must be supported by written justification whether they vary from MBDA's suggested levels or not.

A pre-application conference to assist all interested applicants will be held at the U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia, November 15, 1985 at 9:00 a.m.

[FR Doc. 85-26319 Filed 11-4-85; 8:45 am]

BILLING CODE 3510-21-M

### National Oceanic and Atmospheric Administration

#### Western Pacific Fishery Management Council; Public Meetings

The Western Pacific Fishery Management Council will convene a public meeting, November 4-5, 1985, from 10 a.m. to 5 p.m., at the Convention Center, Rainmaker Hotel, Pago Pago, American Samoa, and on November 6, 1985, from 9 a.m. to 2 p.m., at the Guest House, Ofu, Manua Islands, American Samoa.

During an open session, the Council will elect officers for 1986; discuss the status of the National Marine Fisheries Service's review of the Bottomfish Framework Fishery Management Plan (FMP); discuss Amendment #3 to the Spiny Lobster FMP which eliminates the 15 percent allowance of undersized spiny lobsters and establishes a minimum tail width of 4.8 centimeters; review the NOAA program budget process and discuss other Council business. On November 6, the Council will meet the fishermen and chiefs of the villages in Ofu to discuss fishing problems in the area. During a closed session (not open to the public) on November 4, from 9 a.m. to 10 a.m., the Council will discuss personnel matters. A detailed agenda is available from the Council's office. For further information contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813; telephone: (808) 523-1368.

Dated: October 30, 1985.

Richard B. Roe,

Director, Office of Fisheries Management  
National Marine Fisheries Service.

[FR Doc. 85-26362 Filed 11-4-85; 8:45 am]

BILLING CODE 3510-22-M

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Rescinding Calls on Certain Cotton Apparel Products in Categories 350 and 359 Produced or Manufactured in India

October 31, 1985.

On March 9, April 8 and September 11, 1984 notices were published in the Federal Register (49 FR 8985, 15254, and 35681) announcing that the Government of the United States had requested the Government of India to enter into consultations concerning exports to the United States of cotton dressing gowns in Category 350 and cotton coveralls and vests in Category 359 (only T.S.U.S.A. numbers 379.6410, 383.5027, 379.0258, 379.0654, 379.3949, 379.5700, 379.5820, 383.0648, 383.0652, 383.4200, and 383.4320), produced or manufactured in India.

The purpose of this notice is to announce that, pursuant to the consultations held September 10-13, 1985, the United States Government has agreed to withdraw the specific limits on these categories at this time. Should it become necessary to discuss these categories with the Government of India at a later date, further notice will be published in the Federal Register. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to cancel the import control limits previously established for these categories.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

October 31, 1985.

Commissioner of Customs,  
Department of the Treasury, Washington,  
D.C. 20229

Dear Mr. Commissioner: This directive cancels and supersedes those portions of the directive of December 21, 1984 concerning imports of cotton textile products in Category 350 and parts of Category 359,<sup>1</sup> produced or

<sup>1</sup> In Category 359, only T.S.U.S.A. numbers 379.6410, 383.5027, 379.0258, 379.0654, 379.3949, 379.5700, 379.5820, 383.0648, 383.0652, 383.4200, and 383.4320.



manufactured in India and exported during the twelve-month period which began on January 1, 1985 and extends through December 31, 1985.

The Commission for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-26349 Filed 11-4-85; 8:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### President's Blue Ribbon Commission on Defense Management; Request for Comments

AGENCY: Office of the Secretary DOD.

ACTION: Request for comments.

**SUMMARY:** The President's Blue Ribbon Commission on Defense Management requests all interested persons to submit for its consideration written comments on the adequacy of, and possible improvements in, the defense procurement system and acquisition process.

**SUPPLEMENTARY INFORMATION:**

Execution Order 12526 of July 15, 1985, charges the Commission to study the issues surrounding defense management and organization, and report its findings and recommendations to the President. As its primary objective, the Commission is studying defense management policies and procedures. It is reviewing, among other matters, the defense procurement system and acquisition process, including:

- (1) The adequacy of the defense industrial base;
- (2) Current law governing Federal and Department of Defense procurement activities;
- (3) Department directives and management procedures; and
- (4) The execution of acquisition responsibilities within the Military Departments.

The Commission also is considering appropriate means for implementing its recommendations.

All interested persons are invited to file written comments for the Commission's consideration in connection with its review of the procedures and activities of the Department of Defense associated with the procurement of military equipment and material. Comments should address the adequacy of, and possible

improvements in, the defense procurement system and acquisition process. Comments should be mailed to the Commission, 736 Jackson Place, N.W., Washington, D.C. 20503, attention: Paul S. Stevens (General Counsel). Three (3) copies of all comments should be received as soon as possible, but in any event not later than December 6, 1985.

**FOR FURTHER INFORMATION CONTACT:**

Herbert E. Hetu (Public Affairs), 1201 Pennsylvania Avenue, N.W., Suite 700A, Washington, D.C. 20004, (202) 638-0799 or 395-3199.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

November 1, 1985.

[FR Doc. 85-26445 Filed 11-4-85; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Navy

### Intent To Prepare a Draft Environmental Impact Statement for Acquisition of Lands Within Range Safety Zones at Naval Air Facility, El Centro, CA

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality Regulations (40 CFR 1506.6), the Department of the Navy will prepare an Environmental Impact Statement (EIS) for proposed land acquisitions within range safety zones at Naval Air Facility (NAF) El Centro, California.

The NAF El Centro is a support facility for fleet air squadrons performing tactical air training including air-to-air and air-to-ground weapons training. Two target ranges are involved in the land acquisition proposal. Land in these ranges has been used for Navy training purposes in the past under Memoranda of Understanding, Cooperative Agreements, and land withdrawals. Some of these have expired or may become inoperative in the future. Therefore, the Navy must consider alternatives for acquiring interest in the target ranges to continue operations while ensuring public safety and compatible land uses.

Alternatives to be evaluated include: (a) Land withdrawal, (b) Acquisition in fee, (c) Rights-of-ways, (d) Easements, (e) Leases, (f) Condemnation, (g) No Action.

Affected Federal, state and local agencies and other interested parties are invited to submit written comments regarding the scope and significant issues to be analyzed in the EIS. Comments should be submitted, as early

as possible but no later than 30 November 1985, to: Dana N. Sakamoto, Western Division, Naval Facilities Engineering Command, P.O. Box 727, Code 203, San Bruno, CA 94066-0720.

Dated: October 30, 1985.

William F. Roos, Jr.,

Lt, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85-26333 Filed 11-4-85; 8:45 am]

BILLING CODE 3610-AE-M

## DEPARTMENT OF EDUCATION

### National Advisory and Coordinating Council on Bilingual Education; Hearing

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory and Coordinating Council on Bilingual Education. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATES:** December 6, 1985, a public hearing will be held in Puerto Rico. The hearing will be held at: Universitario Metropolitano, 176 Rio Piedras (Cupiy), Puerto Rico, 00928. (809) 765-6633.

December 12, 1985, a public hearing will be held in El Paso, Texas. The hearing will be held at: Thomas Rivera Conference Center, The Student Union Building, University of Texas at El Paso, El Paso, Texas 79968. (915) 747-5247.

December 13, 1985, a public hearing will be held in Houston, Texas. The hearing will be held at: The Conference Room of Houston Independent School District Annex, 3310 Cummins Street, Houston, Texas 77027. (713) 489-9336.

All hearings will be held from 9:00 a.m.—4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Paul Balach or Sharon Hawk, Designated Federal Officials, Office of Bilingual Education and Minority Languages Affairs, Reporter's Building Number (6) Room 5026, 400 Maryland Avenue, SW., Washington, DC 20202, (202) 245-2600.

**SUPPLEMENTARY INFORMATION:** The National Advisory and Coordinating Council on Bilingual Education is established under section 752(a) of the Bilingual Education Act (20 U.S.C. 3282). NACCBE is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English



proficient populations. On November 22, 1985, in consonance with the Council's mission to advise in the preparation of regulations under the Bilingual Education Act, testimony will be heard on the following topics which impact on the bilingual community:

- (1) Local educational programs for language-minority students with limited-English proficiency.
  - (a) Type of programs
  - (b) Program evaluation procedures
  - (c) Entry/exist procedures
  - (d) Teacher certification requirements
  - (e) Availability and adequacy of staffing
  - (f) Funding sources

(2) Business, industry, and private assistance in helping educate minority-language limited-English proficient students.

(3) Language-minority students success in acquiring the necessary skills for the business world.

Witness should notify the following individuals of their intention to testify:

Puerto Rico: Nestor Gonzales (809) 765-6633.

El Paso: Irene Rosales (915) 747-5247.  
Houston: Dr. Esther Lee Yao (713) 488-9336.

The following procedures shall be observed during the public hearings:

- (1) Witnesses shall be heard on a first come basis.
- (2) Witnesses shall limit their testimony to ten minutes.
- (3) All testimony shall be tape recorded.
- (4) Exceptions to the aforementioned procedures shall be at the discretion of the Chairperson.

Records are kept of all Council proceedings and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Reporter's Building, Room 421, 400 Maryland Avenue, SW., Washington, DC 20202, Monday through Friday from 8:00 a.m.—4:30 p.m.

Dated: October 17, 1985.

Carol Pendas Whitten,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 85-26343 Filed 11-4-85; 8:45 am]

BILLING CODE 4000-01-M

#### Notice of 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 December 5, 1985.

**ADDRESSES:** Written comments should be addressed to the Office of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 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, DC 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: October 31, 1985.

Linda M. Combs,

Deputy Under Secretary for Management.

#### Office of Postsecondary Education

Type of Review Requested: NEW  
Title: Loan Management—College Housing and Academic Facilities Program

Agency Form Number: E40-11P

Frequency: Annually

Affected Public: State or local governments; Non-profit institutions

Reporting Burden Responses: 3,283;

Burden Hours: 13,132

Recordkeeping Burden Recordkeepers: 3,283; Burden Hours: 1,641.5.

**Abstract:** This form is needed for more efficient and effective debt collection practices for recovering outstanding loan indebtedness under the College Housing Loan Program, Pub. L. 81-475, as amended.

Type of Review Requested: NEW

Title: Institutional Quality Control Pilot Project for the Pell Grant, Campus-Based and Guaranteed Student Loan Program,

Agency Form Number: E40-9P

Frequency: One-time

Affected Public: Individuals or households; Non-profit institutions; Small business or organizations

Reporting Burden Responses: 120;

Burden Hours: 1,920

Recordkeeping Burden Recordkeepers: 0; Burden Hours: 0.

**Abstract:** A group of postsecondary institutions eligible for funds under Title IV of the Higher Education Act of 1965, as amended, will participate in pilot testing of a quality control system. The major goal of this project is to determine to what degree quality control can be established at the institution, thereby reducing reporting and other regulatory requirements burdens. Pilot institutions will complete questionnaires and will be interviewed as part of the evaluation process.

#### Office of Educational Research and Improvement

Type of Review Requested: REVISION  
Title: Library Services and Construction Act (Pub. L. 98-480) Application and Project Plans for State Administered Programs—Titles I, II, and III  
Agency Form Number: ED 921 and ED 915

Frequency: Annually

Affected Public: States

Reporting Burden Responses: 54; Burden Hours: 2,430

Recordkeeping Burden Recordkeepers: 0; Burden Hours: 0.

**Abstract:** The application, consisting of the Basic State Plan, the Long-range Program and the Annual Program, is a required submission from States in order to receive Federal funds under Title I (Library Services), Title II (Public Library Construction), and Title III (Interlibrary Cooperation and Resource Sharing) of the Library Services and Construction Act, as amended by Pub. L. 98-480.

[FR Doc. 85-26368 Filed 11-4-85; 8:45 am]

BILLING CODE 4000-1-M



## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Docket Nos. ER86-32-000 et al.]

Green Mountain Power Corp. et al.;  
Electric Rate and Corporate  
Regulation Filings

November 1, 1985.

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

## 1. Green Mountain Power Corporation

[Docket No. ER86-32-000]

Take notice that Green Mountain Power Corporation (GMP) on October 17, 1985 tendered for filing as a rate schedule an executed agreement dated as of August 8, 1985 between GMP and Vermont Marble Company (VM). The proposed rate schedule provides for the sale of non-firm energy by GMP to VM.

GMP states that a copy of the filing was served on VM, as well as the Vermont Public Service Board and Vermont Department of Public Service.

Comment date: November 7, 1985, in accordance with Standard Paragraph E at the end of this notice.

## 2. The Empire District Electric Company

[Docket No. ER86-27-000]

Take notice that The Empire District Electric Company (EDE) on October 16, 1985 tendered for filing FERC Electric Tariff 1st Revised Volume No. 1, section 6, 9th Revised Sheet No. 22, INDEX OF PURCHASERS; and a service agreement with Kansas Electric Power Cooperative, Inc. (KEPCO) of Topeka, Kansas.

The service agreement filed between EDE and KEPCO will replace the service agreement between EDE and Sekan Electric Cooperative, Inc. of Girard, Kansas filed with FERC, January 10, 1984, in Docket No. ER84-206-000. No change is required in rate schedules, terms of agreement or facilities.

Comment date: November 7, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. The Dayton Power and Light  
Company

[Docket No. ER86-30-000]

Take notice that The Dayton Power and Light Company on October 17, 1985, tendered for filing, proposed changes in its Interconnection Agreement with the City of Piqua, Ohio. The proposed changes would increase revenues from sales and services to the City of Piqua by approximately \$30,120 per year, based on a 12-month period ending August 31, 1985.

Service under the proposed Schedule E provides for firm transmission service from the interconnection with other utilities to the interconnection point with the City of Piqua for power purchased by Piqua from the Power Authority of the State of New York (PASNY). The schedule reflects the City's intention to purchase firm power from PASNY requiring transmission service for the initial period November 1, 1985 through May 31, 1991.

Comment date: November 7, 1985, in accordance with Standard Paragraph E at the end of this notice.

## 4. Florida Power &amp; Light Company

[Docket No. ER86-28-000]

Take notice that Florida Power & Light Company (FPL) on October 16, 1985 tendered for filing a document entitled "Amendment Number Four to Contract for Interchange Service Between Florida Power & Light Company and Florida Power Corporation." Also enclosed in the filing was a Certificate of Concurrence to the proposed Amendment by Florida Power Corporation (FPC).

FPL states that under the Amendment Number One to the Contract for Interchange Service the Parties modified the 230 kV interconnection facilities between FPC's North Longwood Substation and FPL's Sanford Plant as described in Exhibit A of that Contract so as to increase the inter-system power transfer capability of the interconnection facilities, reduce losses and to improve the reliability of the bulk power supply system for both FPC's and FPL's customers in the east central Florida geographic area. FPL and FPC agreed in Amendment Number One that following the expiration or termination of that Amendment the Parties would reverse the physical modifications to the transmission facilities and return the transmission facilities to their original electrical configuration which existed prior to the modifications made pursuant to Amendment Number One. The term of Amendment Number One, as extended pursuant to a Letter of Agreement for Extension of Term of Amendment Number One, dated April 30, 1985, expires on or before 12:01 a.m., November 1, 1985.

FPL states that under the proposed Amendment Number Four the terms and conditions of Amendment Number One shall remain in full force and effect until the contemplated reversal of the physical modifications made pursuant to Amendment Number One has been completed. FPL further states upon such completion this Amendment Number Four shall supercede and replace in their

entirety Amendment Number One and Amendment Number Two to the Contract for Interchange Service and that Exhibit A to the Contract for Interchange Service is amended and replaced in its entirety with an attached Exhibit A.

FPL states that the proposed Amendment Number Four will have no effect on sales, services, or revenues.

FPL requests waiver of Section 35.5 of the Commission's Regulations be granted to permit the proposed Amendment Number Four to become effective as of the date of the completion of the reversal of the physical modifications made pursuant to Amendment Number One. FPL states that copies of the filing were served upon FPC.

Comment date: November 7, 1985, in accordance with Standard Paragraph E at the end of this notice.

## 5. Citizens Energy Corporation

[Docket No. EL86-2-000]

Take notice that on October 11, 1985, Citizens Energy Corporation ("Citizens") tendered for filing a petition for a declaratory order pursuant to Section 207 of the Commission's Rules of Practice and Procedure, requesting the Commission to clarify the scope of sections 203 and 205 of Part 11 of the Federal Power Act, and to waive the application to Citizens of certain of the Commission's regulations under the Act.

Citizens seeks clarification and waivers in respect of its proposed electric energy transactions. Such transactions will involve Citizen's purchase of wholesale electric power and energy from utilities with excess generating capacity for resale to electric utilities at rates which would be economically attractive to the purchasing utilities. Citizens' role in such transactions will be that of an intermediary, bringing willing sellers and purchasers of electric energy together, for the purpose of creating special financial assistance funds. Such funds will be used to provide financial assistance of last resort to low-income, needy electric customers of the participating utilities.

Citizens states that clarification of Section 203 of the Federal Power Act ("Act") is necessary in order to assure that the funds created by Citizens' proposed electric energy transaction would not constitute "facilities" the disposition of which would be subject to Commission approval under section 203(a) of the Act. If the funds are deemed to be "facilities" and thereby subject to the Commission's authority,



Citizens argues that it may be unable to enter into its proposed transaction. Citizens also requests clarification that its payments to such funds would not be deemed to constitute a return on investment for purposes of any regulation of Citizens' rates by the Commission pursuant to section 205 of the Act.

In addition, Citizens requests waivers of or blanket approvals under various regulations of the Commission in order to limit the administrative burden imposed upon Citizens in light of Citizens' non-profit and public service character. Such request for waivers or approvals pertains to: the Commission's accounting and periodic reporting requirements, Parts 101, 104, 41, 50 and 141; the annual charge provided for in Section 36.1; regulations concerning interlocking directorships and offices, Parts 45 and 46; Part 34 concerning future issuance of securities and assumptions of liability, rate schedule filing requirements, Subpart B and C of Part 35; and the filing fee for the petition under § 381.302 of the Commission's Rules of Practice and Procedure.

Comment date: November 7, 1985, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. Any person desiring to be heard of to protest said filing should file a motion

to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 85-26501 Filed 11-4-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C182-4-001, et al.]

#### Exxon Corp.; Applications for Certificate and Abandonment of Service<sup>1</sup>

October 31, 1985.

Take notice that the applicant listed herein has filed applications pursuant to section 7 of the Natural Gas Act for authorization to abandon service and to sell natural gas in interstate commerce, as described herein.

The circumstances presented in the applications appear to meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order No. 436, issued October 9, 1985, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

In accordance with the provisions of § 2.77 of the Commission's rules, we shall provide for a notice period not to exceed 15 days. Accordingly, any person desiring to be heard or to make any protests with reference to said applications should on or before November 14, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 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 in any proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C182-4-001, B, Oct. 25, 1985	Exxon Corporation P.O. Box 2180, Houston, Texas 77252-2180.	United Gas Pipe Line Company High Island Block A-570, Offshore Texas <sup>1</sup> .	\$4.091	14.75
C186-40-000, A, Oct. 29, 1985	do	Humble Gas Transmission Company, High Island Block A-570, Offshore Texas <sup>2</sup> .	2.1839	14.75

<sup>1</sup> Pursuant to the expedited procedures set forth in Order No. 436 issued October 9, 1985, in Docket No. RM85-1-000, Applicant requests a two-year limited term abandonment of production in excess of United's daily requirements stating that section 102(d) gas has been shut-in by United due to lack of demand. United will receive take-or-pay credit for any gas which is both released by United and sold to others. Applicant alleges it will experience drainage and a substantial amount of condensate production will be shut-in if abandonment authority is not approved.

<sup>2</sup> Pursuant to the expedited procedures set forth in Order No. 436 issued October 9, 1985, in Docket No. RM85-1-000, Applicant requests a Limited-Term Certificate of Public Convenience and Necessity with Pre-Granted Abandonment for a period of two years from the date of authorization. Application proposes to sell gas under a contract dated July 1, 1985. Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[FR Doc. 85-26321 Filed 11-4-85; 8:45 am]

BILLING CODE 6717-01-M

#### ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL-2918-4]

#### Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

<sup>1</sup> This notice does not provide for consolidation for hearing of the matters covered herein.

#### ACTION: Notice.

**SUMMARY:** Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the Federal Register a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The

following ICR is available for review and comment.

**FOR FURTHER INFORMATION CONTACT:** Nanette Liepman, (202) 382-2742 or FTS 382-2742.

#### SUPPLEMENTARY INFORMATION:

##### Office of Water

##### National Pollutant Discharge Elimination System (NPDES)

Note.—EPA is requesting a renewal for the following report. No changes are proposed.

Title: NPDES Discharge Monitoring Report (EPA #0229).



**Abstract:** A facility discharging wastewater must obtain a permit, periodically monitor its discharges, and report to EPA or the State permit authority. EPA and the States use the data to determine compliance with permit limitations.

**Respondents:** Businesses, publicly-owned treatment works, and other facilities discharging wastewater.

Comments on all parts of this notice may be sent to:

Nanette Liepman, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), Regulation and Information Management Division, 401 M Street SW., Washington, DC 20460

and

Rick Otis, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 728 Jackson Place NW., Washington, DC 20503.

Dated: October 30, 1985.

Daniel J. Fiorino,

Acting Director, Regulation and Information Division.

[FR Doc. 85-26261 Filed 11-4-85; 8:45 am]

BILLING CODE 6560-50-M

[A-4-FRL-2918-5]

### Air Pollution Control; Proposed Actions on Clean Air Act Grant to Kentucky

**AGENCY:** Environmental Protection Agency.

**ACTION:** Solicitation of comments; opportunity for public hearing.

**SUMMARY:** This notice announces the State of Kentucky's request that EPA judge specific State reductions in non-federal matching funds as nonselective with regard to the provisions of section 105(b) of the Clean Air Act (CAA). EPA solicits public comment on this proposal, and announces the opportunity for a public hearing.

**DATE:** Comments must be received by EPA Region IV by December 5, 1985.

**ADDRESSES:** Written comments and/or request for hearing should be addressed to William H. McBride of EPA Region IV's Grants Administration Unit (see Region IV address below). Copies of the information submitted by Kentucky may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Grants Administration Unit, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Kentucky Natural Resources and Environmental Protection Cabinet, Division of Air Pollution Control, 18 Reilly Road, Bldg. 2, Fort Boone Plaza, Frankfort, Kentucky 40601.

**FOR FURTHER INFORMATION CONTACT:** William H. McBride of EPA Region IV's Grants Administration Unit at the address listed above or call 404/881-4415 (FTS 257-4415).

#### SUPPLEMENTARY INFORMATION:

##### Background

EPA provides financial assistance to the Kentucky Division of Air Pollution Control for operation of its State Air Pollution Control program through an annual cooperative agreement. EPA awards the cooperative agreement pursuant to Section 105 of the CAA (42 U.S.C. 7405). Section 105(b) contains the following criteria:

... No agency shall receive any grant under this section during any fiscal year when its expenditures of nonfederal funds for other than nonrecurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year, unless the Administrator, after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in expenditures in the programs of all executive branch agencies of the applicable unit of Government . . .

On June 26, 1984, the Kentucky Natural Resources and Environmental Protection Cabinet (KNREPC), in the context of Section 105(b) of the CAA and appropriate federal regulations, requested that EPA consider certain nonfederal funding nonselective. That request is part of the technical support document (TSD) for this notice. EPA responded in a letter dated August 23, 1984, also part of the TSD for this notice, asking Kentucky to submit additional documentation to clarify specific details of their request. If EPA were to disapprove the request regarding nonselective funding reductions and to determine Kentucky ineligible for assistance under Section 15 of the CAA, the State would be required to return assistance funds for which they were then not eligible. On November 1, 1984, Kentucky supported their request by providing a chronological list and discussion of twenty-six relevant State

actions that took place between April 13, 1979, and August 1, 1984. These documents show an extended period of austerity in the State government prompted by revenue shortfalls. The November 1, 1984, submittal is part of the TSD to this notice. The 26 items are:

1. April 13, 1979: *Personnel Memo No. 85-Abolishment of vacant positions (Attachment A).*

All vacant permanent full-time positions from November 1, 1978, were abolished at the close of business on April 16, 1979.

2. January 11, 1980: *Personnel Memo No. 80-2—Reducing State Employment (Attachment B).*

Outlined in this memo is Governor Brown's goal to reduce permanent full-time employees by a minimum of five percent by June 30, 1980. Breakdowns are by Cabinets or Agencies.

3. January 31, 1980: *Employment Freeze (Attachment C).*

Governor Brown's directive placing a freeze on employment of individuals for merit system positions.

4. July 11, 1980: *Governor's Cutback Policy (Attachment D).*

As a result of a \$279 million revenue shortfall in FY 80-81 in the general, road, and capital construction funds, the Governor initiated this cutback policy which included:

a. No allotments of general fund dollars for new and/or expanded programs unless approved by the Governor.

b. Unrestricted agency fund balances would be used to finance general operations in lieu of general fund dollars. Also, general fund allotments were to be reduced by available agency funds.

c. The current capital construction freeze was to be continued through the fiscal year.

5. September 4, 1980: *Personnel Memo No. 80-22—Abolishment of Unnecessary Vacant Positions (Attachment E).*

Directive to abolish all vacant positions deemed unnecessary. Notification was to be given to the Department of Personnel by October 16, 1980.

6. January 22, 1981: *Robert L. Warren, Executive Director, Office of Policy and Management (Attachment F).*

Notification that 75% of all unspent general fund capital outlay monies had been withdrawn. (See attachment for specific dollar amounts.)



7. March 12, 1981: *Executive Budget Cutback Plan, Fiscal Year 1981-82 (Attachment G)*.

8. July 21, 1981: *Letter to Governor Brown from Secretary Swigart responding to reducing Cabinet's FY 81-82 general fund allotment (Attachment H)*.

The Cabinet was directed by the Governor to propose a 6% reduction. The attachment gives the total amount for each Bureau within the Cabinet. Further breakdowns by Bureaus are attached. (See Attachment H-1, 2, 3, and 4.)

9. July 28, 1981: *Executive Budget Cutback Plan, Fiscal Year 1981-82 (Attachment I)*.

10. August 14, 1981: *Governor Brown's letter to the Legislative Research Commission (Attachment J). Secretary's Order No. 82-96—Statewide general fund appropriate reductions in order to balance the 1982 budget.*

11. September 4, 1981: *A Management Plan to Meet Employment Reductions (Attachment K)*.

Employment constraints were placed on all hiring from outside state government. Unnecessary vacant, permanent full-time positions were to be abolished. All vacant, permanent part-time positions and summer seasonal positions were to be abolished. A layoff plan was to be implemented.

12. October 1, 1981: *1982 State Budget Reference Document—Office for Policy and Management—Department of Finance (Attachment L)*.

13. January 11, 1982: *Personnel Memo No. 82-1—Seasonal Temporary, FTL Employment (Attachment M)*.

Cutbacks on hiring these types of positions.

14. February 22, 1982: *Employment Constraints and Internal Mobility (Attachment N)*.

All vacant positions were abolished March 1, 1982. Vacancies created by employee turnovers were to be filled internally. No new positions were to be created between February and June 1982 unless request was accomplished by an abolishment of another position. Most open examinations were closed from March 16 to July 1. An evaluation team was established to assist agencies in reaching their personnel reduction goals.

15. March 1982: *Department for Natural Resources and Environmental Protection 1980-82 General Fund Budget—five and one-half percent budget cut from 1981-82 original budget (Attachment O, pages 1, 2, and 3)*.

16. April 26, 1982: *Personnel Memo No. 82-6—Job Bank (Attachment P)*.

In order to reduce hiring from the outside, a Job Bank was established. State employees could transferred to

other positions where there were specific needs.

17. June 10, 1982: *Personnel Memo No. 82-13—Guidelines for Hiring (Attachment Q)*.

Because of personnel cutbacks, critical vacancies existed. Guidelines were established in order to accommodate these vacancies. Also, any position establishment had to be accompanied by an abolishment.

18. July 1982: *Department for Natural Resources and Environmental Protection 1980-82 General Fund Budget (Attachment O, pages 1, 2, and 3)*.

Six percent cut from 1981-82 budget.

19. March 1, 1983: *Personnel Memo 83-5—Internal Promotional Program (Attachment R)*.

This program was established in an effort to meet statewide personnel needs by utilizing on-board employees.

20. April 27, 1983: *Freeze of Discretionary Expenditures (Attachment S)*.

Because of a 4.8 percent shortfall in general fund receipts between March 1982 and March 1983, a freeze was placed on discretionary expenditures. Also, agencies were requested to lapse a minimum of two percent of their general fund appropriations for FY 83.

21. July 27, 1983: *Freeze of Discretionary Expenditures (Attachment T)*.

The Revenue Cabinet, in its official receipt report for the general fund, indicated a \$42 million revenue shortfall for FY 83. Therefore, a freeze was placed on discretionary expenditures for FY 83-84.

22. September 7, 1983: *Letter from Merl Hackbart, State Budget Director (Attachment U)*.

Another series of budget reductions resulted because of a predicted \$118 million shortfall in general fund revenue for FY 84. Therefore, there was a three percent general fund reduction, agency/general funds were cut back, and competitive pay was reallocated (five percent annual increments were reduced to two percent effective July 1, 1984; July 1985 annual increments will become three percent). For more detail, refer to the State Executive Budget.

23. October 20, 1983: *Secretary's Order No. 84-160 (Attachment V)*.

This order directed a reduction of appropriations and other actions in order to prevent an overdraft or deficit in the finances of the Commonwealth of Kentucky.

24. February 22, 1984: *No Tax Budget/Contingency Financial Planning (Attachment W)*.

Statewide general fund appropriations reductions were implemented as a result of no tax increases, namely, a freeze on

State hiring, a freeze on Capitol construction projects, a freeze on vehicle and equipment purchases, a freeze on letting of State highway contracts, and a freeze on personal service contracts.

25. March 15, 1984: *Budget Cuts in the 1982-84 Biennium (Attachment X)*.

Summary of cabinetwide budget cuts as of March 1984.

26. August 1, 1984: *Freeze on Discretionary Expenditures (Attachment Y)*.

The freeze on discretionary expenditures continued.

EPA met with KNREPC and DAPC representatives on January 8, 1985, and again on January 23, 1985, to clarify the State's submittal to specify only those requests that they believed to be absolutely necessary. As a result of the meetings, all parties agreed that Kentucky's request to EPA Region IV could be summarized and broken down as follows:

1. The Financial Status Report (FSR) submitted by Kentucky for the FY-83 Section 105 cooperative agreement reported \$2,218,306 as the State share. Nether the cooperative agreement on any other documentation prior to June 26, 1984, requested that any portion of this amount be determined non-recurrent.

2. Kentucky is requesting that \$80,700 budgeted for expenditure in FY-84 but lost through a statewide funding reduction be determined by EPA to be a State government-wide non-selective expenditure reduction as allowed under Section 105(b) of the Clean Air Act.

3. Kentucky is requesting that \$186,900 lost from a receipt fund account through a Governor's Office action be determined by EPA to be a State government-wide non-selective expenditure reduction as allowed under Section 105(b) of the Clean Air Act. The lost receipt funds were programmed for expenditure in FY-84.

EPA Region IV determined to respond to Kentucky's requests as follows:

1. This is informational and no response is necessary.

2. EPA intends to determine that the \$80,700 was part of a non-selective statewide reduction. This issue is addressed in III below.

3. While the Governor's Office policy decision to impound all receipt funds appears nonselective, the impact of this policy was uneven. EPA requested that Kentucky withdraw this portion of their request.

The basis for EPA's proposed action is expressed in the discussion below.

*Determination that \$80,700 reduction in State funding support in FY 83, was*



part of a non-selective statewide reduction. A non-selective statewide reduction is allowed under Section 105(b) of the CAA, and does not affect the State's eligibility for receiving EPA assistance. Kentucky has requested that a FY-83 reduction in air program support in the amount of \$80,700 be considered a nonselective reduction. The reduction occurred as a result of the Governor's imposing a blanket funding reduction by the Kentucky General Fund. The reduction is verified in documentation included as part of Kentucky's June 26, 1984 submittal, namely:

A. A December 17, 1982, letter from the Secretary of KNREPC to the State Budget Director indicates that the Department for Environmental Protection, as directed, was reducing its budget by \$87,400. In discussions with Kentucky it was revealed that DAPC's share of this reduction was \$29,100

B. A September 8, 1983, memorandum from KNREPC's Administrative Services Department to various divisions in the agency indicates a three percent General Fund reduction, and that DAPC's share in the reduction was \$51,600.

The \$29,100 and the \$51,600 reductions account for the \$80,700 total reduction in FY 83. Since the air program funds were reduced the same as other executive branch funds EPA agrees with Kentucky that the reduction is nonselective, and according to Section 105 of the CAA, does not affect the State's eligibility for receiving Federal assistance.

#### Proposed Action

Based upon the above discussion and the information submitted by Kentucky, EPA proposes:

To approve the State's request to consider the \$80,700 reduction in State funding as a non-selective reduction, that is, one which does not adversely affect the air agency's eligibility to receive Federal assistance (see item III of the preceding section).

#### Invitation to Comment, Opportunity for Public Hearing

Any person who desires to comment on this intended action or request a public hearing may do so by writing to the contact person listed above. Comments must be received on or before December 5, 1985.

A public hearing will be held if (and only if) a request for a public hearing is received at the EPA office listed above by December 5, 1985. The purpose of such a hearing would be to take testimony as to whether the reduction in expenditures for the KNREPC air program is or is not attributable to a non-selective reduction in expenditures

in the programs of all Kentucky executive branch agencies.

It is suggested that anyone wishing to verify whether the public hearing is to be held should call the EPA office listed above. A shorter notice period is being employed for this action (the usual period is 45 days) so the State will be aware of EPA's final decisions on the reduction and the deviations as soon as possible.

Dated: October 21, 1985

Jack E. Ravan,

Regional Administrator.

[FR Doc. 85-26357 Filed 11-4-85; 8:45 am]

BILLING CODE 6560-50-M

[SW-FRL-2918-6]

#### Procedure for Planning and Implementing Off-Site Response Actions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** EPA is requesting comments on an interim policy the Agency has adopted for managing hazardous substances from actions taken under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA or "Superfund") or section 7003 of the Resource Conservation and Recovery Act (RCRA). This document establishes EPA's policy for the consideration of treatment in connection with a response action whenever feasible. It also establishes criteria for selecting any off-site storage, treatment or disposal facility which may be necessary in connection with a CERCLA or RCRA 7003 action.

**DATES:** Comments on this notice should be submitted by January 6, 1986.

**ADDRESSES:** Send Comments to—Office of Waste Programs Enforcement, U.S. Environmental Protection Agency, Sylvia Lowrance, WH-527, 401 M. St. SW, Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Sylvia Lowrance, (202) 382-4811.

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Text of Procedures

#### I. Background

This notice solicits comments on an interim policy adopted by the U.S. Environmental Protection Agency (EPA), which governs the selection of a facility for any off-site storage, treatment or disposal of hazardous substances which may be necessary in connection with a response action under the

Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA or "Superfund"), or section 7003 of the Resource Conservation and Recovery Act (RCRA). The policy also establishes Agency policy on consideration of treatment in connection with CERCLA actions.

Section 104 of CERCLA authorizes the use of the Superfund for response whenever there is a release or a substantial threat of a release of any hazardous substance into the environment or when there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial endangerment to public health or welfare. Action taken pursuant to this section must be consistent with the National Contingency Plan (NCP) (40 CFR 300) to the extent practicable. Section 106 of CERCLA authorizes the President to secure appropriate relief when there may be an imminent and substantial endangerment to public health, welfare or the environment because of an actual or threatened release of a hazardous substance. Section 7003 of RCRA authorizes the EPA Administrator to secure appropriate relief whenever the handling, storage, treatment, transportation or disposal of any hazardous waste may present an imminent and substantial endangerment to public health or the environment. When Superfund financed response actions are taken by the government under section 104 of CERCLA, or actions are taken by private parties under section 106 of CERCLA or Section 7003 of RCRA, such actions often involve transport of hazardous substances off-site to a facility regulated under Subtitle C of RCRA.

The major purpose of this policy is to provide guidance on management of hazardous substances in connection with these actions.

#### II. Text of Procedures

##### Memorandum

Subject: Procedures for Planning and Implementing Off-site Response Actions.

From: Jack W. McGraw /s/ May 6, 1985, Acting Assistant Administrator.

To: Regional Administrators, Region I-X.

This memorandum addresses procedures that must be observed when a response action involving off-site storage, treatment or disposal of hazardous substances is selected under the Comprehensive Environmental



Response, Compensation and Liability Act of 1980 (CERCLA), and the Resource Conservation and Recovery Act (RCRA). It prohibits use of a RCRA facility for off-site management of Superfund hazardous substances if it has significant RCRA violations<sup>1</sup> or other environmental conditions that affect the satisfactory operation of the facility. It also addresses requirements for analyzing and selecting response actions that involve permanent methods of managing hazardous substances.

In November of 1984, amendments to the Resource Conservation and Recovery Act were enacted. These amendments impose new requirements for the safe management of hazardous wastes. In the case of land disposal facilities, the amendments require that certain types of units (new, replacement and lateral extensions) be double lined by May 9, 1985. The amendments impose technical requirements to ensure that when land disposal facilities are used they are used safely.

EPA intends to follow the direction established by Congress in the RCRA amendments when undertaking on-site response actions and when response actions involve off-site management of hazardous substances. This memorandum details how the Agency plans to achieve these goals.

Section I of this memorandum discusses background issues. Section II A discusses the need to consider treatment, recycling and reuse before off-site land disposal is used. Section II B details procedures that must be followed in selecting any off-site facility for management of hazardous substances. This section also discusses the criteria to be used in making the selection. For facilities in assessment monitoring, this part states that conditions which lead to and result from being in assessment monitoring may constitute conditions that render the facility unsuitable for disposal of hazardous substances. Therefore, when a facility is in assessment, the conditions which lead to the required assessment, and any monitoring data,

<sup>1</sup> A significant violation includes a Class I violation as defined by the RCRA Enforcement Response Policy (December 21, 1984). This policy defines a Class I violation as a violation that results in a release or a serious threat of release of hazardous waste into the environment, or involves the failure to assure that ground water will be protected, that proper closure and post closure activities will be undertaken, or that hazardous wastes will be destined for and delivered to RCRA permitted or interim status facilities. The policy contains a list of examples of violations which are Class I violations. Regions should recognize that violations other than Class I violations may be significant for purposes of these procedures, depending on the situation at the facility.

must be evaluated to determine if the facility poses such conditions. If so, the facility may not be used unless the owner or operator commits to correct the problems and the unit to be used for disposal poses no problems.

Section III discusses RCRA manifest requirements. Section IV discusses PCB disposal requirements. Finally, section V details how this policy will be implemented. Attachment A is a chart summarizing the policy on use of off-site RCRA facilities. This chart should be used in conjunction with the policy document, not in lieu of it.

These procedures are applicable to all response and enforcement actions taken pursuant to CERCLA and Section 7003 of RCRA.

This memorandum replaces guidance entitled "Requirements for Selecting an Off-Site Option in a Superfund Response Action", dated January 28, 1983. This policy is an interim one that the Agency intends to publish as a notice in the **Federal Register** in order to receive public comment on its provisions. After reviewing these comments EPA will determine whether revisions are necessary.

These revisions strengthen previous requirements in several ways:

- **Coverage**—This memorandum extends requirements to enforcement actions under section 106 of CERCLA and § 7003 of RCRA, and expands requirements for removal actions.

- **Use of Treatment**—These procedures require consideration of treatment, recycling or reuse for all response and enforcement actions, to foster the use of more permanent solutions, and, in the case of remedial actions, where cost-effective. The Agency is not certain whether sufficient capacity is available at this time to use treatment in all cases where it is feasible. As more information on capacity becomes available, the Agency will re-examine requirements for treatment to determine whether they can be strengthened. The previous procedures did not address use of treatment.

- **Requirements for a Treatment, Storage or Disposal Facility**—Previous guidance required inspection within 12 months before contract award for storage, treatment or disposal. The revisions require inspection within six months of actual storage, treatment or disposal. It also stated that if a facility had deficiencies that resulted in unsound treatment, storage or disposal practices it should not be used. The guidance also required RCRA violations that adversely affected facility performance to be corrected prior to

contract award. Under the revisions, a facility that has significant RCRA violations or other environmental conditions that affect its satisfactory operation may not be used unless certain conditions are met. First, there must be a compliance agreement in place to correct all deficiencies at the facility; second, the unit that is used must not cause or contribute to significant problems at the facility. This provision recognizes that in some situations it is infeasible to complete correction of all violations prior to using a facility (for example, it may take several years before pumping and treating of groundwater is completed) and that there may be a unit at such a facility that is sound.

- **Land Disposal Facilities**—The 1984 RCRA amendments impose new requirements on land disposal facilities. When use of such facilities is contemplated, the policy requires that the facility meet these minimum technical requirements.

## I. Background

Facilities that are not in compliance with RCRA requirements may be unacceptable to use for treatment, storage or disposal of hazardous substances from response actions. Facilities used for management of substances in connection with response actions should not pose a significant threat to public health, welfare, or the environment.

CERCLA contains two references to off-site management of hazardous substances. First, CERCLA section 104(c) requires, as a condition of Fund-financed remedial response, that the State assure the availability of an acceptable facility in compliance with the requirements of Subtitle C of RCRA for any off-site management of hazardous substances. Second, where remedial measures include off-site storage, treatment, destruction or secure disposition, the statute also requires such measures to be more cost-effective than other remedial measures, create new disposal capacity in compliance with Subtitle C of RCRA or be necessary to protect public health, welfare or the environment from a present or potential risk which may be created by further exposure to substances. Section 300.65(b)(6) of the National Contingency Plan (40 CFR 300) states that when off-site action is taken in connection with a removal action the facility used for off-site management must be in compliance with Subtitle C of RCRA. This memorandum establishes procedures for implementing these CERCLA and NCP provisions.



These procedures apply to all removal, remedial, and enforcement actions taken pursuant to CERCLA and section 7003 of RCRA. Any other parties undertaking cleanup under other authorities are urged to comply with these procedures. In the case of Superfund-financed removal actions or enforcement actions taken as a removal action in response to an immediate and significant threat, compliance with these procedures is mandatory unless the On-Scene Coordinator (OSC) determines that the exigencies of the situation require off-site treatment, storage or disposal without following the requirements. This exception may be used in cases where the OSC believes that the immediacy of the threat posed by the substances makes it imperative to remove the substances and there is insufficient time to observe these procedures without endangering public health, welfare or the environment. In such cases, the OSC should consider, to the extent possible, temporary solutions (e.g., interim storage) in order that the feasibility of using treatment can be evaluated prior to a decision to use land disposal. Also, in such cases, the OSC must provide a written explanation of his decision to the Regional Administrator. This explanation should be provided within 60 days of taking the action. In Regions in which authority to make removal decisions has not been fully delegated by the Regional Administrator, the decisions discussed above must be made by the Regional official that is delegated removal decision making authority.

## II. Procedures for Selecting Hazardous Waste Management Facilities

This section discusses in detail the requirements Regions must follow in assessing and selecting an off-site RCRA facility for management of Superfund hazardous substances. Part A requires consideration of treatment, recycling or reuse for on-site and off-site actions in order to foster the use of more permanent methods of managing hazardous substances. These policies are consistent with directions taken by Congress in the 1984 amendments to the Resource Conservation and Recovery Act. Furthermore, Part B of this section establishes procedures Regions must use in selecting an off-site RCRA facility for management of hazardous substances. Where off-site land disposal must be used, this Part requires that disposal facilities be in compliance with the applicable technical requirements of RCRA.

### A. Treatment

It is EPA's policy to pursue response actions that use treatment, reuse or recycling over land disposal to the greatest extent practicable, consistent with CERCLA requirements for cost-effective remedial actions. EPA requires that such alternatives be considered for all Fund-financed and private party removal and remedial actions. For Fund-financed removals or enforced actions in response to immediate and significant threats, treatment, reuse or recycling must be considered, unless the OSC determines that treatment, reuse or recycling methods are not reasonably available considering the exigencies of the situation, or they pose a significant environmental hazard.

When developing remedial alternatives, treatment, reuse or recycling must be considered. Such alternatives should not be screened out on the basis of cost alone. Section 300.68(h)(1) of the NCP allows rejection of alternatives during the screening stage based on cost, only when the cost of the alternative far exceeds the cost of others (e.g., by an order of magnitude) and does not provide substantially greater public health and environmental benefits.

Detailed analysis of these alternatives should include consideration of long-term effectiveness of treatment and comparative long and short term costs of treatment as compared to other remedial alternatives. Finally, when recommending and selecting the appropriate remedial action, treatment, reuse or recycling may be found more protective of public health and the environment than land disposal. Such alternatives may be recommended as the appropriate remedial action where the detailed analysis of alternatives shows that the alternative is more cost-effective than others in minimizing the damage to public health, welfare or the environment. During the next six months, EPA will be developing additional guidelines for evaluating the comparative long-term costs of treatment and land disposal.

At this time, the Agency does not know the current and projected treatment capacity available, nor the needs or capacity that will be required for Superfund actions in the future. Over the next several months, the Agency plans to undertake a study of available treatment and interim storage capacity and needs. Once completed, this analysis will provide information on treatment facilities currently operating for Regions to use. Additional information on capacity will be provided at a later date through a more comprehensive capacity

survey being undertaken in support of the implementation of the 1984 RCRA amendments.

### B. Requirements for Selecting Storage, Treatment or Disposal Facilities.

Selection of an appropriate facility for off-site management of hazardous substances requires that a judgment be made as to the overall acceptability of the facility to receive the substances and the acceptability of the unit that will receive the hazardous substances. In making this judgment the following steps must be observed:

1. The owner or operator of any hazardous waste management facility under consideration for off-site storage, treatment or actions under CERCLA or section 7003 of RCRA must have an applicable RCRA permit or interim status.<sup>2</sup>
2. A RCRA compliance inspection must be performed at any hazardous waste management facility before it can receive hazardous substances from a response action. This inspection must assess whether there are any significant violations or other environmental conditions that affect the satisfactory operation of the facility. The RCRA compliance inspection must have taken place not more than six months prior to the storage, treatment or disposal of the hazardous substances from a response action. If the inspection has not taken place or is not scheduled, REM/FIT contractor personnel may conduct the inspection under the direction of the Deputy Project Officer, working in cooperation with RCRA Region personnel. If Regions use contractor personnel, the Region should ensure that such personnel are adequately trained to conduct inspections. Further guidance on conducting inspections when a facility is being considered for management of hazardous substances will be issued in the near future. The FY 85 and FY 86 RCRA Implementation

<sup>2</sup> Both permits and interim status apply to specific wastes and specific storage, treatment or disposal processes. The Remedial Project Manager (RPM) or OSC must determine that the facility's permit or interim status includes the wastes that would be transported to the facility and the type of process for which wastes are being taken to the facility. Because of these concerns, it is important that facility selection be coordinated with RCRA personnel. However, not all CERCLA substances are hazardous wastes under RCRA. Therefore, it is possible that a particular permit may not cover a hazardous substance that may be taken to the RCRA facility if it is not a hazardous waste. Moreover, in some situations a hazardous substance under CERCLA may trigger disposal requirements under other laws (for example, PCBs and some radioactive substances). In such cases the applicable requirements of these other laws must be observed.



Plans establish compliance monitoring and enforcement targets. For FY 85 the guidance requires Comprehensive Ground Water Monitoring Evaluations (CGMEs) at one third of the ground water monitoring facilities. Top priorities for this type of inspection are all facilities receiving wastes from Superfund sites.

In States with Phase I or II interim authorization or final authorization, the inspection should be conducted in accordance with State regulations or permit conditions. EPA Regions should always involve States when undertaking an inspection at a RCRA facility that is likely to accept Superfund wastes.

Regions must use the results from the inspection, along with other information, to determine whether the facility is an acceptable one.

3. It is EPA's policy to minimize the use of land disposal in accordance with the direction taken by Congress in amending RCRA. Where land disposal is used, these amendments establish new technical standards for land disposal facilities. New disposal units, lateral expansions and replacement units (defined as of November 8, 1984) of interim status landfills and surface impoundments must have at least two liners and a leachate detection, collection and removal system above (in the case of landfills) and between the liners, if they receive wastes after May 8, 1985. All Fund-financed and enforced response actions (removal and remedial) involving the off-site disposal of hazardous substances must involve use of disposal facilities that are in compliance with applicable RCRA minimum technical requirements. This means that units first receiving wastes after November 8, 1984 cannot receive wastes after May 8, 1985 if not double lined. The RCRA statute does allow continued use of existing units after that date. In considering whether to use an existing unit that does not meet the double liner requirements, the Agency will consider the toxicity, persistence and mobility of the hazardous substances and the need to segregate these substances from others. Such a unit can be used only if it is shown to adequately protect public health and the environment.

CERCLA hazardous substances which are not hazardous wastes under RCRA may, in some circumstances, be disposed of in other legal units. In such cases, disposal should take place in accordance with other legal requirements. Hazardous substances which are not hazardous wastes may be taken to a RCRA unit under the terms outlined in the preceding paragraph, or to a unit legal under other statutory

provisions (for example, PCBs may be disposed of in a TSCA approved disposal facility and radioactive materials in a radioactive materials disposal facility). This disposal must be consistent with section 104(c)(3) of CERCLA, when applicable.

4. Interim status land disposal facilities under consideration for off-site disposal must have adequate ground water monitoring data to assess whether the facility poses a threat to ground water.<sup>3</sup> Due to the lack of compliance with RCRA ground water requirements, available data may not be adequate to assess the facility. Moreover, lack of evidence of contamination from the monitoring data does not necessarily mean the facility is secure. The monitoring data may be faulty. In addition, there may be other problems at the facility such as air emissions or surface run-off. Where doubt exists concerning the acceptability of a facility, an on-site inspection should be undertaken to specifically address these concerns. Where possible, this on-site inspection should be part of the required RCRA compliance inspection.

5. Using information gathered from the compliance inspection, other data sources (e.g., RCRA facility permit data), any other facility visits and all other relevant information, Regional Offices must evaluate and make a judgment on the acceptability of using the facility for storage, treatment or disposal of hazardous substances. For the facility as a whole, this evaluation should consider whether there are any RCRA violations or other environmental conditions<sup>4</sup> at the facility which affect its satisfactory operation. This evaluation should include consideration of facility operations as well as whether there are physical conditions at the facility that pose a significant threat to public health, welfare or the environment. For facilities in assessment monitoring, the conditions which lead to required assessment monitoring, as well as resulting monitoring data, must be evaluated. The evaluation also should

<sup>3</sup> All remaining land disposal permit applications will be requested in FY 1985. These applications contain summaries of ground water monitoring data obtained during the interim status period, and are required to identify any plume contamination.

<sup>4</sup> It is recognized that the RCRA regulations may not at this time cover all environmental conditions at the facility. Regional offices may consider other environmental factors at the facility under consideration including other State and/or Federal environmental laws. If a facility is in assessment monitoring, the conditions which lead to assessment monitoring may constitute environmental conditions that adversely affect facility operations. In such cases, Regions should assess the conditions at the facility prior to using the facility for Superfund purposes.

consider the nature and quantity of the substances and whether it is feasible to treat the substances prior to land disposal to mitigate any adverse effects.

No Superfund hazardous substances shall be taken offsite to a RCRA facility if the Region determines that the facility has significant RCRA violations or other environmental conditions that affect the satisfactory operation of the facility, unless both of the following conditions are met:

(1) The owner or operator must commit, through an enforceable agreement (i.e., consent order or decree), to correct the problem. The agreement must be signed before the facility may receive the hazardous substances. In addition, the Regional Administrator must determine that the agreement is likely to result in correction of the problem and the owner or operator of the facility is capable of compliance with the terms of the agreement; and

(2) Disposal only occurs within the facility at a new or existing unit that is in compliance with RCRA requirements. The new or existing unit must not contribute in any significant way to adverse conditions at the facility.

### III. Manifest Requirements

If an off-site option is chosen, a manifest for the transportation of the hazardous waste must be obtained. The manifest must be in compliance with RCRA for the transportation of hazardous wastes. The manifest must be a Uniform Hazardous Waste Manifest in compliance with requirements in 40 CFR 262 (see 49 FR 10490, March 20, 1984). The lead agency or other party undertaking the cleanup must ensure that the transporter properly notifies. Where the lead agency allows contractors to fill out the manifest, the agency should ensure that the manifest is properly filed.

### IV. PCB Disposal Requirements

Requirements for the disposal of PCBs are established in 40 CFR 761.60. Generally, these regulations require that whenever disposal of PCBs are undertaken, they must be incinerated, unless the concentrations are less than 50 ppm. If the concentrations are between 50 and 500 ppm, the rule provides for certain exceptions that provide alternatives to the incineration requirements. The principal alternative is disposal in an EPA approved landfill for PCBs. Landfills used for PCB disposal must be inspected within six months prior to disposal. Regions must determine the acceptability of the facility based on the same criteria used



to evaluate RCRA facilities in Section II.B.5.

#### V. Implementation

Beginning November 6, 1985 all Records of Decision (RODs) and Enforcement Decision Documents (EDDs) for Superfund-lead and enforcement lead actions, respectively, must include a discussion of compliance with these procedures for alternatives involving off-site management of Superfund hazardous substances at RCRA facilities. Decision documents for removal actions also should include discussion of compliance with these procedures. It is recognized that actual off-site facility information will not be available at the ROD stage. However, the RI and FS should use actual off-site facilities in costing remedial alternatives, in order to have cost figures that are as accurate as possible. It is recognized that additional facilities are likely to be considered during the bidding process. Any facility ultimately selected for disposal, treatment or storage must meet the requirements of this policy.

Provisions requiring compliance with these procedures must be included in any contracts for response, cooperative agreements with States undertaking Superfund response and all enforcement agreements. For ongoing projects, these provisions will be implemented as follows:

**RI/FS:** The Regions shall immediately notify Agency contractors and States that (1) alternatives for off-site management of wastes must be evaluated pursuant to the provisions of this policy, and (2) consistent with the policy on other environmental laws, treatment alternatives should not be dropped during the screening stage.

**RD:** The Regions shall immediately notify Agency contractors, the States, and the U.S. Army Corps of Engineers that all remedies that include off-site disposal of hazardous substances must comply with the provisions of this policy pertaining to selection of an acceptable off-site facility.

**RA:** The Regions shall immediately assess the compliance status of land disposal facilities receiving hazardous wastes from ongoing projects. For a facility not in compliance, the Region should take immediate steps to bring the facility into compliance with the policy.

**Enforcement:** Actions currently under negotiation and all future actions must comply with these procedures. Existing agreements need not be amended. However, EPA reserves the right to apply these procedures to existing agreements, to the extent it is consistent with the release and reopener clauses in

the settlement agreement (See the *Interim CERCLA Settlement Policy*, Part VII; Thomas, Price, Habicht, December 5, 1984).

If the response action is proceeding under a Federal-lead, the Regions should work with the Corps of Engineers or EPA Contracts Officer to negotiate a contracts modification to an existing contract, if necessary. If the response action is proceeding under a State-lead, the Regions should amend the cooperative agreement. Exceptions for existing contracts and cooperative agreements may be allowed on a case-by-case basis by the appropriate Headquarters Office Director.

All Regions must adopt procedures to implement and continually monitor compliance with these requirements. The procedures must include designation of a management official who is responsible for providing information on RCRA facilities in the Region to other Regions. It is the responsibility of the Region in which the RCRA off-site facility is located to assess the acceptability of the facility in consultation with the Region planning to ship wastes to the facility. The names of these officials should be provided to the Office of Waste Programs Enforcement by May 21, 1985. These names will then be forwarded to all Regions. If you have any questions concerning these procedures, please contact Sylvia K. Lowrance (FIS 382-4812).

Dated: October 7, 1985.

J.W. McGraw,

Acting Assistant Administrator.

[FR Doc. 85-26355 Filed 11-4-85; 8:45 am]

BILLING CODE 5560-50-M

#### FEDERAL HOME LOAN BANK BOARD

[No. 85-976]

##### Financial Report for Wholly Owned Service Corporations

October 31, 1985.

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

**ACTION:** Notice.

**SUMMARY:** The public is advised that the Federal Home Loan Bank Board has submitted a request for reinstatement of its information collection, "Financial Report for Wholly Owned Service Corporations," to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Comments: Comments on the information collection request are welcome and should be submitted within 15 days of publication of this

notice in the Federal Register.

Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, Phone: 202-377-6933.

**FOR FURTHER INFORMATION CONTACT:** Parker Jayne, Office of Examinations and Supervision. Telephone: (202) 377-6486.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 85-26351 Filed 11-4-85; 8:45 am]

BILLING CODE 6720-01-M

#### Security Trust Savings & Loan Association, Oak Ridge, TN; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B) of the National Housing Act, as amended, 12, U.S.C. 1729(c)(1)(B) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Security Trust Savings and Loan Association, Oak Ridge, Tennessee on October 25, 1985.

Dated: October 31, 1985.

Jeff Sconyers,

Secretary.

[FR Doc. 85-26350 Filed 11-4-85; 8:45 am]

BILLING CODE 6720-01-M

#### FEDERAL MARITIME COMMISSION

##### Controlled Carriers; Under the Shipping Act of 1984

**AGENCY:** Federal Maritime Commission.  
**ACTION:** Deletion From List of Controlled Carriers.

**SUMMARY:** The Federal Maritime Commission is removing South African Marine Corporation Limited (Safmarine) from the list of controlled carriers which was previously published in the Federal Register on July 11, 1983. Recently



received information reveals that the majority ownership and control of Safmarine is no longer held by the Government of South Africa and Safmarine, therefore, no longer meets the definition of a controlled carrier pursuant to section 3(8) of the Shipping Act of 1984.

**DATE:** Effective November 5, 1985.

**FOR FURTHER INFORMATION CONTACT:** Bruce A Dombrowski, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Shipping Act of 1984 (46 U.S.C. app. 1702) provides for the regulation of rates or charges of certain state-owned or controlled carriers operating in the foreign commerce of the United States. A "controlled carrier" is defined as "an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by the government under whose registry the vessels of the carrier operate. . . ." (46 U.S.C. app. 1702(8)).

South African Marine Corporation Limited (Safmarine) was classified as a controlled carrier on January 23, 1980. On May 15, 1985, Safmarine (Petitioner) filed a Petition requesting a determination that it be found not to be a controlled carrier. Petitioner advised that the majority shareholder, Industrial Development Corporation (IDC), a South African Government investment company, sold all but a small percentage of its shares of Safmarine stock to private investors. Safmarine is now a wholly-owned subsidiary of a newly formed company called Safren which came into existence as a result of a merger between Safmarine and Rennie Consolidated Holdings Limited. IDC retains less than five percent of stock in Safren, the holding company which owns 100% of the stock of Safmarine. Petitioner states further that neither IDC nor the Government of South Africa now have the right to appoint, or disapprove the appointment of, a majority of the directors and the chief operating or executive officers of the carrier.

The Commission has reviewed the Petition and information received from the Government of South Africa and has concluded that South African Marine Corporation Limited should no longer be considered a controlled carrier as defined in section 3(8) of the Act. Therefore, the Commission is deleting South African Marine Corporation Limited from its list of non-exempt controlled carriers.

The amended list is shown below:  
Baltic Shipping Co.—U.S.S.R.

Bangladesh Shipping Corp.—Bangladesh  
Black Sea Shipping Company—U.S.S.R.  
Black Star Line—Ghana  
China Ocean Shipping Co. (COSCO)—  
People's Republic of China  
Compagnie Maritime Zairoise (SMZ)—  
Zaire  
Copagnie Nationale Algerienne de  
Navigation—Algeria  
Companhia de Navegacao Loide  
Brasileiro—Brazil  
Djakarta Lloyd P.T.—Indonesia  
Egyptian National Line—Egypt  
Empresa Maritima del Estdo (Empremar  
Line)—Chile  
Far Eastern Shipping Co. (FESCO)—  
U.S.S.R.  
Flota Bananera Ecuatoriana S.A.—  
Ecuador  
Flota Mercante Gran Centro Americana  
S.A. (Flomerca)—Guatemala  
MISR Shipping Company (MISR)—Egypt  
Murmansk Shipping Co. (Arctic Line)—  
U.S.S.R.  
National Galleon Shipping  
Corporation—Philippines  
Neptune Orient Lines (NOL)—Singapore  
Pakistan National Shipping  
Corporation—Pakistan  
Peruvian State Line—Peru  
Pharaonic Shipping Co. (S.A.E.)  
(Pharaonic)—Egypt  
Polish Ocean Lines—Poland  
Shipping Corporation of India—India  
Sudan Shipping Line Limited—Sudan  
Transportes Navieros Ecuatorianos  
(Transnave)—Ecuador

The process of identification and classification of controlled carriers is continuous. The list as shown will be amended as such carriers enter and leave the United States trades.

By the Commission October 29, 1985.

Bruce A. Dombrowski,  
Acting Secretary.

[FR Doc. 85-26365 Filed 11-4-85; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### American Fletcher 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 November 25, 1985.

**A. Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *American Fletcher Corporation*, Indianapolis Indiana; to acquire at least 53 percent of the voting shares of First American National Bancorp, Plainfield, Indiana, thereby indirectly acquiring First American National Bank, Plainfield, Indiana.

2. *First Colonial Bankshares Corporation*, Chicago, Illinois; to acquire 100 percent of the voting shares of Community Bank and Trust Company of Edgewater, Chicago, Illinois. Comments on this application must be received not later than November 21, 1985.

**B. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 825 Grand Avenue, Kansas City, Missouri 64198:

1. *Eudora Bancshares, Inc.*, Eudora, Kansas; to become a bank holding company by acquiring 93.93 percent of the voting shares of Kaw Valley State Bank, Eudora Kansas. Comments on this application must be received not later than November 27, 1985.

Board of Governors of the Federal Reserve System, October 30, 1985.

James McAfee,

Associate Secretary of the Board.

FR Doc. 85-26324 Filed 11-4-85; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0555]

## Federal Reserve Bank Services

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Request for comment.

**SUMMARY:** The Board is requesting comment on the issue of consolidating the provision of Federal Reserve Bank priced service activities. The general



issue is presented by a proposal to consolidate the noncash collection activities of the Federal Reserve Banks of San Francisco and Minneapolis at the Federal Reserve Bank of Minneapolis.

**DATE:** Comments must be received by November 29, 1985.

**ADDRESS:** Comments, which should refer to Docket No. R-0555, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 C.F.R. § 261.6(a).

**FOR FURTHER INFORMATION CONTACT:** Elliott C. McEntee, Associate Director (202/452-2231) or Gerald D. Manypenny, Manager (202/452-3954), Division of Reserve Bank Operations; Daniel L. Rhoads, Senior Attorney (202/452-3711) Legal Division; or Joy W. O'Connell, Telecommunication Device for the Deaf (202/452-3244), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** The Federal Reserve System, in the past, has realized some important benefits from intradistrict consolidation of selected service activities. Based on System experience to date, the Board believes that in certain circumstances consolidation presents a meaningful opportunity to contain or reduce costs while continuing to provide an appropriate level of service to depository institutions nationwide. First, where local conditions such as fixed costs, wage structures, et cetera make it more costly to provide a service at one location than it is to provide the same level of service from another location, it may be appropriate to consolidate the activity at the lower-cost office. Similarly, consolidation of an activity at one office may result in economies of scale not possible if two or more offices are providing the same service. Also, geographic, and therefore transportation, considerations may suggest consolidation efforts and cross-zone provision of services in order to promote the efficiency of the payments mechanism.

The consolidation process for priced services may take several forms. One activity could be provided across District or Territory lines with or without all Federal Reserve offices continuing to perform the service, or one office could cease to provide one service but continue to provide other priced

services. In the latter case, the discontinued service would be provided by another Federal Reserve office. This latter type of consolidation could occur intra- or interdistrict but has only taken place on an intra-district level to date. The Minneapolis and San Francisco Reserve Banks plan to consolidate Twelfth District noncash collection activities at the Minneapolis Reserve Bank. This plan raises the issue of consolidation of activities across District lines with one Reserve Bank ceasing to provide a service completely.

The service involved in this consolidation is noncash collection, which consists primarily of collecting maturing municipal notes and bonds and interest coupons from paying agents. This activity is expected to experience volume declines over time as a result of the registration requirements in the Tax Equity and Fiscal Responsibility Act ("TEFRA") and the industry movement to immobilization and book-entry securities systems. As volume declines, difficulties in achieving cost-revenue matches may be created by costs that do not decline as rapidly since a significant portion of the costs are fixed costs (e.g., vault space) or are incurred as a result of System custody standards.

It is anticipated that the San Francisco Reserve Bank would have to increase its fees substantially in 1986 in order to continue providing noncash collection. Consolidating this activity in Minneapolis will result in greater efficiency and facilitate continuing to provide noncash collection on a national basis. The Minneapolis Reserve Bank has already been providing this system on a pilot basis and believes that appropriate procedures are now in place to ensure that cost/revenue concerns will be met and that the level of service provided will meet System standards.

Minneapolis will charge a separate fee for collection of Twelfth District noncash items which, together with separate availability, schedules, recognizes the costs incurred in providing the service. Minneapolis' proposed Twelfth District coupon collection fee of \$4.00 per coupon envelope (including postage and insurance) would be lower than the current fee charged by the Twelfth District for in-District collections. This lower fee recognizes the economies of scale that the Minneapolis office will realize by processing volume previously distributed over the five offices of the Twelfth District. The Minneapolis Reserve Bank would also provide a guaranteed credit availability schedule which reflects the collection experience that it has gained under the pilot program.

The Board believes that the consolidation of operations or provision of services across District lines is an issue that might have a significant longer-run effect on the nation's payment system and the Federal Reserve's role in that system. As changes in the payments system occur, it may be appropriate to consolidate some activities at a District or regional level either to reduce costs or to provide improves to the payments mechanism. For certain depository institutions, this would entail dealing directly in some services with Reserve Banks other than the Reserve Bank of their District. The Board has therefore determined to request public comment on the general issue of consolidation of operations as well as the specific proposal to consolidate the noncash collection activities of the Federal Reserve Banks of San Francisco and Minneapolis at the Minneapolis Reserve Bank. Commenters are asked to discuss what restrictions, if any, should be placed on future consolidation proposals and any other factors that should be considered in reviewing these proposals.

By order of the Board of Governors of the Federal Reserve System, October 30, 1985.

William W. Wiles,  
*Secretary of the Board.*

[FR Doc. 85-26325 Filed 11-4-85; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Delegation of Authority; Deputy Assistant Secretary for Procurement, Assistance, and Logistics

Notice is hereby given that the Secretary of Health and Human Services delegated to the Assistant Secretary for Management and Budget, who redelegated to the Deputy Assistant Secretary for Procurement, Assistance, and Logistics, the authority to grant waivers under 45 CFR Part 100, the HHIS Regulations Implementing Executive Order 12372, Intergovernmental Review of Federal Programs. The Secretary reserved the authority to approve and issue regulations concerning Executive Order 12372.

Dated: October 29, 1985.

John J. O'Shaughnessy,  
*Assistant Secretary for Management and Budget.*

[FR Doc. 85-26373 Filed 11-4-85; 8:45 am]

BILLING CODE 4150-04-M



### Statement of Organization, Functions and Delegations of Authority; Office of Management Analysis and Systems

Part A, Office of the Secretary, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services is amended. Chapter AMM (Office of Management Analysis and Systems) as last amended at 50 FR 30236 on July 24, 1985 is amended to reflect an internal shift of functions within the Office in order to improve the effectiveness of the Office of Management Analysis and Systems. Chapter AML (Office of Budget) as last amended at 44 FR 28729 on May 16, 1979 and Chapter AML3 (Division of Welfare Budget Analysis) as last amended at 45 FR 29642 on May 5, 1980 are amended to change the title of the Division of Welfare Budget Analysis to the Division of Human Services Budget Analysis. The changes to the Statement are as follows:

(1) Delete Chapter AMM (Office of Management Analysis and Systems) in its entirety and replace with the following:

#### Office of Management Analysis and Systems

AMM.00 Mission  
AMM.10 Organization  
AMM.20 Functions

##### AMM.00 Mission

A. The Office of Management Analysis and Systems advises the Secretary and the Assistant Secretary for Management and Budget on issues and policies pertaining to the management of the Department and the utilization of information resources.

B. The Office of Management Analysis and Systems: (1) Recommends management policies; (2) implements approved policies and assesses their effectiveness; (3) establishes management control mechanisms and administers the Department's strategic planning and key initiative tracking system; (4) analyzes organizational structures and management procedures and recommends improvements; (5) applies management science and systems analysis techniques to the assessment of managerial issues; (6) guides and oversees the development of information systems; (7) implements the Department's policies on the collection, processing, and storage of information; (8) guides and oversees the Department's implementation of the requirements of the Paperwork Reduction Act of 1980 (P.L. 96-511); (9) guides and oversees the Department's compliance with environmental and historic preservation statutes; and (10)

guides and oversees the Department's printing management programs.

In carrying out its responsibilities, the Office is the Department's functional manager for guiding, monitoring, and evaluating the Department's procedures and operating practices in the areas described above.

##### AMM.10 Organization

The Office of Management Analysis and Systems under the supervision of the Deputy Assistant Secretary for Management Analysis and Systems, who reports to the Assistant Secretary for Management and Budget, consists of the following components:

##### Immediate Office

##### Office of Computer and Information Systems

Division of Management Information Systems Planning and Evaluation  
Division of Automatic Data Processing (ADP) and Telecommunications Resources  
Division of Systems Applications

Office of Management Analysis  
Division of Administrative Analysis  
Division of Management Systems  
Office of State Systems Standards and Review

Division of State Data Systems  
Payment Integrity Staff  
Integrated Quality Control Assurance Staff

Financial and Administrative Integrated Management System Project Staff

##### AMM.20 Functions

A. *Immediate Office.* The Immediate Office of the Office of Management Analysis and Systems is responsible for directing, administering, and coordinating the activities of the Office of Management Analysis and Systems.

B. *Office of Computer and Information Systems.* The Office of Computer and Information Systems is responsible for:

1. Managing the HHS information resources management program in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511).
2. Developing and overseeing the policies and procedures by which the Department plans, acquires, and manages its information systems.
3. Managing the provision of automated information system services to components within the Office of the Secretary.
4. Managing the development, implementation, and maintenance of designated departmentwide computer-based application systems including related policy development, resource acquisition, and support services.
5. Representing the Department in interactions with the Office of

Management and Budget, the General Services Administration, and other external entities regarding the management of HHS information system resources.

(a) The Division of Management Information Systems Planning and Evaluation is responsible for:

(1) Establishing information resources management policies which govern the development and use of information resources throughout the Department.

(2) Developing and establishing a departmental planning process for relating information resources requirements to HHS programmatic and administrative needs.

(3) Establishing policies covering the use of information processing standards throughout the Department.

(4) Establishing and maintaining the Department's inventory of information systems.

(5) Providing policy guidance, management planning, technical assistance, evaluation, and oversight for the implementation of systems security processes and procedures for automated information systems and computer facilities throughout the Department.

(6) Planning automated information processes and systems to serve the internal needs of components of the Office of the Secretary.

(b) The Division Automatic Data Processing (ADP) and Telecommunications Resources is responsible for:

(1) Establishing and overseeing a departmental voice and data telecommunications management program.

(2) Establishing procedures for, and conducting evaluations of, the management and operational cost effectiveness of existing ADP and telecommunications equipment within HHS component organizations.

(3) Evaluating for clearance purposes, the cost effectiveness, technical adequacy, and regulatory/policy compliance aspects as Departmental ADP and telecommunications procurement requests which require Management and Budget and/or General Services Administration approval.

(4) Providing technical and management evaluations of the Department's long range ADP and telecommunications plans.

(c) The Division of Systems Applications is responsible for:

(1) Designing, developing, implementing, and maintaining designated computer-based applications systems. This includes, for example, management, policy development, and



resources acquisition related to the Departmental Accounting System, the Departmental Payment Management System, and related subsystems, software, and procedures for departmentwide use.

(2) Performing all data base management and administration functions for assigned systems.

(3) Assuring that applications are properly integrated, where feasible, to improve the timeliness and accuracy of administrative and management information, and to promote efficient and effective use of resources.

(4) Developing, maintaining, and overseeing the operation of systems, their specifications and software, and supporting the users/program sponsors in the development and acquisition of the software and hardware necessary to meet approved departmental requirements.

(5) Assuring the physical and data security of assigned systems, and conducting risk analyses as necessary.

(6) Serving as a technical expert and adviser to the Operating Divisions, Staff Divisions, and Regions on the computer aspects (hardware, data base systems, software, telecommunications) of administrative and management information systems.

(7) Supporting users/program sponsors in the development and maintenance of near-term and long-term Information Resources Management (IRM) plans for the development and operation of assigned systems.

**C. Office of Management Analysis.** The Office of Management Analysis advises senior departmental officials on management and administrative issues related to the effective and efficient operation of the Department's programs. The Office of Management Analysis is responsible for:

1. Developing and recommending management policies.

2. Implementing approved policies and assessing their effectiveness.

3. Analyzing organizational structures and management procedures and recommending improvements.

4. Coordinating the administration of the Department's paperwork burden reduction program.

5. Providing advice on the management aspects of proposed regulations, project proposals, and policy issues requiring the Secretary's approval.

6. Administering the HHS management system(s) used by senior Department officials to guide, track, and record management initiatives.

(a) The Division of Administrative Analysis is responsible for:

(1) Serving as the principal source of advice to the Secretary on all aspects of departmentwide organization analysis including: (a) Planning for new organizational elements; (b) evaluating current organizational structures for effectiveness; (c) conducting the review process for reorganization proposals; and (d) maintaining documentation of the entire HHS organization to the major office level.

(2) Administering the Department's system for the review, approval, and documentation of delegations of authority.

(3) Overseeing HHS compliance with the National Environmental Policy Act, the National Historic Preservation Act, and related statutes and Executive Orders.

(4) Coordinating the review of environmental impact statements developed by other Federal departments and agencies.

(5) Analyzing and recommending action on Freedom of Information Act appeals for documents denied by officials in the Office of the Secretary.

(6) Managing the HHS administrative directives system, with emphasis upon incorporation of Secretarial directives into that system.

(7) Analyzing and making recommendations related to legislative proposals with potential impact upon the Department's organizational structure or managerial procedures.

(8) Managing, in accordance with the Paperwork Reduction Act of 1980, the Department's activities related to the review and approval of all public-use reports and recordkeeping requirements which impose paperwork burden on the public.

(9) Developing policies for and administering the Department's Information Collection Budget.

(10) Developing policies and procedures for, and carrying out analytical and oversight activities related to the Department's paperwork burden reduction efforts.

(11) Establishing departmental statistical policies.

(b) The Division of Management Systems is responsible for:

(1) Administering a strategic planning and key initiatives tracking process by accessing major HHS systems (e.g., budget process, legislative process), identifying major policy decisions, combining them into a series of key initiative tracks, and providing periodic status reports.

(2) Administering the Department's Management Improvement Program by overseeing OPDIV and STAFFDIV activities under major initiatives, providing guidance on and coordinating

submissions to OMB and acting as a point of contact with OMB on all issues related to the Management Improvement initiatives.

(3) Serving as the principal departmental resource for carrying out management evaluations of programs and major functions, and conducting special studies and evaluations to resolve specific management problems and issues, using a wide range of analytical methods including the application of quantitative analytical techniques.

(4) Administering the Department's special review procedures related to the obtaining of advisory and assistance services.

**D. Office of State Systems Standards and Review.** The Office of State Systems Standards and Review is responsible for:

1. Providing leadership for and coordinating the development and establishment of policies, standards, and procedural guidance to improve and stabilize State information systems funded by the Department.

2. Initiating and conducting special projects directed toward improving the payment integrity and the quality assurance of HHS funded programs.

3. Identifying management problems the Department and the States face in the administration of HHS funded programs and conveying these problems with alternatives for their solutions to appropriate senior HHS officials.

4. Working closely with HHS and other Federal program officials and their State counterparts to improve the administration of HHS funded programs.

5. Providing leadership and guidance in the development and implementation of policies and standards applicable to systems development, payment integrity, and quality assurance activities.

(a) The Division of State Data Systems is responsible for:

(1) Developing departmental policies and procedures under which States obtain Federal financial participation in the cost of Automatic Data Processing (ADP) systems to support programs funded under the Social Security Act.

(2) Acting as a central receiving point for, and coordinating the departmental review and approval of, State requests for Federal funding in the cost of ADP system acquisition.

(3) Coordinating the provision of technical assistance to States on information systems projects that will advance the use of computer technology in the administration of welfare and social services programs in the States.



(4) Managing the Department's printing and copying activities by:

(a) Providing policy guidance to and oversight over the printing and copying management programs carried out by the Department's Operating Divisions; and

(b) Providing departmental liaison with the Congressional Joint Committee on Printing, the Government Printing Office, and other governmental entities concerned with printing and copying management matters.

(5) Administering the Department's programs for records, internal reports, and forms (as components of information resources management) in accordance with the Paperwork Reduction Act of 1980, and coordinating these programs with the General Services Administration and the National Archives and Records Administration activities.

(6) Supporting the Government's Interagency Reports and Standard and Optional Forms Program, and coordinating the Department's involvement with those programs.

(7) Implementing departmentwide management improvement initiatives in the areas of State systems, printing, and internal paperwork management designated for special managerial attention, and for providing leadership to implement governmentwide management improvement initiatives when senior officials of the Executive Branch request it of the Department.

(b) The Payment Integrity Staff is responsible for:

(1) Planning, designing, coordinating, and implementing major departmental and governmentwide management improvement initiatives involved in the administration and operation of federally funded programs.

(2) Serving as the departmental focal point for the development and implementation of strategies and policies related to payment integrity and the associated areas of improved quality control, error reduction, and welfare systems integration.

(3) Convening and providing leadership to work groups and task forces to assess current grantee or contractor systems with the goal of examining the extent of wasteful redundancy and inefficient systems design and promoting creating solutions to these problems.

(4) Establishing minimum uniform standards for the approval of integrated and appropriately interfaced welfare management systems.

(5) Identifying and assessing grantee management and operational approaches and policies in the areas of payment integrity and systems

management and promoting the rapid adoption of successful and effective approaches by States and their integration into existing and evolving State systems.

(6) Integrating the dissemination and transfer of recognized and acceptable cost effective best approaches with current agency and departmental meetings, forums, and expositions for review and consideration by State welfare agencies.

(7) Providing leadership and guidance to interagency work groups in the area of payment integrity initiatives when senior officials of the Executive Branch request it of the Department.

(c) The Integrated Quality Control Assurance Staff is responsible for:

(1) Providing management oversight to the implementation of major Management Improvement initiatives directed toward improving quality control in the administration of federally funded programs.

(2) Administering the day-to-day aspects of major quality control initiatives which involve several departmental components or, in the case of interagency initiatives, several departments and/or independent agencies, when senior officials of the Executive Branch request the Department to provide this management direction.

(3) Developing and implementing standards and policies for regulating integrated quality control activities of the Department and the Operating Divisions.

(4) Monitoring quality assurance communications between officials and staffs to affected Federal and State agencies to assure open lines of communications.

*E. Financial and Administrative Integrated Management System (FAIMS) Project Staff.* The FAIMS Project staff is responsible for:

1. Developing, implementing, overseeing the operation of, and evaluating a uniform departmentwide financial and administrative integrated management system.

2. Establishing departmentwide standards for financial and administrative data.

(2) Amend Chapter AML, Office of Budget, Section AML.10 Organization, by changing the title of the Division of Welfare Budget Analysis to the Division of Human Services Budget Analysis.

(3) Amend Chapter AML3, Division of Welfare Budget Analysis by changing the title of the Division to the Division of Human Services Budget Analysis wherever it appears in Chapter AML3.

Dated: October 29, 1985.

John J. O'Shaughnessy,  
Assistant Secretary for Management and Budget.

[FR Doc. 85-26374 Filed 11-4-85; 8:45 am]

BILLING CODE 4150-04-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[W-94208]

#### Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

October 25, 1985.

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3 (a) and (b)(1), a petition for reinstatement of oil and gas lease W-94208 for lands in Niobrara County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$10.00 per acre, or fraction thereof, per year and 16% percent, respectively.

The lessee has paid the required \$500.00 administrative fee and \$106.25 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-94208 effective May 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Fred O'Ferrall,

Acting Chief, Leasing Section.

[FR Doc. 85-26334 Filed 11-4-85; 8:45 am]

BILLING CODE 4310-22-M

#### Las Cruces District Advisory Council; Meeting

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of meeting.

**DATE:** December 3, 1985, 9:30 a.m.

**ADDRESS:** Bureau of Land Management, 1800 Marquess Street, Las Cruces, New Mexico 88005.

**FOR FURTHER INFORMATION CONTACT:** H. James Fox, District Manager, Bureau of Land Management, 1800 Marquess Street, Las Cruces, New Mexico 88005. (505) 525-8228.



**SUPPLEMENTARY INFORMATION:** The agenda for the meeting will include:

1. Discussion of Issues and the Resource Management Plan Process for the Socorro Resource Area.

The meeting will be open to the public and interested persons may make oral statements to the Council during an allotted time period, beginning at 10:00 a.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.

H. James Fox,

*Acting District Manager.*

[FR Doc. 85-26313 Filed 11-4-85; 8:45 am]

BILLING CODE 4310-FB-M

### Wyoming; Draft Resource Management Plan/Environmental Impact Statement for the Lander Resource Area

**AGENCY:** Bureau of Land Management, Rawlins District Office, Rawlins, Wyoming, Interior.

**ACTION:** Notice of availability of the draft resource management plan/environmental impact statement (RMP/EIS) for the Lander Resource Area, Rawlins District, Wyoming.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Protection Act of 1969, the Department of Interior, Bureau of Land Management, has prepared a draft RMP/EIS for the Lander Resource Area, Wyoming. This document is available to the public. This Draft Lander Resource Management Plan (RMP) and Draft Environmental Impact Statement (DEIS) addresses future management options for approximately 2.5 million surface acres and 2.7 million acres of Federal mineral estate administered by the Bureau of Land Management (BLM) through its Lander Resource Area Office in Lander, Wyoming. The Lander Resource Area encompasses public lands in parts of five counties in west-central Wyoming (most of Fremont, and small portions of Natrona, Sweetwater, Carbon and Hot Springs counties) but does not include lands managed by the U.S. Forest Service or the Bureau of Indian Affairs.

When completed, the Lander RMP will provide a comprehensive framework for managing and allocating public land and resource uses in the resource area. The draft RMP focuses on alternatives for allocating resources among the uses and prescribing general management actions that would be taken. In addition, the draft EIS describes the various impacts that

would be expected from implementing each of these alternatives addressing the issues of: oil and gas leasing and development; locatable minerals exploration and development; grazing allotment and wildlife habitat management; wilderness study recommendations; forest management; landownership adjustments and utility corridors; recreation management, including off-road vehicle (ORV) management; cultural and natural history resource protection and management; and fire management.

Four alternatives, summarized below, are presented in this document. Alternative A, No Action, is a continuation of present management, based on existing land-use plans. Additional alternatives to current management were developed because of changing resource conditions and a need to modify the existing plans.

Alternative B considers options to Alternative A for all resources. More mineral development would be allowed than under Alternative A, but protection of other resources would be accomplished through additional restrictions of this development. Alternative C would allow more mineral development than Alternative B. However, in order to protect other resources, management would be more intensive for nonmineral resources in order to offset impacts from mineral development.

Alternative D, the Preferred Alternative, is a combination of the other alternatives, i.e., it incorporates sections from alternatives A, B, and C, and displays what BLM personnel believe to be the most balanced approach to resource protection and production.

Each alternative was developed as a separate and complete multiple-use plan. Therefore, each alternative offers resource production and environmental protection measures. Cumulatively, the differences among the alternatives are not great; there is no one alternative that is totally oriented toward oil and gas production, nor is there one alternative that is totally oriented toward nondevelopment or protection of a particular resource over another. The data used in developing these alternatives are available at the Lander Resource Area Office.

The alternatives considered in this RMP would affect wildlife habitat, oil and gas management, cultural resources, forest management, wilderness, and livestock grazing.

Cumulative impacts on these resources do not vary significantly from alternative to alternative. However, site-specific impacts do vary among the

alternatives, because different alternatives propose different actions in different areas. Any one of these alternatives could have been selected as the preferred alternative.

Significant scenic, cultural and wildlife values exist in portions of Beaver Creek, Gas Hills, Lander Slope, Red Canyon, Dubois Badlands, and South Pass Management units, which warrant the focus of management's attention. Those areas would be designated as areas of critical environmental concern by virtue of approval of this plan.

**DATE:** Public comment period will end approximately February 14, 1986 (90 days after publication of the notice of availability by the Environmental Protection Agency).

### Public Hearings

Public hearings will be held on December 11 and 12, 1985 in Dubois and Lander, Wyoming. On December 11, 1985, one hearing will be held at 7:00 p.m. at the Dubois Town Administrative Building in Dubois, Wyoming. On December 12, the hearing will be held at 7:00 p.m. at the Lander Valley High School Multi-Purpose Room, in Lander, Wyoming.

Following each hearing, a scoping meeting will be held for an Environmental Impact Statement on two additional wilderness study areas (Whiskey Mountain and Dubois Badlands).

Those wishing to testify at the public hearings are encouraged to do so. Oral presentations should not exceed 10 minutes. Those providing oral testimony should provide a written copy of their testimony to the Hearings Officer. Those not providing oral testimony may submit their testimony in writing to the Hearings Officer or send their comments to the address below.

**ADDRESS:** Lander Resource Area, Sunflower Drive, P.O. Box 589, Lander, Wyoming 82520, Attention Lander RMP Team Leader.

**FOR FURTHER INFORMATION CONTACT:** Jack Kelly, Lander Resource Area Manager, (307) 332-7822, at the address listed above or Gene Kolkman, Team Leader, (307) 324-7171, Rawlins District Office, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301.

**SUPPLEMENTARY INFORMATION:** Copies of the RMP/EIS are available at the Lander Resource Area and Rawlins District Offices, at the above addresses.

Robert A. Bennett,

*Acting State Director.*

[FR Doc. 85-26344 Filed 11-4-85; 8:45 am]

BILLING CODE 4310-22-M



**Idaho Falls District Grazing Advisory Board; Meeting**

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Meeting of the Idaho Falls District Grazing Advisory Board.

**SUMMARY:** The Idaho Falls District Grazing Advisory Board will meet Thursday December 12, 1985. Notice of this meeting is in accordance with Pub. L. 92-463. The meeting will begin at 9:00 a.m. at the Idaho Falls BLM Office, 940 Lincoln Road in Idaho Falls. The meeting is open to the public; public comments on agenda items will be accepted from 11:15 to 11:45 a.m.

Agenda items for the meeting include:

1. Idaho Falls District activities update.
2. Pocatello RMP update and overview.
3. Briefing on spraying of King Creek.
4. Requests for Grazing Advisory Board funds from the three Resource Areas.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) 30 days after the meeting.

**FOR FURTHER INFORMATION CONTACT:** O'dell A. Frandsen, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401; Telephone: (208) 529-1020.

Dated: October 23, 1985.

O'dell A. Frandsen,

District Manager.

[FR Doc. 85-26346 Filed 11-4-85; 8:45 am]

BILLING CODE 4310-GG-M

**Fish and Wildlife Service.****Intent To Prepare a Comprehensive Conservation Plan/Environmental Impact Statement and Wilderness Suitability Assessment for the Alaska Maritime National Wildlife Refuge, AK**

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

**ACTION:** Notice of Scoping Process Commencement.

**SUMMARY:** This notice advises the public that the Service intends to gather information necessary for the preparation of an environmental impact statement (EIS), a comprehensive conservation plan (CCP) and wilderness suitability assessment for the Alaska Maritime National Wildlife Refuge in western Alaska. An intensive period of soliciting public comments will be held from October 1985 through March 1986 beginning with coordination with

coastal zone resource districts in late October. This notice is being furnished as required by the National Environmental Policy Act (NEPA Regulations 40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are solicited.

**DATES:** Comments must be received by April 15, 1986. Comments may be in writing, through personal interview and will be taken over the telephone. No specific meetings for the purpose of scoping will be scheduled. Rather, an intensive statewide and personal media campaign will ensue with Service employees attending previously scheduled meetings when possible.

**ADDRESSES:** Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503. Attention: Pamela D. Wilson.

**FOR FURTHER INFORMATION CONTACT:** Pamela D. Wilson, Public Affairs Specialist, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503. Telephone: (907) 786-3501.

**SUPPLEMENTARY INFORMATION:** This comprehensive conservation plan and wilderness suitability assessment is being prepared to fulfill requirements of the Alaska National Interest Lands Conservation Act of 1980, section 304g. The environmental review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), other appropriate Federal regulations and Service procedures for compliance with those regulations.

We estimate the Draft Environmental Impact Statement and plan will be available to the public by July 1987.

Dated: October 25, 1985.

Robert E. Gilmore,

Regional Director.

[FR Doc. 85-26347 Filed 11-4-85; 8:45 am]

BILLING CODE 4310-55-M

**National Park Service****National Register of Historic Places; Pending Nominations**

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 26, 1985. Pursuant to § 60.13 of 36 CFR Part 60 written comments

concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 21, 1985.

Carol D. Skull,

Chief of Registration, National Register.

**ALASKA****Fairbanks Division**

Chisana, *Chisana Historic District*, Extending Westward ¼ mile from SE end of Chisana Airstrip and parallel to Johnson Creek

**ARIZONA****Cochise County**

Douglas, *Douglas Post Office and Customs House (Historic U.S. Post Offices in Arizona TR 1900-1941)*, 601-10th St.

**Gila County**

Globe, *Globe Post Office Courthouse (Historic U.S. Post Offices in Arizona TR 1900-1941)*, Hill and Sycamore Sts.

**Santa Cruz County**

Nogales, *Nogales Main Post Office and Immigration Station (Historic U.S. Post Offices in Arizona TR 1900-1941)*, Hudgin St. and Morly Ave.

**Yavapai County**

Prescott, *Prescott Post Office and Courthouse (Historic U.S. Post Offices in Arizona TR 1900-1941)*, 101 W. Goodwin Ave.

**Yuma County**

Yuma, *Yuma Main Post Office (Historic U.S. Post Offices in Arizona TR 1900-1941)*, 370 W. Third St.

**CALIFORNIA****Marin County**

Inverness vicinity, *Pierce Ranch*, Point Reyes National Seashore

**FLORIDA****Collier County**

Burns Lake Site (CR-NPS-80)  
Plaza Site (CR-NPS-126)

**ILLINOIS****Christian County**

Taylorville, *Taylorville Courthouse Square Historic District*, Roughly bounded by Vine, Walnut, Adams, and Webster Sts.

**Jackson County**

Carbondale, *Woodlawn Cemetery*, 405 E. Main St.

**NEW YORK****Westchester County**

Armonk, *Bedford Road Historic District*, Bedford Rd.



## OKLAHOMA

## Wagoner County

Wagoner, *Newport Hotel and Restaurant*, 202 S. Main

## PENNSYLVANIA

## Northumberland County

Shamokin, *Victoria Theatre*, 46 W. Independence St.

## PUERTO RICO

## Mayaguez County

Mayaguez, *Asilo De Pobres*, Post St.  
Mayaguez, *Camposanto De Mayaguez*, Post St.

Mayaguez, *Casa Consistorial De Mayaguez*, Peral St.

Mayaguez, *Plaza Publica*, McKinley St.

Mayaguez, *Teatro Yaguez*, McKinley & Basora Sts.

## TENNESSEE

## Warren County

McMinnville, *Main Post Office*, Morford and Court Square

## TEXAS

## Dallas County

Dallas, *Spake, Jacob and Eliza, House*, 2600 State St.

## Donley County

Clarendon, *Martin-Lowe House*, 507 W. Fifth

## UTAH

## Utah County

Provo, *Bullock, Benjamin Kimball, Farmhouse*, 1705 South State

## VIRGINIA

## Arlington County

Arlington, *Arlington Post Office*, 3118 N. Washington Blvd.

## WASHINGTON

## Cowlitz County

Stella, *Stella Blacksmith Shop*, 8530 Ocean Beach Hwy.

## King County

Seattle, *Queen Anne High School*, 215 Galer St.

## Pierce County

Tacoma, *Sprague Building*, 1501-1505 Pacific Ave.

## San Juan County

Doe Bay vicinity, *Alderbrook Farmhouse*, Point Lawrence Rd.

Richardson, *Richardson General Store & Warehouse*, Richardson Rd.

## Yakima County

Mabton, *Mabton High School*, High School Rd.

## WEST VIRGINIA

## Cabell County

Huntington, *Douglass Junior and Senior High School*, Tenth Ave. and Bruce St.

[FR Doc. 85-26492 Filed 11-4-85; 8:45 am]

BILLING CODE 4310-70-M

## Office of Surface Mining Reclamation and Enforcement

[Navajo Coal Lease No. 14-20-0603-8560 and Joint Use Area Coal Lease Nos. 14-20-0603-5743 and 14-20-0603-9910]

## Intent To Prepare an Environmental Impact Statement of the Proposed Life-of-Lease Plan; Black Mesa-Kayenta Mine, Navajo County, AZ

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

**ACTION:** Notice of intent to prepare an environmental impact statement and announcement of a period during which written comments regarding the scope of the environmental-impact-statement analysis will be received.

**SUMMARY:** Notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM) intends to prepare an environmental impact statement (EIS) that will analyze the probable impacts of continued mining at the Black Mesa-Kayenta mine. As required by the Federal program for Indian lands, Peabody Coal Company (PCC) has submitted administratively complete permit applications for this existing surface coal mine. PCC has also advised OSM that it plans to submit a life-of-lease permit application for the mine in December 1985. The EIS will evaluate alternative actions that the Department of the Interior could take on this life-of-lease application and will assist the Department in making a decision on PCC's application to continue surface coal mining operations southwest of the city of Kayenta, Arizona. OSM requests that other agencies and the public submit written comments or statements to it concerning the scope of the EIS analysis.

**DATES:** Written comments or statements concerning the scope of the EIS will be accepted through March 14, 1986, at the location given under "ADDRESSES."

**ADDRESSES:** Written comments or statements concerning the scope of the EIS should be mailed or hand delivered to Allen D. Klein, Administrator, Attn: Charles Albrecht, OSM, Western Technical Center, Second Floor, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202.

## FOR FURTHER INFORMATION CONTACT:

Charles Albrecht, Chief, Environmental Analysis Branch, at the Denver, Colorado, location given under "ADDRESSES" (telephone: 303-844-2451 or FTS-564-2451).

**SUPPLEMENTARY INFORMATION:** PCC's Black Mesa-Kayenta mine is an existing surface coal mine situated on three contiguous leaseholds comprising 64,858 acres within the boundaries of the Navajo and Hopi Reservations approximately 125 miles northeast of Flagstaff, Arizona, and 10 miles southwest of Kayenta, Arizona. The terms of PCC's leases provide for the removal of a maximum of 400 million tons of coal from these leaseholds on the northern part of Black Mesa. Approximately 12 million tons of coal are currently produced each year at the Black Mesa-Kayenta mine.

OSM will prepare the EIS, which will evaluate alternative actions that the Department could take on the permit application and the environmental impacts of implementing each such alternative action. The major alternative actions thus far identified for consideration are approval of the permit application with such conditions, if any, as would be necessary to assure its compliance with requirements of the Surface Mining Control and Reclamation Act of 1977, its implementing regulations, and other Federal laws; disapproval of the permit application; and no action. Other alternative actions may be identified based on comments received by OSM regarding the scope of the EIS analysis.

OSM is requesting that any interested party submit written comments or statements regarding the scope of the EIS. Comments/statements received by OSM will assist that agency in gathering information and in defining the range of issues and concerns that the EIS should address. Public meetings will be held in the vicinity of the Black Mesa-Kayenta mine to allow presentation of oral comments and statements prior to the closing of the scoping comment period. Actual times and locations of these meetings will be announced in the *Federal Register* and in local newspapers at a later date.

Dated: October 31, 1985.

Brent Wahlquist,

Assistant Director, Program Operations.

[FR Doc. 85-26364 Filed 11-4-85; 8:45 am]

BILLING CODE 4310-05-M



**INTERSTATE COMMERCE  
COMMISSION**
**[Docket No. AB-1 (Sub-176)]**
**Chicago and North Western  
Transportation Co., Abandonment in  
Butler, Bremer and Fayette Counties,  
IA; Findings**

The Commission has found that the public convenience and necessity permit the Chicago and North Western Transportation Company to abandon a 33.5-mile portion of its rail line between Oelwein (milepost 247.5) and Shell Rock, IA (milepost 281.0).

A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

**James H. Bayne,**
*Secretary.*

[FR Doc. 85-26371 Filed 11-4-85; 8:45 am]

BILLING CODE 7035-01-M

**[Finance Docket No. 30739]**
**Burlington Northern Railroad Co.  
Trackage Rights Exemption; Southern  
Railway Co.; Exemption**

The Burlington Northern Railroad Company (BN) has entered into an agreement for overhead trackage rights over Southern Railway Company (SR) track between Kimbrough, AL and Saraland, AL, a distance of approximately 102.55 miles. This trackage rights agreement became effective October 28, 1985.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated: October 29, 1985.

 By the Commission, Heber P. Hardy,  
Director, Office of Proceedings.

**James H. Bayne,**
*Secretary.*

[FR Doc. 85-26339 Filed 11-4-85; 8:45 am]

BILLING CODE 7035-01-M

**[Docket No. AB-52 (Sub-36) and AB-232  
(Sub-1)]**
**The Kansas Southwestern Railway Co.  
and the Atchison, Topeka, and Santa  
Fe Railway Co.; Abandonment and  
Discontinuance of Service Between  
Anthony and Metcalf in Harper and  
Sumner Counties, KS; Findings**

October 23, 1985.

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided October 23, 1985, a finding, which is administratively final, was made by the Administrative Law Judge stating that, the present or future public convenience and necessity permit the abandonment by The Kansas Southwestern Railway Company, and discontinuance of service by The Atchison Topeka and Santa Fe Railway Company, of their line of railroad extending from Mile Post 42.81 at Metcalf to Mile Post 59.30 at Anthony in Harper and Sumner Counties, Kansas, subject to the employee protection conditions in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). Pursuant to the Judge's decision, accordingly the application for abandonment is granted effective 30 days from the date of service.

**James H. Bayne,**
*Secretary.*

[FR Doc. 85-26342 Filed 11-4-85; 8:45 am]

BILLING CODE 7035-01-M

**[Docket No. AB-55 (Sub-164X)]**
**Seaboard System Railroad, Inc.;  
Abandonment Exemption in Harlan  
County, KY; Exemption**

Applicant, Seaboard System Railroad, Inc. (SBD), has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon approximately 3.79 miles of railroad between milepost YC-251.45 and YC-255.24, in Harlan County, KY.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court,

or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective December 5, 1985, (unless stayed pending reconsideration). Petitions to stay must be filed by November 15, 1985 and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by November 25, 1985 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: October 29, 1985.

 By the Commission, Heber P. Hardy,  
Director, Office of Proceedings.

**James H. Bayne,**
*Secretary.*

[FR Doc. 26340 Filed 11-4-85; 8:45 am]

BILLING CODE 7035-01-M

**[Docket No. AB-55 (Sub-165X)]**
**Seaboard System Railroad, Inc.;  
Abandonment in Polk County, FL;  
Exemption**

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 1.90-mile line of railroad between milepost SV-851.40 and milepost SV-853.30 near Bartow, in Polk County, FL.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service of the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period.



The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R., Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective December 5, 1985 (unless stayed pending reconsideration). Petitions to stay must be filed by November 15, 1985, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by November 25, 1985 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ad initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: October 25, 1985.

By the Commission, Heber P. Hardy,  
Director, Office of Proceedings.

James H. Bayne,  
Secretary.

[FR Doc. 85-26341 Filed 11-4-85; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-15,926-8]

#### Acme Boot Co.; Clarksville, Waverly, and Ashland, TN; Negative Determination on Reconsideration

On September 24, 1985, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Acme Boot Company's facilities in Clarksville, Waverly and Ashland, Tennessee. This determination was published in the *Federal Register* on October 1, 1985 (50 FR 40071).

The Department's original determination denied eligibility to apply for trade adjustment assistance benefits to workers of Acme Boot Company's facilities in Clarksville, Waverly and Ashland. The United Rubber Workers

requested administrative reconsideration questioning the adequacy of the customer survey and claiming that the company is importing boots which compete against those produced by the company. The Department granted reconsideration in order to re-examine its findings in the Department's survey and to review its findings concerning the competitiveness of those boots imported by the company with those produced domestically by the company. The union submitted as evidence two pairs of boots from an Acme outlet store and a receipt which indicates that they were of foreign origin and were competitively priced.

The Acme Boot Company produces men's, women's and children's boots. On reconsideration, Acme Boot Company officials again confirmed that the boots imported were of a type not produced domestically by Acme Boot. The imported boots were all leather pull-ons which were drastically reduced in price as close-out items. Data on the imported boots were included in the company import statistics originally provided by the company. Company imports of boots were of minor significance when compared to company sales.

The Department's survey of company customers showed only one with increased imports and decreased purchases from the subject firm in 1984. That customer, which also manufactures boots, accounted for virtually the entire sales decline for Acme Boot in 1984 and attributed its reduced purchases from Acme to a fashion change away from boots which also negatively affected its own production of boots. A majority of the customers responding to the survey confirmed that the decline in the domestic boot market in 1984 and 1985 resulted from a fashion change away from boots.

#### Conclusion

After reconsideration, I affirm the original denial of eligibility of workers and former workers of Acme Boot Company, Clarksville, Waverly and Ashland, Tennessee to apply for adjustment assistance.

Signed at Washington, DC, this 24th day of October 1985.

Stephen A. Wandner,

Deputy Director, Office of Legislative and Actuarial Service, UIS.

[FR Doc. 85-26385 Filed 11-4-85; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-15,910]

#### Halliburton Co., IMCO Services Division, Exploration Department; Battle Mountain, NV; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Halliburton Company, IMCO Services Department, Battle Mountain, Nevada. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-15,910; Halliburton Company,  
IMCO Services Division, Exploration  
Department, Battle Mountain, Nevada  
(October 21, 1985)

Signed at Washington, DC, this 29th day of October 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment  
Assistance.

[FR Doc. 85-26386 Filed 11-4-85; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,255]

#### Twin City Leather Co., Inc.; Gloversville, NY; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 12, 1985, in response to a worker petition which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers at Twin City Leather Company, Incorporated, Gloversville, New York.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 29th day of October 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment  
Assistance.

[FR Doc. 85-26387 Filed 11-4-85; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,022]

#### Virginia Maid Hosiery Mills; Pulaski, VA; Negative Determination Application for Reconsideration

By an application dated October 7, 1985, and after being granted a filing



extension, the Amalgamated Clothing and Textile Workers Union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers at Virginia Maid Hosiery Mills, Pulaski, Virginia. The determination was published in the *Federal Register* on September 4, 1985 (50 FR 35880).

Pursuant to CFR 90.10(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union claims that although production at the Pulaski, Virginia plant increased in 1984 it was a temporary situation; and that imports of pantyhose increased in 1984 compared to 1983. To support these claims, the union furnished a brief on imports in the man-made fiber hosiery industry from the National Hosiery Manufacturers Association.

Findings in the Department's investigation show that the worker petition did not meet either the increased import criterion or the "contributed importantly" test in 1984. U.S. imports of pantyhose, including tights, were negligible in 1982, 1983 and in 1984. The Department used import data on pantyhose since it was more precise and relevant to the subject plant than import data for the man-made fiber hosiery industry which includes other products. The ratio of U.S. imports to domestic production was less than two percent from 1982 through 1984.

The Department of Labor survey of customers purchasing pantyhose showed that customers which increased imports of pantyhose while decreasing their purchases from the subject firm reported that imports accounted for less than one percent of their total purchases. The low customer purchases of imports is consistent with the U.S. aggregate import data which has held fairly constant over the past three years.

#### Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the

Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 24th day of October, 1985.

**Robert O. Deslongchamps,**

*Director, Office of Legislation and Actuarial Services, UIS.*

[FR Doc. 85-26390 Filed 11-4-85; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-15,889, TA-W-15, 890]

#### **Weyerhaeuser Co.; Tautle and Longview, WA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 15, 1985, applicable to all workers at Weyerhaeuser Company's Green Mountain Mill, Longview Log Transportation Crew and Longview Finishing Mill. The Notice of Certification was published in the *Federal Register* on September 4, 1985 (50 FR 35881).

Based on additional information furnished by counsel for the workers and by the company on the proper identification of Weyerhaeuser's production facilities at the Longview Mill Division Complex, the Department is amending the certification.

The intent of the certification is to cover all workers at Longview, Washington who were engaged in employment related to the production of lumber and who were adversely affected by increased imports of lumber in 1984 and in 1985.

The certification is amended by deleting Longview Finishing Mill and inserting Longview Mill Division Complex which includes Mill A, Mill B, and Dry Kiln Operation, the Planer Operation, the Clear Sander Operation and the Shipping and Transportation Department. Workers at Weyerhaeuser's Company's Longview Shake Mill and Plywood Division are subject to separate investigations under two other petitions and not included in this certification.

The certification applicable to TA-W-15,889 and 15,890 is hereby amended and issued as follows:

"All workers of Weyerhaeuser Company's Green Mountain Mill, in Tautle, Washington; Longview Woods; Longview Log Transportation Crew; and Longview Mill Division Complex (including Mill A, Mill B, Planer Operations, Clear Sander Operations, Dry Kiln Operations and the Shipping

and Transportation Department) in Longview, Washington; who became totally or partially separated from employment on or after March 12, 1984 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974."

Signed at Washington, DC, this 29th day of October 1985.

**Robert O. Deslongchamps,**

*Director, Office of Legislation and Actuarial Services, UIS.*

[FR Doc. 85-26388 Filed 11-4-85; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,256 and TA-W-16,257]

#### **Wood and Hyde Leather Corp.; Gloversville, NY; and Hagaman Manufacturing Corp., Hagaman, NY; Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 12, 1985 in response to worker petitions which were filed by the Glove Cities Area Joint Board of the Amalgamated Clothing and Textile Workers Union on behalf of workers at Wood and Hyde Leather Company, Gloversville, New York, and Hagaman Manufacturing Corporation, Hagaman, New York.

An active certification covering the petitioning group of workers remains in effect (TA-W-15,591). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 29th day of October 1985.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 85-26389 Filed 11-4-85; 8:45 am]

BILLING CODE 4510-30-M

#### **Altra, Inc., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II,



Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the

Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 15, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 15, 1985.

The petitions filed in this case are available for inspection at the Office of

the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C., 20213.

Signed at Washington, D.C. this 28th day of October 1985.

Marvin M. Fooks,

Director, Trade Adjustment Assistance.

## APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alta, Inc. (workers)	Boulder, CO	10/15/85	10/9/85	TA-W-16,575	Outerwear, down coats, insulated jackets, down comforters, bunting jackets and pants, ski jackets and pants.
C.E. Basic (UAW)	Bettsville, OH	9/30/85	9/24/85	TA-W-16,576	Refractory products for steel industries research department.
Chese Bag (ACTWU)	Dallas, TX	10/7/85	10/4/85	TA-W-16,577	Agricultural bags.
Debra Fashions (ILGWU)	Northport, AL	9/30/85	9/25/85	TA-W-16,578	Womens dresses and sportwear.
Fashion Apparel (ACTWU)	Jessup, GA	10/7/85	10/4/85	TA-W-16,579	Woman dresses and blouses.
Hochst CeramTec (workers)	Providence, RI	10/18/85	10/10/85	TA-W-16,580	Ceramic components.
Hornstead Woolen Mills, Inc. (workers)	West Swanzey, NH	10/18/85	10/14/85	TA-W-16,581	Woolen, polyester, velvet cloth, garments, wallcoverings, textiles.
Inley Manufacturing Corp. (company)	Indianapolis, IN	10/21/85	10/17/85	TA-W-16,582	Hydraulic excavators.
Ken McGee, Hobbs Potash Facility (workers)	Hobbs, NM	10/21/85	10/3/85	TA-W-16,583	Mine and process polish.
Penick Corp. (ICW)	Lyndhurst, NJ	10/22/85	10/17/85	TA-W-16,584	Botanical chemicals.
T.B. Woods Sons Co. (workers)	Chambersburg, PA	10/18/85	10/16/85	TA-W-16,585	V-belts, sheevis, pulleys.
Teasco, Inc. (workers)	Denver, CO	10/21/85	10/15/85	TA-W-16,586	Drill pump well.
Westinghouse Electric Corp. (workers)	LaGrange, GA	10/18/85	10/14/85	TA-W-16,587	Motor coils.
Bridgeport/Textron Bridgeport Controls (company)	Horsham, PA	10/21/85	10/8/85	TA-W-16,588	CNC controls for milling machines.
Huletron, Inc. (workers)	Danville, IL	10/23/85	10/18/85	TA-W-16,589	Automatic color register control equipment and web and ribbon tacking systems for bindery operation.
LTV Steel Co., South Chicago Works	Chicago, IL	10/7/85	10/1/85	TA-W-16,590	Basic steel, carbon alloy steel bars, carbon and alloy steel pipe, steel coil and wire products.
Penick Corp. (ICW)	Newark, NJ	10/22/85	10/17/85	TA-W-16,591	Botanical chemicals.
Quivira Milling Co. (workers)	Churchrock, NM	10/25/85	10/22/85	TA-W-16,592	Uranium Ore.
Sylvania Shoe Manufacturing Corp. (company)	Mount Holly Springs, PA	10/22/85	10/15/85	TA-W-16,593	Mens, boys, girls leather footwear.
Do	McSherrystown, PA	10/22/85	10/15/85	TA-W-16,594	Do
Texas Apparel Co. (ACTWU)	Del Rio, TX	10/7/85	10/4/85	TA-W-16,595	Mens and boys jeans.
Do	Carrizo Springs, TX	10/7/85	10/4/85	TA-W-16,596	Do
U.S. Steel Corp., Texas Uranium Operation (workers)	George West, TX	10/15/85	9/19/85	TA-W-16,597	Uranium oxide uranium hexafluoride.
Wayhouser Co. (IWA)	Longview, WA	9/30/85	9/24/85	TA-W-16,598	Cedar shakes for roofing.
Zenith Electronics Corp. Plant #32, #41 (company)	Evansville, IN	10/18/85	9/26/85	TA-W-16,599	Wooden console color television cabinets.

[FR Doc. 85-26383 Filed 11-4-85; 8:45 am]

BILLING CODE 4510-30-M

### General Dynamics Corp. et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 21, 1985–October 25, 1985.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-16,034; General Dynamics Corp., Quincy Shipbuilding Div., Quincy, MA

TA-W-16,002; W. Kotkes and Son, Inc., Lynchburg, VA

TA-W-16,041; Quality Components, Inc., St. Mary's, PA

TA-W-16,005; Boise Cascade Corp., Aberdeen Sawmill, Aberdeen, WA

#### Affirmative Determinations

TA-W-16,014; Texacan Corp., Phoenix, AZ

A certification was issued covering all workers of the firm separated on or after January 1, 1985.

TA-W-15,981; Gendex Corp., Milwaukee, WI

A certification was issued covering all workers of the firm separated on or after July 1, 1984.

TA-W-16,019; Seamless Hospital Products Co., Inc., Payette, AL

A certification was issued covering all workers of the firm separated on or after June 1, 1984 and before February 1, 1985.

TA-W-16,042; Red Cedar Products, Inc., Amanda Park, WA

A certification was issued covering all workers of the firm separated on or after May 1, 1984.

TA-W-16,093; Elder Manufacturing Corp., Lynchburg, VA

A certification was issued covering all workers of the firm separated on or after



June 5, 1984 and before December 31, 1984.

TA-W-16,079; Tremonton Sportswear, Tremonton, UT

A certification was issued covering all workers of the firm separated on or after September 1, 1984 and before July 31, 1985.

TA-W-16,079A; Orem Sportswear, Orem, UT

A certification was issued covering all workers of the firm separated on or after September 1, 1984 and before July 31, 1985.

TA-W-16,072; Johnson Controls, Inc., Georgetown, KY

A certification was issued covering all workers of the firm separated on or after February 1, 1985.

I hereby certify that the aforementioned determinations were issued during the period October 21, 1985-October 25, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213, during normal business hours or will be mailed to persons who write to the above address.

Dated: October 29, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-26384 Filed 11-4-85; 8:45 am]

BILLING CODE 4510-30-M

#### Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 85-117; Exemption Application No. D-5903 et al.]

#### Grant of Individual Exemptions; the Medical Center Clinic et. al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications

have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

**The Medical Clinic, P.A. Profit Sharing Plan; the Medical Clinic, P.A. Money Purchase Pension Plan (together, the Plans) Located in Jackson, Mississippi**

[Prohibited Transaction Exemption 85-177; Exemption Application Nos. D-5903 and D-5904]

#### Exemption

The restrictions of section 408(a) and 408 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) and (E) of the Code, shall not apply to (1) the sale of certain real property (the Land) to the Plans by Manship Rentals, a party in interest with respect to the Plans, provided that the Plans pay no more than the fair market value of the Land on the date of sale; (2) the lease of the Land by the Plans to the Medical Clinic, P.A., the sponsor of the Plans, under the terms described in the notice of proposed exemption, provided such terms are not less favorable to the Plans

than those obtainable in an arm's-length transaction with unrelated parties; and (3) the assumption by the Plans of a portion of an outstanding note between Manship Rentals and First National Bank, the trustee of the Plans.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 3, 1985 at 50 FR 35619.

*For Further Information Contact:* Ms. Linda Shore of the Department, telephone (202) 523-7901. (This is not a toll-free number.)

**Radiology Associates, P.A. Pension Plan (the Plan) Located in Little Rock, Arkansas**

[Prohibited Transaction Exemption 85-178; Exemption Application No. D-5967]

#### Exemption

The restrictions of sections 408(a) and 408 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan by the Plan of \$328,600 to Medical Equipment Leasing Company, a party in interest with respect to the Plan, provided that the terms of the loan are no less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated third party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 23, 1985 at 50 FR 34216.

*For Further Information Contact:* Ms. Linda Shore of the Department, telephone (202) 523-7901. (This is not a toll-free number.)

**WLB Group, Inc. Profit Sharing Plan and Trust (the Plan) Located in Tucson, Arizona**

[Prohibited Transaction Exemption 85-178; Exemption Application No. D-6020]

#### Exemption

The restrictions of sections 408(a), 408 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan of certain real property and certain personal property located therein to the WLB Group, Inc., the sponsor of the Plan; provided that all terms of such sale are at least as favorable to the Plan as those which the



Plan could obtain in an arm's-length transactions with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 3, 1985 at 50 FR 35621.

*For Further Information Contact:* Mr. Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**Foster L. Bullard, Jr., M.D., P.A. Pension Plan (the Plan) Located in Naples, Florida**

[Prohibited Transaction Exemption 85-160; Exemption Application No. D-6136]

**Exemption**

The restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c) (1)(A) through (E) of the Code, shall not apply to the proposed sale by the Plan of its beneficial interest (the Property) in the Lindgren Land Trust to Foster L. Bullard, Jr., M.D., a party in interest with respect to the Plan, provided that the sales price is not less than the fair market value of the Property on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on September 3, 1985 at 50 FR 35622.

*For Further Information Contact:* Mr. E.F. Williams of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**Gerald G. Olson, M.D., Profit Sharing Plan and Money Purchase Pension Plan (collectively, the Plans) Located in Redwood City, California**

[Prohibited Transaction Exemption 85-161; Exemption Application No. D-6221]

**Exemption**

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale by the Plans of certain real property (the Property) to Gerald G. Olson, M.D., a party in interest with respect to the Plans, for cash in the amount of \$150,000, provided that such amount is not less than the fair market value of the Property on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of

proposed exemption published on August 23, 1985 at 50 FR 34220.

*For Further Information Contact:* Ms. Katherine D. Lewis of the Department, telephone (202) 523-8882. (This is not a toll-free number.)

**General Information**

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 29th day of October, 1985.

**Elliot I. Daniel,**

*Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.*

[FR Doc. 85-26393 Filed 11-4-85; 8:45 am]

BILLING CODE 4510-29-M

**LEGAL SERVICES CORPORATION**

**Announcement of Availability of Funds for the Provisions of Legal Services in the State of California**

**AGENCY:** Legal Service Corporation.

**ACTION:** Notice.

**SUMMARY:** The Legal Services Corporation (LSC) announces the availability of grant funds beginning in calendar year 1986 for the provision of legal services to eligible clients residing in Monterey County, California.

**DATE:** All applications for grant funds must be received on or before November 18, 1985.

**FOR FURTHER INFORMATION CONTACT:** Peter Broccoletti, Regional Officer, Legal Services Corporation, Pacific Regional Office, 177 Post Street, Suite 890, San Francisco, California 94108; (415) 556-6952.

**SUPPLEMENTARY INFORMATION:** The Legal Service Corporation, the national, independent organization charged with implementing the federally-funded system of legal services for low income people, announces the availability of grant funds for the provisions of legal services to eligible clients residing in Monterey County, California.

The annualized level of Legal Services Corporation funding for the service area is approximately \$193,000 for calendar year 1986.

All groups and persons interested in applying for this grant should request a grant application from the Grants Assistant, Grants and Budget Unit, Office of Field Services, 400 Virginia Avenue SW., Washington, D.C. 20024-2751. Subsequent to the application deadline, November 18, 1985, a public hearing may be held at which applicants and other interested parties can make presentations regarding provision of legal services in the service area.

Two copies of the application should be submitted to the Regional Officer, Pacific Regional Office, 177 Post Street, Suite 890, San Francisco, California 94108; and, two copies of the grant application should be sent to the Grants Assistant at the Washington, D.C. address noted above.

Any grant application recommended by the Legal Services Corporation will, pursuant to section 1007(f) of the LSC Act, be announced in the **Federal Register**, and additional comments and recommendations will be requested at least thirty days prior to final approval of the grant.

Date: October 31, 1985.

**Joshua Brooks,**

*Deputy Director, Office of Field Services.*

[FR Doc. 85-26369 Filed 11-4-85; 8:45 am]

BILLING CODE 6820-35-M



## NATIONAL SCIENCE FOUNDATION

## Grants; Programs for Preparing Middle School Science and Mathematics Teachers; Solicitation

November 1, 1985.

Submission Deadline: May 2, 1986.

## Programs for Preparing Middle School Science and Mathematics Teachers

This document is the second in a series of targeted program solicitations that NSF's Directorate for Science and Engineering Education will issue to elicit proposals directed toward specific high priority problems and opportunities facing mathematics, science and technology education in America's schools. These solicitations are intended to complement, not to supplant, already existing program guidelines and announcements, which describe the broad range of interests of NSF's Divisions of Materials Development and Research (see NSF Publication 85-10) and of Teacher Enhancement and Informal Science Education (NSF 85-9).

## Introduction

The Division of Teacher Preparation and Enhancement (formerly the Division of Teacher Enhancement and Informal Science Education) supports a wide range of programs designed to strengthen the teaching of mathematics, science and technology. The Division supports:

- The development of creative new programs and materials for the preparation of those studying to become precollege teachers of science, mathematics or technology;
- The development of programs and materials that enhance teachers' preparation, enrich their experiences, and provide background for leadership;
- The development of programs that provide resource-sharing networks and professional linkages among teachers, colleges and universities, industries and other scientific and educational organizations; and
- The recognition of excellence in teaching through Presidential Awards.

The Division employs a combined approach in eliciting and selecting projects for support. First, the Division accepts "unsolicited" proposals submitted in response to program announcements describing its general interests (e.g., NSF 85-9 and NSF 85-10). Second, the Division will issue occasional program solicitations, each targeted to address a specific high priority problem or opportunity. These solicitations often are for one-time NSF support that is designed to leverage or energize activity with the expectation

that the activity will be self-perpetuating after NSF support is no longer provided.

This is the first program solicitation to be issued by the Division of Teacher Preparation and Enhancement. The target of this solicitation is the creation of improved programs for the preservice preparation of middle school science and mathematics teachers. In addition to this specific solicitation, the Division supports preservice projects in other areas and inservice professional development projects across the broad spectrum of precollege mathematics and science.

## Solicitation

During the last decade we have seen the emergence in the United States of the middle school with single subject classrooms and teachers. In science and mathematics, former elementary school teachers or secondary teachers have been reassigned to teach content in these schools. Few, if any, have been specifically trained to do so. Currently very few colleges and universities have programs specifically oriented to the needs of those preparing for middle/junior high school science or mathematics teaching.<sup>1</sup> Yet it is critically important that students at the middle and junior high school levels—early adolescents who often make decisions about whether to pursue or abandon interests in science and mathematics—be taught by qualified teachers who have received adequate training in science and mathematics and in the teaching of science and mathematics at these levels.<sup>2,3</sup> Not only is excellent science and mathematics teaching necessary for those students who may later elect to pursue careers in science or mathematics; it is essential for ALL students who must function effectively as citizens in a high technology society.

The Division of Teacher Preparation and Enhancement, in an effort to address this need, is inviting proposals from colleges and universities to develop comprehensive model programs for training middle/junior high school science or mathematics teachers.

<sup>1</sup> *Survey Results: Preservice Preparation of Teachers of Science at the Elementary, Middle, and Junior High School Levels*, K. Mechling, National Science Teachers Association, 1982.

<sup>2</sup> *Early Adolescence: Perspectives and Recommendations*, P. Hurd, Report prepared for the National Science Foundation, Directorate for Science Education, Office of Program Integration, September, 1978.

<sup>3</sup> *Standards for the Preparation and Certification of Teachers of Science, K-12*, Position Statement, National Science Teachers Association, 1983.

<sup>4</sup> *Guidelines for the Preparation of Teachers of Mathematics*, National Council of Teachers of Mathematics, 1981.

Proposals for programs that will prepare students for teaching both science and mathematics are also eligible for consideration. Although it is expected that most of the projects supported will be designed for preservice training of undergraduate students, preservice or retraining programs designed for other populations, such as baccalaureate trained scientists and mathematicians, are not precluded from this solicitation.

Projects supported under this solicitation are expected to develop outstanding programs and materials that will not only substantially improve the preparation of middle/junior high school science or mathematics teachers in the specific institutions supported, but will serve collectively as excellent models for other teacher training institutions that wish to develop similar programs.

From this solicitation the Division expects to make 4-12 awards in the amount of \$500,000-\$1,500,000. The durations of these awards are anticipated to be 3-5 years. Total dollar allocation to this group of targeted projects is expected to be at least \$6,000,000 over the 3-5 year period.

## Important Considerations

Proposals responsive to this solicitation should describe the development, implementation, and evaluation of exemplary programs for the preservice preparation of middle/junior high school science or mathematics teachers, i.e. teachers in single subject classrooms in grades 5-9. The programs described in submitted proposals are expected to include, but are not limited to, the following characteristics:

1. The program should emphasize science and/or mathematics content appropriate for middle/junior high school grades. The courses should be taught in a manner appropriate for prospective teachers.
2. Programs should include components dealing with methods of teaching science or mathematics to the early adolescent learner.
3. The development team must include scientists or mathematicians from disciplinary departments as well as experts on the teaching of science or mathematics at this level. Also, collaboration with practitioners in the schools and other education specialists during the development and implementation of the program is strongly encouraged.
4. Programs should be based on a coherent approach or orientation to the teaching of science or mathematics and the preparation of teachers to teach science or mathematics at the middle



school/junior high level. The rationale for the chosen approach should be presented in the proposal. It is expected that this solicitation will result in support of new approaches to the preparation of teachers which reflect our best understanding and latest beliefs about the process.

5. In addition to describing in detail the rationale, content and methods of development for the model program, proposals should clearly define the schedule for and mechanisms of implementation, plans for evaluation of the program, and methods for providing information on the model.

6. Proposals should include sufficient evidence of institutional commitment to ensure that the new programs that are developed will be supported and sustained after the development period. In particular, assurances that the new program, if successful, will become one of the continuing programs offered by the institution is required through appropriate letters of support.

7. Proposals should discuss plans or proposals for certification of graduates of the new program.

#### Preparation and Submission of Proposals

##### *Preliminary Inquiries*

Brief preliminary inquiries are suggested but not required. The preliminary inquiry process provides an opportunity for the proposers to explore their project ideas with Foundation staff and to receive comments. While a preliminary inquiry has no influence on any subsequent review, it may help to identify project weakness or omissions and focus the project on ideas that show the most promise.

Preliminary inquiries should be no longer than 8 doubled-spaced pages and should address the following topics:

- What, in broad outline, is the proposed program?
- What is the rationale for the program?
- How will the program be evaluated?
- Who are the scientists, science educators, and others involved in the development, implementation, and evaluation of the program?
- What are the approximate yearly costs by broad categories of expenditures?
- What is the proposed duration of the project?

Preliminary inquiries and staff opinions have no bearing on the peer review process for a formal proposal. No information concerning the preliminary inquiries is available to peer reviewers.

Three copies of a preliminary inquiry should be sent no later than February 14, 1986 directly to: Teacher Preparation Program, Division of Teacher Preparation and Enhancement, Directorate for Science and Engineering Education, National Science Foundation, Washington, DC 20550.

##### *Formal Proposals*

For guidance on the specifics of proposal preparation, proposers should consult the Program Announcement, Division of Materials Development and Research (NSF 85-10) and Grants for Scientific and Engineering Research (NSF 83-57). The first of these publications includes required forms that should accompany each proposal and a discussion of the criteria that are used in evaluating proposals. The second publication provides detailed information on proposal preparation and processing and on grant administration. This latter document should be used with the following understanding:

- For "research" substitute "science education" or "science education project" as appropriate;
- The terms "new discoveries" or "fundamental advances" include development of the science and engineering infrastructure directed toward those goals. Except as modified by the guidelines set forth herein and in NSF 85-10, preparation (content, format, budget, other sources of support, etc.), proposal submission, evaluation, NSF awards (general information and highlights), declinations, and withdrawals contained in NSF 83-57 are applicable. These publications can be obtained from the Forms and Publications Unit, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

##### *Who May Submit*

Colleges and universities or other organizations qualified to prepare teachers are eligible to submit proposals.

The Foundation provides awards for science and engineering education. The awardee is wholly responsible for the conduct of such science education projects and for the preparation of the results for publication. The Foundation, therefore, does not assume responsibility for such findings or their interpretation.

The Foundation welcomes proposals from all qualified scientists and science educators, and strongly encourages women and minorities to compete fully in the development programs described in this document. In accordance with

Federal statutes and regulations and NSF policies, no person shall be excluded on grounds of race, color, age, gender, national origin, or physical handicap from participation under any program or activities receiving financial assistance from the National Science Foundation.

NSF has TDD (Telephonic Device for the Deaf) capability which enables individuals with hearing impairment to communicate with the Division of Personnel and Management for information relating to NSF programs, employment, or general information. This number is (202) 357-7492.

##### *When to Submit*

All formal proposals responding to this program solicitation must be received no later than May 2, 1986. Project starting dates of September 1, 1986, or later may be requested. Preliminary inquiries, if submitted, must be received by February 14, 1986 to receive staff review and comment.

##### *What to Submit*

By their nature, proposals appropriate for the solicitation target described in this announcement are likely to be one of a kind and rather complex. Therefore, contact with program staff before submitting formal proposals is strongly encouraged. Program staff can be reached at 202/357-7069.

Fifteen (15) complete copies of the proposal and three (3) additional copies of the Cover Sheet, Project Summary, and Data Sheet should be prepared and sent to: Data Support Services Section, National Science Foundation, Room 220, Washington, D.C. 20550.

##### *Cover Page*

In the upper left hand block labeled "For Consideration by NSF Organizational Unit," it is important to identify the Division and the solicitation target to which are responding, i.e., "Division of Teacher Preparation and Enhancement: Program for Preparing Middle School Science and Mathematics Teachers."

##### *Additional Information*

Questions not addressed in this publication or in the publications NSF 85-10 and NSF 83-57 may be directed to the NSF staff by writing to: Teacher Preparation Program, Division of Teacher Preparation and Enhancement, Directorate for Science and Engineering Education, National Science Foundation, Washington, D.C. 20550.



(Catalog of Federal Domestic Assistance Number 47.066, Teacher Preparation and Enhancement)

George W. Tressel,

Acting Division Director, Materials Development and Research.

[FR Doc. 85-28383 Filed 11-4-85; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

### Consolidated Edison of New York, Inc.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix R to 10 CFR Part 50 to Consolidated Edison Company of New York (the licensee) for the Indian Point Nuclear Generating Unit No. 2, located at Westchester County, New York.

#### Environmental Assessment

*Identification of Proposed Action:* The exemption would relax the technical requirements concerning emergency lighting.

The exemption is responsive to the licensee's applications for exemption dated January 10 and July 13, 1983, as supplemented by letters dated July 29 and September 9, 1983, April 30, 1984, and January 31, May 23, and July 26, 1985.

*The Need for the Proposed Action:* The proposed exemption is needed because the features described in the licensee's requests regarding the existing fire protection at the plant for these items are the most practical means for meeting the intent of Appendix R, and literal compliance would not significantly enhance the fire protection capability.

*Environmental Impacts of the Proposed Action:* The proposed exemption will provide a degree of fire protection that is equivalent to that required by Appendix R for the affected areas of the plant such that there is no increase in the risk of fires at this facility. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts

associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

*Alternative Use of Resources:* This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Indian Point Nuclear Generating Unit No. 2.

*Agencies and Persons Consulted:* The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

#### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the applications for exemption dated January 10 and July 13, 1983, and supplements dated July 29 and September 9, 1983, April 30, 1984, and January 31, May 23, and July 26, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Local Public Document Room, White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Dated at Bethesda, Maryland, this 30th day of October 1985.

For the Nuclear Regulatory Commission,  
Gus C. Linaas,  
Assistant Director for Operating Reactors,  
Division of Licensing.

[FR Doc. 85-28379 Filed 11-4-85; 6:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

### Consumers Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an exemption from the requirements of

Appendix J to 10 CFR Part 50 to Consumers Power Company (CPCo) (the licensee) for the Big Rock Point Plant, located at the licensee's site in Charlevoix County, Michigan.

#### Environmental Assessment

*Identification of the Proposed Action:* The exemption would exempt the licensee from the Appendix J requirement of testing the reactor containment building airlock door seals within 72 hours of each opening. The proposed exemption is in accordance with the licensee's request dated September 15, 1975, as supplemented on October 10, 1980 and as supported by additional commitments made on February 2, 1984.

*The Need for the Proposed Action:* 10 CFR 50.54(o) requires that all licensees meet the requirements of Appendix J—Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors. Section III.D.2(b)(iii) of Appendix J requires that airlocks opened during periods when containment integrity is required shall be tested for leakage within 3 days after each opening, or shall be tested every 3 days during periods of frequent openings. Section III.D.2(b)(i) of Appendix J requires that full pressure airlock leak tests be done every 6 months. In lieu of these requirements, the licensee has proposed to (1) perform full pressure leakage tests of airlock every 6 months, and (2) replace airlock door seals periodically in accordance with manufacturer's recommendations.

*Environmental Impacts of the Proposed Action:* The proposed exemption pertains to the frequency of testing the containment airlocks. The NRC staff evaluated containment airlock leak testing during the Integrated Assessment portion of the Systematic Evaluation Program. The staff conclusion, documented in section 4.20 of NUREG-0828, was that the licensee's proposed leakage testing program including more frequent full pressure testing, and periodic replacement of airlock door seals in accordance with the manufacturer's recommendations would provide an acceptable alternative to strict compliance with the applicable Appendix J requirements. This conclusion is further supported by the past good performance of the airlock door seals at the Big Rock Point facility. The alternative actions proposed by the licensee would provide reasonable assurance that airlock leakage will not exceed acceptable levels. Thus, the exemption does not affect the risk of facility accidents. Post-accident



radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents, or any significant occupational exposures. The exemption does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or nonradiological environmental impacts associated with the proposed exemption. Since we have concluded that there is no measurable environmental impact associated with the proposed exemption, any alternative such as literal compliance with section III.D.2(b)(iii) will either have no environmental impact or greater environmental impact. The principal alternative to the exemption would be to require literal compliance with section III.D.2(b)(iii) of Appendix J to 10 CFR Part 50. This would require Big Rock Point to leak-test the containment airlocks every 3 days. Such testing would not enhance the protection of the environment.

**Alternative Use of Resources:** The proposed exemption involves no use of resources not previously considered.

**Agencies and Persons Consulted:** The NRC staff has reviewed the licensee's request as discussed above. The NRC staff did not consult any other agencies or persons.

#### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see request for exemption dated September 15, 1975 and supplemental submittals dated October 10, 1980 and February 2, 1984, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at North Central Michigan College, 1515 Harvard Street, Petoskey, Michigan 48770.

Dated at Bethesda, Maryland, this 29th day of October 1985.

For the Nuclear Regulatory Commission,  
Dennis M. Crutchfield,

*Assistant Director for Safety Assessment,  
Division of Licensing, Office of Nuclear  
Reactor Regulation.*

[FR Doc. 85-26380 Filed 11-4-85; 8:45 am]  
BILLING CODE 7590-01-M

#### NRC Form 212, "Qualifications Investigation, Professional"; OMB Review of Information Collection Activities

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Office of Management and Budget review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.
2. The title of the information collection: Qualifications Investigation, Professional.
3. The form number if applicable: NRC Form 212.
4. How often the collection is required: when an applicant is considered for employment.
5. Who will be required or asked to report: Previous supervisors and personal acquaintances.
6. An estimate of the number of responses: 2000.
7. An estimate of the total number of hours needed to complete the requirement or request: 500.
8. Section 3504(h), Pub. L. 96-511 does not apply.
9. Abstract: Information used to determine qualifications and suitability of applicants for employment with NRC.

**ADDRESSES:** Copies of the submittal will be made available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

**FOR FURTHER INFORMATION CONTACT:** Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer R. Stephen Scott, (301) 492-8585.  
Dated at Bethesda, Maryland, this 29th day of October 1985.

For the Nuclear Regulatory Commission,  
Patricia G. Norry,

*Director, Office of Administration.*  
[FR Doc. 85-26377 Filed 11-4-85; 8:45 am]

BILLING CODE 7590-01-M

#### NRC Form 212A, "Qualifications Investigation, Clerical/Secretarial"; OMB Review of Information Collection Activities

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of the Office of Management and Budget review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Extension.
2. The title of the information collection: "Qualifications Investigation, Clerical/Secretarial".
3. The form number if applicable: NRC Form 212A.
4. How often the collection is required: When an applicant is considered for employment.
5. Who will be required or asked to report: Previous supervisors and personnel acquaintances.
6. An estimate of the number of responses: 2,000.
7. An estimate of the total number of hours needed to complete the requirement or request: 500.
8. Section 3504(h), Pub. L. 96-511 does not apply.
9. Abstract: Information used to determine qualifications and suitability of applicants for employment with the NRC.

**ADDRESSES:** Copies of the submittal will be made available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555.

**FOR FURTHER INFORMATION CONTACT:** Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 29th day of October 1985.

For the Nuclear Regulatory Commission,

Patricia G. Norry,

*Director, Office of Administration.*

[FR Doc. 85-26378 Filed 11-14-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-528]

#### Arizona Public Service Co.; Consideration of an Application for Approval of a Proposed Transfer of Interests Under a Proposed Sale and Leaseback Transaction, Proposed no Significant Hazards Determination, Solicitation of Comments and Opportunity for Hearing

The Nuclear Regulatory Commission is considering an application dated



October 18, 1985, filed by Arizona Public Service Company (APS) on behalf of Public Service Company of New Mexico (PNM) and The First National Bank of Boston, as Owner Trustee (Owner Trustee), for the issuance of an order under 10 CFR Part 50 approving (i) the transfer by PNM to the Owner Trustee of the fee interest and (ii) the simultaneous transfer by the Trustee back to PNM of a long-term (28½ years, approximately) possessory leasehold interest in a major portion of PNM's 10.2 percent interest in Palo Verde Nuclear Generating Station (PVNGS) Unit 1 as contemplated in the proposed sale and leaseback financing transaction described in the application. Under the proposed transaction, it is represented that PNM would remain in possession of its present interests in PVNGS under a leasehold rather than by virtue of ownership.

Under Facility Operating License NPF-41, issued June 1, 1965, PNM, APS and other named utilities are licensed to possess PVNGS Unit 1, and APS is licensed to use and operate the facility. PVNGS Unit 1 is part of a three unit PVNGS project jointly owned by those utilities, with PNM having a 10.2 percent interest in PVNGS Unit 1 and the PVNGS project's common facilities. Under an Arizona Nuclear Power Project (ANPP) Participation Agreement, each owner of the PVNGS project is obligated to pay a share, equal to its ownership interest, of all costs of construction, maintenance, operation, capital improvements and decommissioning of each of the PVNGS units, and entitled to share equal to its ownership interests of the electrical output of the units. APS is authorized to act as agent for the other licensees of PVNGS Unit 1, and has exclusive responsibility and control over the physical construction, maintenance and operation of the facility.

APS has filed the subject application on behalf of PNM seeking Commission's approval for PNM to sell to the Owner Trustee for the benefit of equity investors, all or a portion of PNM's 10.2 percent ownership interest in PVNGS Unit 1 and all or a proportionate share of one-third of PNM's interest in the PVNGS project's common facilities, with the Owner Trustee simultaneously leasing back these interests to PNM for a basic term of about 28½ years with rights of renewal and repurchase. The application does not request any amendment or transfer of the license NPF-41 as it is not requested that the Owner Trustee have any right of possession in, absent a further license amendment, or control over PVNGS Unit 1. Those rights would remain solely in

the PNM, as a lessee rather than an owner, and the other present licensees of PVNGS Unit 1. APS would continue to be the sole licensee authorized to use and operate PVNGS Unit 1.

It is proposed that throughout the term of the leaseholds PNM will have the full and exclusive authority and responsibility to exercise and perform all of the rights and duties of a Participant in PVNGS under the ANPP Participation Agreement. PNM will also retain responsibility for the payment of its share of the operating and maintenance expenses and costs of capital improvements during the term of the leaseholds and thereafter, in the absence of other Commission action, for 10.2 percent of the costs of decommissioning associated with PVNGS Unit 1.

The application proposes that the order authorizing the transfers contemplated by the sale and leaseback transaction incorporate conditions (a) that the rights acquired by the Owner Trustee and any equity investor and any successors and assigns (including any mortgagee or secured party of such Owner Trustee) in and to PVNGS Unit 1 may be exercised only in compliance with and subject to the same requirements and restrictions as would apply to PNM pursuant to the provisions of the License, the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission pursuant to the Act; (b) that neither the Owner Trustee nor any equity investor nor any of their respective successors or assigns may take possession of any interest in PVNGS 1 prior to either (1) the issuance of a license from the Commission authorizing such possession or (2) the transfer of the License authorizing PNM to possess an interest in PVNGS Unit 1 upon an application for transfer of such License filed pursuant to 10 CFR 50.80 (b); and (c) that neither the Owner Trustee nor any equity investor nor any of their respective successors and assigns need become a licensee under the License unless and until the Commission shall have issued an amendment of such License authorizing such Owner Trustee, equity investor, successor or assign to take possession of an interest in PVNGS Unit 1 or shall have approved a transfer of PNM's License to such Owner Trustee, equity investor, successor or assign. In addition, the Commission may also incorporate such other conditions or amend the license in such manner as it believes necessary to protect the public health, safety and interest.

The application also asserts that the grant of the relief requested, which

essentially is a recognition of the conversion of PNM's right of possession of an interest in PVNGS Unit 1 from a fee interest to a leasehold, does not present an unreviewed environmental impact and that no environmental impact statement or appraisal need be prepared in acting upon the application.

No determination has been made of whether granting the request would require an amendment or transfer of license NPF-41. Should a license amendment be necessary, the Commission will have made findings required by the Atomic Energy Act of 1954, amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that an amendment, if needed, would involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The applicant's request is for approval of the sale and leaseback transaction with PNM remaining in possession of its present interests in PVNGS and continuing to be obligated to pay its share of all costs of construction, maintenance, operation, capital improvements and decommissioning. The Owner Trustee would not have any right of possession in, absent further license amendment, or control over PVNGS Unit 1. APS would be the sole licensee authorized to use and operate the facility. Based on the above, and under the criteria in 10 CFR 50.92(c), the Staff proposed to determine, if a license amendment is necessary, that amendment to the license would not involve significant hazards considerations.

The Commission is seeking public comments on the application and this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Records Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may also be delivered to



Room 4000, Maryland National Bank Building, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Monday through Friday.

Further, although no determination has been made to hold hearings on the subject application, by December 5, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene in any hearings which may be held. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date and it is determined that a hearing be held, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are

sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration and whether hearings are necessary. The final determination will serve to decide when the hearing, if any, is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that a license amendment involving a significant hazards consideration is necessary, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW,

Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message address to Edward J. Butcher: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Arthur C. Gehr, Snell & Wilmer, 3100 Valley Bank Center, Phoenix, AZ 85073.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(2)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application dated October 18, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, and at the local public document room at the Phoenix Public Library, 12 E. McDowell Road, Phoenix, AZ 85004.

Dated at Bethesda, Maryland, this 1st day of November, 1985.

For the Nuclear Regulatory Commission,  
Frank J. Miraglia,  
Deputy Director, Division of Licensing, Office  
of Nuclear Reactor Regulation.  
[FR Doc. 85-26371 Filed 11-4-85; 8:45 am]  
BILLING CODE 7590-01-M

## DEPARTMENT OF THE TREASURY

### Customs Service

#### Proposed Change in Hours of Customs Service at Neche, ND

**AGENCY:** Customs Service, Treasury.

**ACTION:** Notice of proposed change in hours of service; solicitation of comments.



**SUMMARY:** This notice solicits public comments on a proposed reduction in the hours of service currently provided at the Customs port of entry at Neche, North Dakota, located on the U.S.-Canadian border, in the Pembina, North Dakota, Customs district.

Because traffic entering the U.S. at Neche does not justify the current daily 8 a.m. to midnight schedule, it is proposed to reduce the daily schedule to 9 a.m. to 10 p.m. It is believed that the proposed change would enable Customs to obtain more efficient use of its personnel, facilities, and resources.

**DATE:** Comments must be received on or before January 6, 1986.

**ADDRESS:** Comments (preferably in triplicate) may be submitted to and inspected at the Regulations Control Branch, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:** Bernie Harris, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8157).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 101.6, Customs Regulations (19 CFR 101.6), provides that each Customs office shall be open for the transaction of Customs business between the hours of 8:30 a.m. and 5:00 p.m. on all days of the year except Saturdays, Sundays, and national holidays. It also provides that services performed outside a Customs office generally shall be furnished between the hours of 8:00 a.m. and 5:00 p.m. However, because of local conditions, different but equivalent hours may be necessary to maintain adequate and efficient service.

The Customs port of entry of Neche, North Dakota, located on the U.S.-Canadian border in the Pembina, North Dakota, Customs district is currently open and staffed from 8:00 a.m. to midnight, daily. A recent survey showed that there is an average daily total of less than 10 trucks and other vehicles entering the U.S. through Neche from Canada during the three hours of service proposed for elimination; 8:00 a.m.-9:00 a.m. and 10:00 p.m.-midnight. Pembina, North Dakota, which is 16 miles east of Neche, is open for operation 24 hours daily.

The proposal, if adopted, would enable Customs to save one full-time position while allowing a more efficient use of personnel, facilities, and resources. In addition, the proposal would not have any major adverse impact on industry, transportation, or the local residents because of the close proximity to Pembina which could easily absorb any additional workload.

**Comments**

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. to 4:30 p.m. at the Regulations Control Branch, Room 2426, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

**List of Subjects in 19 CFR Part 101**

Customs duties and inspection, Organization and functions (Government agencies).

**Drafting Information**

The principal author of this document was John Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: October 15, 1985.  
William von Raab,  
Commissioner of Customs.  
[FR Doc. 85-26353 Filed 11-4-85; 8:45 am]  
BILLING CODE 4820-02-M

**VETERANS ADMINISTRATION**

**Scientific Review and Evaluation Board for Rehabilitation Research and Development; Meeting**

In accordance with Pub. L. 92-463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitation Research and Development. This meeting will convene at the Park Terrace Hotel, 1515 Rhode Island Avenue NW., Washington, DC 20005,

December 3 through 5, 1985, beginning at 9 a.m. on Tuesday. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the December 3 session for approximately one hour to cover administrative matters and to discuss the general status of the program and the administrative details of the review process. During the closed session, the Board will be reviewing research and development applications. This review involves oral comments, discussion of site visits, staff and consultant critiques of research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Proprietary data from contractors and private firms will also be presented and this information should not be disclosed in a public session. Premature disclosure of Board recommendations would be likely to significantly frustrate implementation of final proposed actions. Thus, the closing is in accordance with section 552b, subsections (c)(4), (c)(6), and (c)(9)(B), Title 5, United States Code and the determination of the Administrator of Veterans Affairs under section 10(d) of Pub. L. 92-463 as amended by section 5(c) of Pub. L. 94-409.

Due to the limited seating capacity of the room those who plan to attend the open session should contact Dr. Larry P. Turner, Administrative Officer, Rehabilitation Research and Development Service, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420 [Phone: (202) 389-5177] at least 5 days before the meeting.

Dated: October 28, 1985.  
By Direction of the Administrator.  
Rosa Maria Fontanez,  
Committee Management Officer.  
[FR Doc. 85-26367 Filed 11-4-85; 8:45 am]  
BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 50, No. 214

Tuesday, November 5, 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

### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10:00 a.m., November 12, 1985.

**PLACE:** 2033 K Street, NW., Washington, DC., 8th Floor Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Judicial Session.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 254-6314.

Jean A. Webb,  
*Secretary of the Commission.*

[FR Doc. 85-26462 Filed 11-1-85; 2:22 pm]

BILLING CODE 6351-01-M

2

### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10:00 a.m., November 19, 1985.

**PLACE:** 2033 K Street, NW., Washington, DC., 5th Floor Conference Room.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

First Quarter Objectives, FY 1986  
Application of the New York Cotton  
Exchange for designation in the U.S. Dollar  
Index

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 254-6314.

Jean A. Webb,  
*Secretary of the Commission.*

[FR Doc. 85-26463 Filed 11-1-85; 2:22 pm]

BILLING CODE 6351-01-M

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### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 11:00 a.m., November 19, 1985.

**PLACE:** 2033 K Street, NW., Washington, DC, 5th Floor Hearing Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**  
Enforcement First Quarter Objectives,  
FY 1986.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 254-6314.

Jean A. Webb,  
*Secretary of the Commission.*

[FR Doc. 85-26464 Filed 11-1-85; 2:22 pm]

BILLING CODE 6351-01-M

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### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10:00 a.m., November 22, 1985.

**PLACE:** 2033 K Street, NW., Washington, DC, 8th Floor Conference Room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Review of self-regulatory organization.

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 254-6314.

Jean A. Webb,  
*Secretary of the Commission.*

[FR Doc. 85-26465 Filed 11-1-85; 2:22 pm]

BILLING CODE 6351-01-M

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### COMMODITY FUTURES TRADING COMMISSION

**TIME AND DATE:** 10:00 a.m., November 25, 1985.

**PLACE:** 2033 K Street, NW., Washington, DC, 5th Floor Hearing Room.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**  
Amendments of the GNMA—II Futures  
Contract/Chicago Board of Trade  
Amendments to the Feeder Cattle Contract/  
Chicago Mercantile Exchange  
Proposed Rules on Foreign Futures

**CONTACT PERSON FOR MORE INFORMATION:** Jean A. Webb, 254-6314.

Jean A. Webb,  
*Secretary of the Commission.*

[FR Doc. 85-26465 Filed 11-1-85; 2:22 pm]

BILLING CODE 6351-01-M

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### FEDERAL COMMUNICATIONS COMMISSION

October 30, 1985.

Special Closed Commission Meeting,  
Held Thursday, October 31, 1985

The Federal Communications Commission held a Special Closed Meeting on the subject listed below on Thursday, October 31, 1985, following the Open Meeting, which was scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC. Continuity of Government Briefing

This meeting was closed to the public because it concerned privileged/confidential matters (See 47 CFR 0.603(d)).

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this matter.

The following persons were expected to attend:

Commissioners and their Assistants  
Bureau and Office Chiefs

Action by the Commission October 30, 1985. Commissioners Fowler, Chairman; Quello, Dawson and Patrick voting to consider this matter in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Judith Kurtich, FCC Office of Congressional and Public Affairs, telephone number (202) 254-7674.

William J. Tricarico,

*Secretary, Federal Communications Commission.*

[FR Doc. 85-26466 Filed 11-1-85; 3:27 pm]

BILLING CODE 6712-01-M

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### INTERSTATE COMMERCE COMMISSION:

**TIME AND DATE:** 9:30 a.m., Wednesday, November 6, 1985.

**PLACE:** Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

**STATUS:** Open Special Conference.

This amends the notice served October 30, 1985, to reflect a change in the agenda. No. MC-F-16248, et al.—Burlington Northern, Inc.—Control Exemption—Victory Freightways, Inc., has been withdrawn from matters for discussion.

**MATTERS TO BE DISCUSSED:**

Ex Parte No. 392 (Sub-No. 1)



Class Exemption for the Acquisition and Operation of Rail Lines Under 49 U.S.C. 10901.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Alvin H. Brown, Office of Public Affairs, Telephone: (202) 275-7252.

James H. Bayne,

Secretary.

[FR Doc. 85-28392 Filed 11-1-85; 9:07 am]

BILLING CODE 7035-01-M

8

**NATIONAL TRANSPORTATION SAFETY BOARD**

**TIME AND DATE:** 9 a.m., November 13, 1985.

**PLACE:** NTSB Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20954.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. *Petition for Reconsideration of Probable Cause: Aircraft Accident Flight 767, McDonnell Douglas DC-9, FTLU, Greater Cincinnati International Airport, Covington, Kentucky, June 2, 1983.*

2. *Highway Accident Report: Schoolbus Rollover; Jefferson, North Carolina, March 13, 1985.*

**CONTACT PERSON FOR MORE**

**INFORMATION:** Catherine T. Kaputa (202) 382-6525.

Catherine T. Kaputa,

Federal Register Liaison Officer.

October 31, 1985.

[FR Doc. 85-28381 Filed 11-1-85; 9:07 am]

BILLING CODE 7533-01-M

9

**NUCLEAR REGULATORY COMMISSION**

**DATE:** Weeks of November 4, 11, 18, and 25, 1985.

**PLACE:** Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

**STATUS:** Open and Closed.

**MATTERS TO BE CONSIDERED:**

**Week of November 4**

*Monday, November 4*

10:00 a.m.

Quarterly Source Term Briefing (Public Meeting)

2:00 p.m.

Continuation of 9/4 Discussion of Threat Level and Physical Security (Closed—Ex. 1)

*Tuesday, November 5*

2:00 p.m.

Discussion of Exemption Requests—Environmental Qualification (Public Meeting) (postponed from October 31)

*Wednesday, November 6*

9:30 a.m.

Briefing on NUMARC Initiatives (Public Meeting)

2:00 p.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

*Thursday, November 7*

10:00 a.m.

Year End Program Review (Public Meeting)

2:00 p.m.

Periodic Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)

**Week of November 11—Tentative**

*Thursday, November 14*

2:00 p.m.

Continuation of 9/11 Discussion of Proposed Station Blackout Rule (Public Meeting)

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

*Friday, November 15*

10:00 a.m.

Discussion/Possible Vote on Full Power Operating License for River Bend (Public Meeting)

2:30 p.m.

Briefing on Policy Statement on Nuclear Power Plant Standardization (Public Meeting)

**Week of November 18—Tentative**

*Monday, November 18*

10:30 a.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

2:00 p.m.

Discussion of 1986 Policy and Planning Guidance (Public Meeting)

*Tuesday, November 19*

11:00 a.m.

Periodic Meeting with Advisory Panel on Decontamination of TMI-2 (Public Meeting)

2:00 p.m.

Briefing by Executive Branch (Closed—Ex. 1)

3:00 p.m.

Discussion of Exemption Requests—Environmental Qualification (Public Meeting)

4:00 p.m.

Affirmation Meeting (Public Meeting) (if needed)

**Week of November 25—Tentative**

*Tuesday, November 26*

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

**TO VERIFY THE STATUS OF MEETINGS**

**CALL (RECORDING):** (202) 634-1498.

**CONTACT PERSON FOR MORE INFORMATION:**

Julia Corrado (202) 634-1410.

Andrew L. Bates,

Office of the Secretary.

October 31, 1985.

[FR Doc. 85-26497 Filed 11-1-85; 3:49 pm]

BILLING CODE 7590-01-M



# **Federal Register**

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Tuesday  
November 5, 1985

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## **Part II**

### **Department of Health and Human Services**

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**Office of Human Development Services**

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**National Resource Centers for Child  
Welfare Services; Announcement of  
Availability of Funds and Request for  
Applications; Notice**



**DEPARTMENT OF HEALTH AND HUMAN SERVICES**
**Office of Human Development Services**

[Program Announcement No. CWS-RC-86-1]

**National Resource Centers for Child Welfare Services; Announcement of Availability of Funds and Requests for Applications**

**AGENCY:** Administration for Children, Youth and Families (ACYF), Office of Human Development Services (OHDS), Department of Health and Human Services (DHHS).

**ACTION:** Announcement of availability of funds and request for applications under the Office of Human Development Services' Discretionary Grants Program.

**SUMMARY:** The Office of Human Development Services announces that new applications are being accepted for grants for National Resource Centers for Child Welfare Services authorized by multiple discretionary funding program legislation, as identified below.

It should be noted that this grant competition is a follow up to the Office of Human Development Services' (OHDS) FY 1985 Program Announcement for Resource Centers for Child Welfare Services published in the Federal Register on April 1, 1985 (50 FR 12918). Under that announcement, awards were made in six of the nine areas described. The purpose of this announcement is to again request applications for those areas in which no awards were made. Those areas are (1) Developmental Disabilities, (2) Child Abuse and Neglect, and (3) Child Sexual Abuse. This grant program is separate from the Office of Human Development Services' (OHDS) Coordinated Discretionary Funds Program for which availability of funds was announced in the Federal Register on September 4, 1985 (50 FR 35906), and other announcements which may appear later this fiscal year.

**DATE:** The closing date for receipt of applications is January 21, 1986.

**FOR FURTHER INFORMATION CONTACT:** HDS/ACYF/Children's Bureau, Program Support Division, P.O. Box 1182, Washington, D.C. 20013, Carolyn Dean, (202) 755-7730.

**SUPPLEMENTARY INFORMATION:**
**Statutory Authorities**

The individual statutory authorities under which grants will be awarded through this program announcement are as follows:

Section 426 of the Social Security Act, 42 U.S.C. 626 and section 4 (a) of the Child Abuse Prevention and Treatment Act, 42 U.S.C. 5103(a).

**Scope of This Announcement**

This Program Announcement covers all new Resource Center grants to be awarded for fiscal year 1986.

The FY 1986 National Resource Center Grant Program includes the following provisions:

1. Applications received under this announcement will be reviewed, awarded, and administered by the Administration for Children, Youth and Families central office of Washington, D.C.
2. Grants will be awarded in three priority areas related to child welfare services which have been identified under this grant program. One grant will focus on developmentally disabled children served by the child welfare system and two of the grants awarded will focus specifically on issues related to child abuse and neglect.
3. Competition for grants in all three priority areas will be national, by priority area, with some consideration given to geographic distribution of competing applications and the six National Child Welfare Resource Centers funded in Fiscal Year 1985.

**Program Purpose**

The Child Welfare Resource Center Grant Program was undertaken to develop, expand, strengthen, and improve the capacity of State and local, public and private child welfare agencies throughout the country to utilize exemplary methods and resources to provide effective services to children and families available from a variety of national resource centers focusing on nine different program areas related to child welfare services: Foster Care, Adoption, Family-Based Preventive Services, Developmental Disabilities, Youth Services, Program Management and Administration, Legal Resources on Child Welfare, Child Abuse and Neglect, and Child Sexual Abuse. Six National Child Welfare Resource Centers were funded in September 1985: Foster Care, Adoption, Family-Based Preventive Services, Youth Services, Child Welfare Program Management and Administration, and Legal Resources on Child Welfare.

Through this announcement, consideration will be given to applications which propose to enhance the resources and techniques available to State and local service providers related to (1) Developmental Disabilities, (2) Child Abuse and Neglect, and (3) Child Sexual Abuse.

Funds are intended to support three national projects in these areas in order to provide leadership in the identification, collection, development, dissemination, and utilization of program models, systems improvements, training programs, and other resource materials on effective methods of addressing child welfare service needs, and to improve the capacity of State and local agencies to address those needs.

OHDS will support a three year effort to develop and disseminate resources and facilitate the exchange of information of effective and innovative practices for the three child welfare service areas identified. The Resource Centers will function as national centers of excellence whose services will be sought by the field, enabling them to provide resources, training, and consultative services, and to receive payment for their services such that they can become self-supporting over a three year period. In purchasing such services from the Resource Centers, State or local agencies may use other Federal funds if the statutory authority for these Federal funds permits such use. It is anticipated that grant related program income retained by the Resource Centers may be used in accordance with any of the three alternatives identified in Title 45 of the Code Federal Regulations (CFR) Part 74, subpart F. Applicants should identify which alternative or alternatives they intend to use in reporting program income.

**Background**

Over the past ten years, the Children's Bureau funded a series of regional resource centers focused on particular areas of child welfare including child abuse and neglect (1974), adoption, and child welfare training (1979). In 1982 the three types of regional centers were consolidated into ten region-wide projects capable of providing assistance in multiple program areas. Funding for these consolidated center terminated in September, 1984.

On April 1, 1985, the Children's Bureau announced the availability of funds for the establishment of nine Child Welfare Resource Centers, each focusing on a different program priority related to child welfare services: Foster Care, Adoption, Family-Based Preventive Services, Developmental Disabilities, Youth Services, Program Management and Administration, Legal Resources on Child Welfare, Child Abuse and Neglect, and Child Sexual Abuse. Grants were awarded in September 1985 in only six of the nine priority areas originally identified for funding. These included: Foster Care,



Adoption, Family-Based Prevention Services, Youth Services, Child Welfare Program Management and Administration and Legal Resources for Child Welfare.

None of the applications reviewed in the three remaining priority areas, Developmental Disabilities, Child Abuse and Neglect, and Child Sexual Abuse was approved for funding. Proposals for grants in these three priorities were not considered to be fully responsive to the announcement for a number of reasons including: (a) Proposals did not describe centers of excellence and expertise but instead loose configurations of existing organizations; (b) proposals did not adequately address the activities identified for the selected priority area; (c) proposals too closely duplicated, or did not recognize, activities or services already being provided under other OHDS grant program initiatives or contracts; (d) proposals did not present a credible marketing strategy which would produce non-Federal funds for continuation of activities beyond the Federal grant period; and (e) proposals outlined projects which were local or regional, rather than national in scope.

Because of the inadequacies of the previous grant applications in these priority areas, particular attention should be given to the following:

(1) Proposals should demonstrate that the applicant organization is capable of, and has specific plans for, providing information, technical assistance, and professional expertise in the selected priority area throughout the nation. Work plans and schedules should reflect both the capacity and the intention of the organization to provide national leadership as a center of excellence in the field of child welfare and related services.

(2) Proposals should indicate how the project will identify and address the specific needs of the child welfare system in the selected program area without operational delays and without duplicating the efforts of existing mechanisms in these areas, e.g., the National Clearinghouse on Child Abuse and Neglect.

(3) Proposed activities should be outcome-oriented, and designed to achieve results related specifically to child welfare service providers, rather than to the public at large. Therefore, work plans should focus on substantive program-related activities for State and local service providers including meetings and workshops designed to achieve measurable goals and objectives rather than generalized, informational or developmental outcomes.

The demand for resources, exemplary materials, and expertise in these three priority areas (Developmental Disabilities, Child Abuse and Neglect, and Child Sexual Abuse) remains high. National Centers should help State and local service providers access current and timely program information and implement methods and strategies to improve services for developmentally disabled children, and for children and families affected by child abuse and neglect or child sexual abuse. Therefore, applications in these areas are again solicited.

#### Approach

The three National Resource Centers for Child Welfare Services will be task-oriented, time-limited, and specific in focus. All Resource Centers approved for funding will be designed to address common, clearly defined functions which will include the following activities:

1. Identification, collection, and dissemination of known, useful resource materials for child welfare service providers including the review and evaluation of existing materials.

2. Provision of technical assistance, training, and consultation to promote utilization of resources and best practices related to child welfare services including methods and techniques for program implementation and evaluation.

3. Documentation and development of innovative methods and appropriate materials to respond to recognized deficiencies of resources in specific aspects of programs and emerging program needs.

4. Development of networking and coordination activities to establish linkages between agencies, organizations, and individuals serving children and families.

In addition, all Resource Centers will be required to develop specific work plans for addressing the needs of minority children and families within their respective areas of activity. In developing work plans, special attention should also be given to the requirements of Pub. L. 95-608, the Indian Child Welfare Act of 1978.

Because Federal funding of the Resource Centers will be limited to a three year period at the end of which Federal funding will terminate, all applicants will be required to identify non-Federal sources of funding and document the level of support that will be provided to supplement Federal funds during the three year project period. Foundation support and private sector involvement which reflect an on-going partnership between the applicant

and other sources of funding are particularly encouraged. Centers will also be required to develop a three year plan outlining strategies for acquiring additional non-Federal support to sustain the full cost of the project when Federal funding terminates. Projects should develop contractual arrangements with State and local agencies and other relevant service providers to acquire additional program income on a fee-for-services basis. Projects should focus on the marketing of exemplary resource materials and training and consultation services.

As an incentive for continuation funding, one of the criteria for approval of second and third year grants will be the extent to which the Centers have succeeded in marketing their skills and services, and have firm commitments for purchase of services. By the ninth month of the first year of funding, grantees must show evidence of commitments for income producing services or products. In order to obtain third year funding, by the twenty-first month grantees must have firm commitments for income producing activities of not less than 40 percent of the second year funding amount.

All Centers will also be required to develop a program component specifically designed to attract private sector initiatives, and involve private sector agencies and organizations in the activities of the Centers.

#### Program Priorities

Applications must address a single priority area, and should describe how the proposed Centers will address the specific issues and tasks discussed under the selected priority area.

Multiple applications are not prohibited, although it is unlikely that the same applicant will be funded to conduct more than one Center.

Only the following program priorities are of interest to OHDS in this announcement:

#### (1) National Resource Center on Child Welfare Services to Developmentally Disabled Children

Historically, developmentally disabled children have come into the child welfare system because of family problems not necessarily related to the handicapping condition of the child. However, many of these children were then referred by child welfare agencies to developmental disabilities or mental health facilities for care. Only a small percentage of the children were cared for by the child welfare system and, generally, the two systems were not closely linked. As community services



have improved, most developmentally disabled children remain with their families and, as with every segment of the population, many of these families incur the need for child welfare services.

Most child welfare agencies give policy recognition to the principle that developmentally disabled children are entitled to the full range of services of the agency; however, most lack the expertise to assure that a full range of needed services are provided and coordinated. The complex and ongoing needs of children with developmental disabilities require coordination of agencies and services beyond those required for non-disabled children. For these children, case management may include monitoring a variety of medications, medical appliances, physical, occupational, educational or other therapies, behavioral management programs and environmental adaptations. Successful implementation of permanency planning goals is often hindered by the overwhelming complexity of the child's disability.

It is clear, also, that agency staff need additional training to more fully understand developmental disabilities in order to effectively recruit and prepare foster families and to provide appropriate pre-placement and post-placement services to child, family and foster family.

A Resource Center for developmentally disabled children should provide technical assistance to child welfare agencies to develop expertise in providing services to meet these complex needs and to develop linkages with State and local developmental disabilities programs to assure a full range of services and effective service delivery. The focus of the Center is to actively assist child welfare agencies in gaining knowledge and skills for planning and delivering these services, and it should clearly enhance the capacity of child welfare agencies to serve developmentally disabled children and their families.

### *(2) National Resource Center on Child Abuse and Neglect*

The 1,008,134 cases of child maltreatment reported in 1983 represent a 142 percent increase over the number of reports in 1976, the first year that national data were gathered. Further, the Child Abuse Amendments of 1984 (Pub. L. 98-457) broaden the scope of preventive efforts and extend protective services to children maltreated in out-of-home settings. No single program model can address the full range of maltreatment related issues, nor meet the needs of all service providers, professional groups, legislators, policy

makers, volunteers or community support groups. The problems are complex and involve a number of different services systems. The coordination of these systems which respond to child maltreatment must be strengthened and extended.

A Resource Center on child abuse and neglect is needed:

a. To facilitate coordination of child protective services provided by State and local public and private agencies involved in the prevention, identification and treatment of child abuse and neglect;

b. To identify, document and disseminate best practices in the prevention of child maltreatment and in the response to its occurrence;

c. To identify, refine or facilitate the development of innovative Statewide and local case management service systems and disseminate such efforts; and

d. To assist State child protective service agencies and other properly constituted authorities to improve their programmatic and systemic response to and management of the increased volume of reported child abuse and neglect cases.

Resource Center services including training, consultation, and technical assistance should be available to State and local child protective service agencies, law enforcement agencies, the courts, schools, mental health, health care providers, out of home child care providers, and others who serve maltreated children and their families.

### *(3) National Resource Center on Child Sexual Abuse*

Child sexual abuse has been defined in a variety of ways and encompasses a wide range of behavior, from fondling and exhibitionism, forcible rape and incest, to commercial exploitation in prostitution or the production of pornographic materials. In the Child Abuse Prevention and Treatment Act, as amended, by Pub. L. 98-457, the Child Abuse Amendments of 1984, the term sexual abuse includes the following activities under circumstances which indicate that the child's health or welfare is harmed or threatened with harm:

(i) The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct (or any simulation of such conduct) for the purpose of producing any visual depiction of such conduct, or

(ii) The rape, molestation, prostitution, or other such form of sexual exploitation of children, or incest with children.

The Child Abuse Amendments of 1984 also expressly broadened the definition of persons responsible for the child's welfare to include an employee of a residential facility or any staff person providing out of home care. This change broadens the scope of preventive efforts and extends protective services to children abused in out of home settings, such as day care centers.

The scope of this Resource Center shall include attention to both intrafamilial and extrafamilial sexual abuses of children as well as sexual exploitation of children as defined in the legislation. The Center shall be comprehensive in addressing issues of prevention, identification, diagnosis and treatment of child sexual abuse. Emphasis shall also be placed on serving as a resource to public, private, and voluntary agencies as well as multidisciplinary professionals (child protective services workers, health providers, law enforcement, court personnel, counselors, therapists, school personnel, and others) concerned with the care and treatment of child sexual abuse victims and their families.

A Resource Center on Child Sexual Abuse is needed:

a. To identify, document, and disseminate best case practices and case management approaches;

b. To enhance the exchange of new resource materials on direct practice techniques and methods;

c. To encourage the development of sensitive and coordinated investigatory and judicial procedures and other methods in the investigation and management of child sexual abuse cases from the initial report through disposition.

Resource Center services shall be available to State and local child protective service agencies, law enforcement agencies, the courts, schools, day care providers, mental health, health, and other care providers, and others who respond to the children and their families.

### *Eligible Applicants*

Any State, local, public or non-profit organization or agency including accredited colleges and universities may submit an application under this announcement. Applications developed jointly by State, local, and community based social services agencies, foundations, colleges or universities are encouraged.

### *Availability of Funds*

Of funds expected to be available for fiscal year 1986, approximately \$750,000 will be awarded for new Resource



Center grants. Funding levels for each Center will vary based upon the scope of work projected in the grant application.

Grants will be made for a three year project period, subject to availability of funds and specified performance criteria. One of the criteria for continuation funding will be the extent to which projects have succeeded in marketing their skills and services, and obtained commitments for purchase of services for the second and third year of the grant period.

#### Grantee Share of the Project

At least 25 percent of the total cost of proposed projects must come from a source other than the Federal government except in the case of research grants with universities which already have an institutional cost sharing agreement with the Department of Health and Human Services. The non-Federal share of project costs may be in the form of grantee incurred costs or third party in-kind contributions. For every three dollars of Federal support requested, a minimum of one dollar must come from a non-Federal source, except in those cases identified above. This represents a minimum 25 percent grantee non-Federal share contribution. The simplest way to arrive at the correct non-Federal share is to divide the Federal share requested by three (3). The following example illustrates this requirement:

Federal Share.....	\$75,000
Non-Federal Share (\$75,000 ÷ 3).....	25,000
Total project cost.....	100,000

#### The Application Process

##### Availability of Forms

Full applications for grants for the Resource Centers for Child Welfare Services must be submitted on standard forms provided for this purpose. The standard form 424 and application instructions have been reprinted for your convenience as Appendices A and B of this program announcement. Additional copies of application forms and instructions may be obtained from the Regional Office listed at the end of this announcement, or by writing or telephoning: Carolyn Dean, Program Support Division, Children's Bureau, ACYF, P.O. Box 1182, Washington, D.C. 20013, (202) 755-7730.

##### Application Submission

At a minimum, one signed original and two copies of the application are required. However, an additional five copies would be helpful in expediting the review process. Applications, including all attachments, must be submitted to: Grants Management Office, OHDS, Grants and Contracts Management Division, Humphrey Building, Room 345-F-1 200 Independence Avenue SW., Washington, D.C. 20201, Attention: Mary White CWS-RC-86-1.

In order to be considered for a grant under this program announcement, an application must be submitted on the forms and in the manner required by the Administration for Children, Youth and Families. The application must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligation imposed by the terms and conditions of the grant award.

##### Application Consideration

Applications which are complete and conform to the requirements of this program announcement are subject to a competitive review and evaluation by qualified individuals. The Commissioner, Administration for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program. In addition to the results of the review, in making final decisions the Commissioner will also take into consideration comments from Central and Regional Office staff.

After the Commissioner has approved the final selection, unsuccessful applicants will be notified in writing of this final decision. The successful applicant will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds awarded, the budget period for which support is given, and the total period for which project support is contemplated.

##### Notification Under Executive Order 12372

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs", and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities". State Processes or directly affected State, area-wide, regional, and local officials and entities have 60 days to comment on the application, starting from the

deadline date for application submission to ACYF. A Single Point of Contract (SPOC) to fulfill the requirements of E.O. 12372 has been established in all States and territories except Alaska, Idaho, and American Samoa (applicants from these three areas need take no action regarding E.O. 12372). Applicants must submit required material to their SPOCs so that ACYF can obtain comments from the SPOCs as part of the award process. (Applicants for programs to be administered directly by Federally recognized Indian tribes are exempt from the requirements of E.O. 12372). Applicants should contact their SPOC as soon as possible to alert them of the prospective application and receive specific instructions regarding the process (see attached list for addresses). Required material should be sent to the SPOC as early as possible. SPOCs will submit their comments directly to: Beatrice D. Moore, Director, Program Support Division, Children's Bureau ACYF, OHDS, P.O. Box 1182, Washington, D.C. 20013

OHDS will notify the State of any application received which has no indication that the State Process has had an opportunity for review.

##### Additional Requirements for Applications

To insure that proposed projects are designed to achieve the purpose, goals, and objectives identified in this Program Announcement, the following requirements have been established. Applicants are advised that applications will be reviewed for conformance with these requirements, and that applications that are non-conforming will not be considered for funding:

(a) Applications must include letters of support from foundations, private sector organizations, and affiliated State and local agencies which document that they intend to participate in the planning and implementation of the proposed project and indicate the kinds of involvement these organizations will undertake to insure specific and substantive support of specified goals and objectives.

(b) Applications must include a three year plan documenting the level of support to be derived from foundations, and other private sector organizations, and identifying the continued involvement of these and other affiliated State and local agencies in selected program activities. Applications must also indicate how the proposed project will secure additional non-Federal sources of funding to sustain the project when Federal funding terminates, and



how the transition to self-sufficiency will be administered.

(c) Applications must identify and address a specific program priority and develop specific work plans to address all four functional activities outlined above under "Approach".

(d) Applications must indicate how the proposed project will address the specific needs of minority children and families in the child welfare system.

(e) The proposed budget must include funds for travel to two State or regional meetings on child welfare issues per project year, and to an annual national meeting of all Resource Centers in Washington, D.C.

#### *Criteria for Review and Evaluation of Applications*

Applications which are determined to be in conformance with this announcement will be reviewed by panels of experts in child welfare services and related disciplines. Panels may be composed of staff from Federal, State, or local agencies, colleges and universities, national organizations, and other non-government agencies. Applications will be reviewed and evaluated competitively against the following criteria:

#### *(1) Project Design and Soundness of Work Plan (20 points)*

The project design or methodology is clearly presented. Specific problems to be addressed are clearly stated. The application contains a concise statement of goals and objectives, and the project methodology and work plan are clearly related to the problems and issues the project intends to address.

Work plans describe how the proposed project will achieve specific program objectives including all four functional activities identified in the program announcement, as well as specific activities related to minority children and families, and private sector involvement. Target indicators for identifying and measuring program outcomes are proposed and timetables are included.

#### *(2) Outcomes and Potential for Success (15 points)*

The proposed project will result in identifiable, measurable outcomes including, for example, concrete reduction of a significant problem. The goals of the proposed project are realistic and, if well executed, are capable of achieving their intended results.

#### *(3) Evidence of Non-Federal Support (15 points)*

The application contains documentation identifying non-Federal sources of support and indicates the precise nature, level, and extent of assistance that is anticipated.

#### *(4) Marketing Strategy and Evidence of User Interest (15 points)*

The marketing strategy is workable, clearly presented, and if well executed will provide supplementary sources of program income. The application also includes documentation indicating the nature and extent of user interest in the services or products proposed.

#### *(5) Experience and Capability of the Applicant (15 points)*

The project personnel are well qualified to conduct the proposed project, and the application indicates that the applicant has adequate resources and the organizational, professional, and educational capacity to address the critical issues related to the project's goals and objectives.

#### *(6) Innovativeness of Approach and Implementation (10 points)*

The application clearly proposes a significant improvement upon or important departure from previous related work in the field of child welfare services, and identifies methods or techniques for implementing new approaches.

#### *(7) Cost/Benefit (10 points)*

The estimated costs to the government and to the proposed project are reasonable considering the anticipated results, and the applicant has included funds to send key staff to two state-wide or regional meetings related to child welfare issues and to one national meeting of all Resource Centers in Washington, D.C. for each project year.

#### *Instructions for Completing the Application*

1. *Application Requirements.* In order to be considered for a Resource Center grant, an applicant must submit one signed original and two copies of the grant application, including all attachments. ACYF encourages the submission of an additional five copies for a total of one original and seven copies in order to expedite the processing and to facilitate the panel review process. There is no penalty for not submitting these additional copies. The original copy of the application must have original signatures. Each copy should be stapled (back and front) in the upper left corner. One copy of the complete application should be sent to

the appropriate Regional Office listed at the end of this announcement. The remaining complete applications, including the original and all other copies, must be sent to: HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., Room 345-F-1 Humphrey Building, Washington, D.C. 20201. Attention: Mary White, CWS-RC-86-1.

In order to facilitate handling, please do not use covers, binders or tabs. Three extra copies of the SF-424 and three copies of the cover sheet/abstract, stapled together apart from the copies of the application are requested.

2. *Content of Application.* Each copy of the application must contain the following items in the order listed:

- (a) A Standard Form 424, page 1.
- (b) A Project Abstract Form.
- (c) Part II—Project Approval Information.
- (d) Part III—Budget Information.
- (e) Part IV—Project Narrative.
- (f) HHS-SF 441, Assurance of Compliance, Title VI, Civil Rights Act of 1964.

(g) HHS-SF 641, Assurance of Compliance, Sec. 504, Rehabilitation Act of 1973, As Amended.

3. *Instructions for Preparing the Application.* For your convenience, we have reprinted the forms and instructions for applying for Federal Assistance from HDS programs as Appendices A and B of this announcement. We suggest that you reproduce the forms and use them to prepare your application. Additional copies of the application forms and instructions may be obtained from the Regional offices listed at the end of this announcement. Prepare your application in accordance with the following instructions:

- (a) Standard Form 424, Page 1: Follow instructions contained in Appendix B except for the following specific instructions:
  - Item 6.a. Omit program number. Check multiple box.
  - Item 6.b. Enter CWS—National Resource Center, and the number and title of the Resource Center which the application addresses, as follows:
    - 1. Developmental Disabilities.
    - 2. Child Abuse and Neglect.
    - 3. Child Sexual Abuse.

Item 7. The title should describe the focus of the proposed project briefly and clearly. Do not use acronyms, abbreviations or jargon. Avoid unnecessary phrases. Do not use more than 100 characters, including punctuation and spaces between words. Characters in excess of 100 will be lost during electronic data entry.



(b) Project Abstract Form: Use a single sheet of plain white bond, and type single-spaced:

- Title of application (exactly as entered in item 7 on Form 424).
- Name and address of applicant organization (exactly as in item 4).
- Priority area under which the application is submitted, as indicated in item 6b.

- Target population(s).
- Total project period and total amount requested.

• Proposed match which should be at least one dollar for every three requested from HDS unless the applicant is an Indian Tribe or has an existing cost sharing agreement with DHHS. If either of these two exceptions apply, state so clearly here.

• Project abstract: In 200 non-technical words or less, summarize the proposed project. The abstract should be so clearly written that the following questions could be answered by a member of the general public who reads it:

What is the specific purpose of the project?

How is the project to be conducted?

What concrete outcomes will result from the project?

What difference might the results make?

It is important that the abstract be an accurate reflection of the activities proposed in the application.

• Indicate the name of the author(s), their current relationship to the applicant and their proposed role in the conduct of the project.

c. Part II—Project Approval Information: Follow the instructions contained in Appendix B.

d. Part III—Budget Information: Follow the instructions contained in Appendix B.

e. Part IV—Project Narrative:

Describe the project you propose in response to this announcement. Your narrative (30 pages typed double-spaced, or 15 pages typed single-spaced maximum, on 8½" x 11" plain white bond with 1" margins on both sides) should provide information on how the application meets the review criteria and how the proposed project will achieve the purpose, goals, and objectives identified in this program announcement. We strongly suggest that you follow the format and page limitations outlined below:

(1) *Project Design* (12 pages typed double-spaced or 6 pages typed single-spaced maximum).

This portion of the application should describe a well-defined and carefully worked out technical approach for the proposed project. It should include a

discussion of the problems and issues the project will address and a clear statement of the project's goals and objectives. The project design should include a discussion of the methodology to be used in the conduct of the project and the relationship between the methodology and the issues or problems the project is designed to address.

(2) *Project Implementation Plan* (6 pages typed double-spaced or 3 pages typed single-spaced maximum)

This portion of the application should present the specific work plans for the proposed project identifying all major tasks to be undertaken during the project period and the time frames anticipated for accomplishing these tasks. In addition to providing information on the programmatic initiatives to be developed for the proposed project, this section of the application should include specific information on how the project will address the needs of minority children and families and how the project will acquire additional non-Federal and other private sector support, including specific activities to generate program income on a fee for services basis.

(3) *Beneficial Impact* (4 pages typed double-spaced or 2 pages typed single-spaced maximum)

This portion of the application should indicate how the information, methods or technology to be developed or disseminated by the project can be expected to impact beneficially on human service programs or the specific target populations identified to be affected by the project. Target indicators should be clearly identified, and emphasis should be placed on specific outcomes that can be identified and measured.

(4) *Staffing and Management* (4 pages typed double-spaced maximum or 2 pages typed single spaced)

This portion of the application should list the proposed staff and briefly describe their qualifications to conduct the proposed project. The division of responsibility for specific project tasks and the proportion of staff time to be allocated per project task should be included. This portion of the application should also describe the capacity of the applicant organization to conduct the proposed project including relevant resources and facilities that will be utilized.

(5) *Budget* (4 pages typed double-spaced maximum or 2 pages typed single spaced)

This portion of the application should indicate that the proposed budget is commensurate with the level of effort needed to accomplish the project goals and objectives and that the cost of the

project is reasonable in relationship to the results anticipated. The application should also clearly identify all non-Federal services of support and the precise nature and extent of assistance that is anticipated. The contributions of all collaborative agencies and organizations including foundations and other private sector organizations must be assured in writing and included with the application when it is submitted.

f. HHS-SF 441, Assurance of Compliance, Title VI, Civil Rights Act of 1964: self explanatory

g. HHS-SF 641, Assurance of Compliance, Sec. 504, Rehabilitation Act of 1973, as amended: Self explanatory

#### *Closing Date for Receipt of Applications*

The closing date for receipt of applications is January 21, 1986. Applications may be mailed or hand delivered to: Grants Management Office, HDS Grants and Contracts Management Division, 200 Independence Ave., SW., Room 345-F-1 Humphrey Building, Washington, D.C. 20201, Attention: Mary White CWS-RE-86-1.

Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date at the HDS Grants and Contracts Management Office, or

(2) Sent on or before the deadline date and received by the granting agency in time to be considered during the competitive review and evaluation process. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing).

*Late applications:* Applications which do not meet these criteria are considered late applications and will not be considered in the current competition.

*Hand-delivered applications:* Hand-delivered applications are accepted at the HDS Grants and Contracts Management Office during the normal working hours of 8:30 a.m. to 5:00 p.m. Monday through Friday.

*Extension of deadlines:* OHDS may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is widespread disruption of the mails. However, if OHDS does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

Region VI—(LA, NM, OK, TX, AR)

Mr. Tommy Sullivan, Regional Program Director, Office of Human Development Services, 1200 Main



Tower, 29th Floor, Dallas, Texas  
75202, Attention: S.M. Pat Murphy  
(214-729-6596)

**Region VII—(IA, KS, MO, NE)**

Mr. Hilton Baines, Regional Program  
Director, Office of Human  
Development Services, Federal Office  
Building, Room 384, 601 East 12th  
Street, Kansas City, Missouri 64108,  
Attention: Robert Fain (816-374-5401)

**Region VIII—(CO, MT, ND, SD, UT,  
WY)**

Mr. David Chapa, Regional Program  
Director, Office of Human  
Development Services, 1961 Stout  
Street, Federal Office Building, 9th  
Floor, Denver, Colorado 80294,  
Attention: Jane Mathieu (303-844-  
3106)

**Region IX—(AZ, CA, HI, NV, GU, AS,  
TT, CNMI)**

Mr. Roy Fleischer, Regional Program  
Director, Office of Human  
Development Services, 50 United  
Nations Plaza, San Francisco,  
California 94102, Attention: Ray  
Myrick (415-558-6178)

**Region X—(AK, ID, OR, WA)**

Mr. William Hayden, Regional Program  
Director, Office of Human  
Development Services, 2901 Third  
Avenue, Mail Stop 503, Seattle,  
Washington 98121, Attention: Richard  
McConnell (206-442-0850)

**Executive Order 12372—State Single  
Points of Contact**

**Alabama**

Mrs. Donna J. Snowden, SPOC,  
Alabama State Clearinghouse,  
Alabama Department of Economic  
and Community Affairs, 3465 Norman  
Bridge Road, Post Office Box 2939,  
Montgomery, Alabama 36105-0939,  
Tel. (205) 284-8905

**Alaska**

None

**Arizona**

**Department of Commerce, State of  
Arizona**

Note.—Correspondence and questions  
concerning this State's E.O. 12372 process  
should be directed to: Janice Dunn, ATTN:  
Arizona State Clearinghouse, 1700 West  
Washington, Fourth Floor, Phoenix, Arizona  
85007, Tel. (602) 255-5004

**Arkansas**

State Clearinghouse, Office of  
Intergovernmental Services,  
Department of Finance and  
Administration, P.O. Box 3278, Little  
Rock, Arkansas 72203, Tel. (501) 371-  
1074

**California**

Office of Planning and Research, 1400  
Tenth Street, Sacramento, California  
95814, Tel. (916) 445-0282

**Colorado**

State Clearinghouse, Division of Local  
Government, 1313 Sherman Street,  
Rm. 520, Denver, Colorado 80203, Tel.  
(303) 866-2156

**Connecticut**

Gary E. King, Under Secretary,  
Comprehensive Planning Division,  
Office of Policy and Management,  
Hartford, Connecticut 06106-4459

Note.—Correspondence & questions  
concerning this State's E.O. 12372 process  
should be directed to: Intergovernmental  
Review Coordinator, Comprehensive  
Planning Division, Office of Policy and  
Management, 80 Washington Street, Hartford,  
Connecticut 06106-4459, Tel. (203) 568-3410.

**Delaware**

Executive Department, Thomas Collins  
Building, Dover, Delaware 19903, Attn:  
Francine Booth, Tel. (302) 736-4204

**Florida**

Ron Fahs, Executive Office of the  
Governor, Office of Planning and  
Budgeting, The Capitol, Tallahassee,  
Florida 32301, Tel. (904) 488-8114

**Georgia**

Charles H. Badger, Administrator,  
Georgia State Clearinghouse, 270  
Washington Street, SW., Atlanta,  
Georgia 30334, Tel. (404) 656-3855

**Hawaii**

Kent M. Keith, Director, Department of  
Planning and Economic Development,  
P.O. Box 2359, Honolulu, Hawaii  
96804; For Information Contact:  
Hawaii State Clearinghouse, Tel. (808)  
548-3085 or 548-3016

**Idaho**

None

**Illinois**

Tom Berkshire, Office of the Governor,  
State of Illinois, Springfield, Illinois  
62706, Tel. (217) 782-8639

**Indiana**

Ms. Susan J. Kennell, State Budget  
Agency, 212 State House,  
Indianapolis, Indiana 46204, Tel. (317)  
232-5604

**Iowa**

Office for Planning and Programming,  
Capitol Annex, 523 East 12th Street,  
Des Moines, Iowa 50319, Tel. (515)  
281-3864

**Kansas**

Kansas Department of Human  
Resources, Office of the Secretary,  
Attention: Judy Krueger, 401 Topeka  
Avenue, Topeka, Kansas 66603, Tel.  
(913) 298-5075

**Kentucky**

Kentucky State Clearinghouse, 2nd  
Floor, Capital Plaza Tower, Frankfort,  
Kentucky 40601, Tel. (502) 564-2382

**Louisiana**

Michael J. Jefferson, Dept. of Urban &  
Community Affairs, Office of State  
Clearinghouse, P.O. Box 44455, Capitol  
station, Baton Rouge, Louisiana 70804,  
Tel. (504) 925-3722

**Maine**

State Planning Office, Attn:  
Intergovernmental Review Process,  
State House Station ±38, Augusta,  
Maine 04333, Tel. (207) 289-3154

**Maryland**

Guy W. Hager, Director, Maryland State  
Clearinghouse for Intergovernmental  
Assistance, Department of State  
Planning, 301 West Preston Street,  
Baltimore, Maryland 21201-2385, Tel.  
(301) 225-4490

**Massachusetts**

Executive Office of Communities and  
Development, Attn: Beverly Boyle, 100  
Cambridge Street, Rm. 904, Boston,  
Massachusetts 02202, Tel. (617) 727-  
3253

**Michigan**

John J. Reurink, Director, Management  
Services Bureau, Michigan  
Department of Commerce, P.O. Box  
30004, Lansing, Michigan 48909, Tel.  
(517) 373-1802

**Minnesota**

Maurice D. Chandler, Coordinator,  
Intergovernmental Review, Minnesota  
State Planning Agency, Capitol  
Square Bldg., Rm. 101, 550 Cedar St.,  
St. Paul, Minnesota 55101, Tel. (612)  
298-2571

**Mississippi**

Office of Federal State Programs,  
Department of Planning and Policy,  
2000 Walter Sillers Bldg., 500 High  
Street, Jackson, Mississippi 39202; For  
Information Contact: Mr. Marlan  
Baucum, Department of Planning and  
Policy, Tel. (601) 359-3150

**Missouri**

Missouri Federal Assistance  
Clearinghouse, Office of  
Administration, Division of Budget



- and Planning, Capitol Bldg., Rm. 129, Jefferson City, Missouri 65102, Tel. (314) 751-4834 or 751-2345
- Montana**  
Sue Heath,  
Intergovernmental Review  
Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, Tel. (406) 444-5522
- Nebraska**  
Policy Research Office, P.O. Box 94601, State Capitol, Rm. 1321, Lincoln, Nebraska 68509, Tel. (402) 471-2414
- Nevada**  
Ms. Linda A. Ryan, Director, Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 885-4420  
*Note.*—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: John Walter, Clearinghouse Coordinator, Tel. (702) 885-4420.
- New Hampshire**  
David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271-2155
- New Jersey**  
Mr. Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625-0803, Tel. (609) 292-6613  
*Note.*—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: Nelson S. Silver, State Review Process, Division of Local Government Services—CN 803, Trenton, New Jersey 08625-0803, Tel. (609) 292-9025.
- New Mexico**  
Peter C. Pence, Director, Dept. of Finance and Administration, State of New Mexico, 515 Don Gaspar, Santa Fe, New Mexico 87503, Tel. (505) 827-3885
- New York**  
Director of the Budget, New York State  
*Note.*—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474-1605
- North Carolina**  
Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733-4131
- North Dakota**  
Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224-2094
- Ohio**  
State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215; For Information Contact: Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466-0699
- Oklahoma**  
Dan Strain, Office of Federal Assistance Management, 4545 North Lincoln Blvd., Oklahoma City, Oklahoma 73105, Tel. (405) 528-8200
- Oregon**  
Intergovernmental Relations Division, State Clearinghouse, Attn: Delores Streeter, Executive Building, 155 Cottage Street, NE., Salem, Oregon 97310, Tel. (503) 373-1998
- Pennsylvania**  
Barbara J. Gontz, Project Coordinator, Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108, Tel. (717) 763-3700
- Rhode Island**  
Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277-2656
- South Carolina**  
Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Rm. 477, Columbia, South Carolina 29201, Tel. (803) 758-2417
- South Dakota**  
Connie Tveidt, Commissioner, State Government Operations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773-3661
- Tennessee**  
Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741-1876
- Texas**  
Bob McPherson, State Planning Director, Office of the Governor, Austin, Texas 78711, Tel. (512) 475-6156
- Utah**  
Dale Hatch, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533-5245
- Vermont**  
State Planning Office, Attn: Bernie Johnson, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828-3326
- Virginia**  
Shawn McNamara, Department of Housing and Community Development, 205 North 4th Street, Richmond, Virginia 23219, Tel. (804) 766-4474
- Washington**  
Ken Black, Washington Department of Community Development, Ninth and Columbia Building, Olympia, Washington 98504, Tel. (206) 753-2200
- West Virginia**  
Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Economic and Community Development, Building #6, Rm. 553, Charleston, West Virginia 25305, Tel. (304) 348-4010
- Wisconsin**  
Secretary Doris J. Hanson, Wisconsin Department of Administration, 101 South Webster—GEF 2, Madison, Wisconsin 53702, Tel. (608) 266-1212  
*Note.*—Correspondence and questions concerning this State's E.O. 12372 process should be directed to: Thomas Krauskopf, Federal-State Relations Coordinator, Wisconsin Department of Administration, P.O. Box 7864, Madison, Wisconsin 53707, Tel. (608) 266-8349.
- Wyoming**  
Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777-7574
- Virgin Islands**  
Toya Andrew, Federal Program Coordinator, Office of the Governor, The Virgin Islands of the United States, Charlotte Amalie, St. Thomas 00801, Tel. (809) 774-6517
- District of Columbia**  
Loretta Davis, Director, Office of Intergovernmental Relations, Rm. 416, District Building, Washington, D.C. 20004, Tel. (202) 727-6265
- Puerto Rico**  
Ms. Patricia G. Custodio, P.E., Chairman, Puerto Rico Planning Board, P.O. Box 4119, Minilla Station, San Juan, Puerto Rico 00940-9985, Tel. (809) 727-4444
- Northern Mariana Islands**  
Planning and Budget Office, Office of the Governor, Saipan, CM 96950,



American Samoa

None

Guam

Guam State Clearinghouse, Office of the  
Lieutenant Governor, P.O. Box 2950,  
Agana, Guam 96910

(Catalog of Federal Domestic Assistance  
Program Numbers: 13.608 ACYF Child  
Welfare Research and Development, 13.628  
Child Abuse and Neglect Prevention and  
Treatment)

Dated: October 30, 1985.

**Dodie Livingston,**

*Commissioner, Administration for Children,  
Youth and Families.*

Approved: October 30, 1985.

**Dorcas R. Hardy,**

*Assistant Secretary for Human Development  
Services.*

BILLING CODE 4130-01-M



APPENDIX A

OMB Approval No. 0346-0006

<b>FEDERAL ASSISTANCE</b>		2. APPLICANT'S APPLI- CATION IDENTI- FIER	a. NUMBER	3. STATE APPLI- CATION IDENTI- FIER	a. NUMBER
1. TYPE OF SUBMISSION (Mark appropriate box) <input type="checkbox"/> NOTICE OF INTENT (OPTIONAL) <input type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION		Leave Blank	b. DATE Year month day 19	NOTE: TO BE ASSIGNED BY STATE	b. DATE ASSIGNED Year month day 19
			4. LEGAL APPLICANT/RECIPIENT a. Applicant Name b. Organization Unit c. Street/P.O. Box d. City e. County f. State g. ZIP Code. h. Contact Person (Name & Telephone No.)		
7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)		5. EMPLOYER IDENTIFICATION NUMBER (EIN)			6. PRO-GRAM (From CFDA)
		a. NUMBER			b. TITLE
9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.)		10. ESTIMATED NUMBER OF PERSONS BENEFITING			8. TYPE OF APPLICANT/RECIPIENT A—State B—Interstate C—Substate Organization D—County E—City F—School District G—Special Purpose District H—Community Action Agency I—Higher Educational Institution J—Indian Tribe K—Other (Specify): Enter appropriate letter <input type="checkbox"/>
		11. TYPE OF ASSISTANCE A—Basic Grant B—Supplemental Grant C—Loan D—Insurance E—Other Enter appropriate letter(s) <input type="checkbox"/>			12. PROPOSED FUNDING
12. PROPOSED FUNDING		13. CONGRESSIONAL DISTRICTS OF:		14. TYPE OF APPLICATION A—New B—Renewal C—Revision D—Continuation E—Augmentation Enter appropriate letter <input type="checkbox"/>	
a. FEDERAL \$ .00	b. APPLICANT .00	a. APPLICANT	b. PROJECT	17. TYPE OF CHANGE (For 14c or 14e) A—Increase Dollars B—Decrease Dollars C—Increase Duration D—Decrease Duration E—Cancellation F—Other (Specify): Enter appropriate letter(s) <input type="checkbox"/>	
c. STATE .00	d. LOCAL .00	15. PROJECT START DATE Year month day 19	16. PROJECT DURATION Months	18. DATE DUE TO FEDERAL AGENCY Year month day 19	
e. OTHER .00	f. Total \$ .00	19. FEDERAL AGENCY TO RECEIVE REQUEST a. ORGANIZATIONAL UNIT (IF APPROPRIATE) b. ADMINISTRATIVE CONTACT (IF KNOWN) c. ADDRESS			20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER
22. THE APPLICANT CERTIFIES THAT▶ To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.		a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____			21. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No
23. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE		b. SIGNATURE			
24. APPLICATION RECEIVED 19		25. FEDERAL APPLICATION IDENTIFICATION NUMBER		26. FEDERAL GRANT IDENTIFICATION	
27. ACTION TAKEN <input type="checkbox"/> a. AWARDED <input type="checkbox"/> b. REJECTED <input type="checkbox"/> c. RETURNED FOR AMENDMENT <input type="checkbox"/> d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE <input type="checkbox"/> e. DEFERRED <input type="checkbox"/> f. WITHDRAWN		28. FUNDING		29. ACTION DATE▶ 19	
		a. FEDERAL \$ .00	b. APPLICANT .00	31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)	
		c. STATE .00	d. LOCAL .00	30. STARTING DATE 19	
		e. OTHER .00	f. TOTAL \$ .00	32. ENDING DATE 19	
					33. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION I—APPLICANT/RECIPIENT DATA

SECTION II—CERTIFICATION

SECTION III—FEDERAL AGENCY ACTION



**PART II**  
**PROJECT APPROVAL INFORMATION**

**Item 1.**

Does this assistance request require State, local regional, or other priority rating?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Name of Governing Body \_\_\_\_\_  
Priority Rating \_\_\_\_\_

**Item 2.**

Does this assistance request require State, or local advisory, educational or health clearances?

\_\_\_\_\_ Yes \_\_\_\_\_ No (Attach Documentation)

Name of Agency or Board \_\_\_\_\_

**Item 3.**

Does this assistance request require State, local, regional or other planning approval?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Name of Approving Agency \_\_\_\_\_  
Date \_\_\_\_\_

**Item 4.**

Is the proposed project covered by an approved comprehensive plan?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Check one: State   
Local   
Regional   
Location of Plan \_\_\_\_\_

**Item 5.**

Will the assistance requested serve a Federal installation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Name of Federal Installation \_\_\_\_\_  
Federal Population benefiting from Project \_\_\_\_\_

**Item 6.**

Will the assistance requested be on Federal land or installation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Name of Federal Installation \_\_\_\_\_  
Location of Federal Land \_\_\_\_\_  
Percent of Project \_\_\_\_\_

**Item 7.**

Will the assistance requested have an impact or effect on the environment?

\_\_\_\_\_ Yes \_\_\_\_\_ No

See instructions for additional information to be provided.

**Item 8.**

Will the assistance requested cause the displacement of individuals, families, businesses, or farms?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Number of:  
Individuals \_\_\_\_\_  
Families \_\_\_\_\_  
Businesses \_\_\_\_\_  
Farms \_\_\_\_\_

**Item 9.**

Is there other related assistance on this project previous, pending, or anticipated?

\_\_\_\_\_ Yes \_\_\_\_\_ No

See instructions for additional information to be provided.



**PART III - BUDGET INFORMATION****SECTION A - BUDGET SUMMARY**

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

**SECTION B - BUDGET CATEGORIES**

6. Object Class Categories	- Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$



SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS	
8.	\$	\$	\$	\$	
9.					
10.					
11.					
12. TOTALS	\$	\$	\$	\$	
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$	\$	\$	\$	\$
14. Non-Federal					
15. TOTAL	\$	\$	\$	\$	\$
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)				
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH	
16.	\$	\$	\$	\$	
17.					
18.					
19.					
20. TOTALS	\$	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION (Attach Additional Sheets if Necessary)					
21. Direct Charges:					
22. Indirect Charges:					
23. Remarks:					

PART IV PROGRAM NARRATIVE (Attach per instruction)



## PART V

## ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines and requirements, including 45 CFR Part 74, and OMB Circulars No. A-102 and A-110, as they relate to the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
5. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.



The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.
12. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
13. Applicants for the Administration for Native Americans Programs, hereby certify in accordance with 45 CFR 1336.53, that the financial assistance provided by the Office of Human Development Services for the specified activities to be performed under this program, will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.
14. It will comply with the Age Discrimination Act of 1975 which provides that: No person in the United States shall, on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity for which the applicant receives Federal financial assistance.
15. It will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.



ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF  
HEALTH AND HUMAN SERVICES REGULATION UNDER  
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

(hereinafter called the "Applicant")

(Name of Applicant)

HEREBY AGREES THAT it will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Dated \_\_\_\_\_  
(Applicant)

By \_\_\_\_\_  
(President, Chairman of Board, or comparable  
authorized official)

\_\_\_\_\_  
(Applicant's mailing address)

PLEASE RETURN ORIGINAL TO: Office of Civil Rights  
Room 5627/B North Building  
330 Independence Ave., N.W.  
Washington, D.C. 20201

RETURN COPY TO: GRANTS MANAGEMENT OFFICE



**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ASSURANCE OF COMPLIANCE WITH SECTION 504 OF THE  
REHABILITATION ACT OF 1973, AS AMENDED**

The undersigned (hereinafter called the "recipient") HEREBY AGREES THAT it will comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

Pursuant to § 84.5(a) of the regulation [45 C.F.R. 84.5(a)], the recipient gives this Assurance in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts (except procurement contracts and contracts of insurance or guaranty), property, discounts, or other federal financial assistance extended by the Department of Health and Human Services after the date of this Assurance, including payments or other assistance made after such date on applications for federal financial assistance that were approved before such date. The recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance and that the United States will have the right to enforce this Assurance through lawful means. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

This Assurance obligates the recipient for the period during which federal financial assistance is extended to it by the Department of Health and Human Services or, where the assistance is in the form of real or personal property, for the period provided for in § 84.5(b) of the regulation [45 C.F.R. 84.5(b)].

The recipient: [Check (a) or (b)]

- a. ( ) employs fewer than fifteen persons;  
b. ( ) employs fifteen or more persons and, pursuant to § 84.7(a) of the regulation [45 C.F.R. 84.7(a)], has designated the following person(s) to coordinate its efforts to comply with the HHS regulation:

\_\_\_\_\_  
Name of Designee(s) — Type or Print

\_\_\_\_\_  
Name of Recipient — Type or Print

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
(IRS) Employer Identification Number

\_\_\_\_\_  
City

\_\_\_\_\_  
Area Code — Telephone Number

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

I certify that the above information is complete and correct to the best of my knowledge.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title of Authorized Official

If there has been a change in name or ownership within the last year, please PRINT the former name below:

**PLEASE RETURN ORIGINAL TO:** Office for Civil Rights, Room 5627/B North Building,  
330 Independence Avenue, N.W., Washington, D.C.  
20201.

**RETURN COPY TO:** Grants Management Office



## Appendix B.—Instructions for Applying for Federal Assistance From HDS Programs

OMB 0980-0016, Expires: 2/85,  
Clearance pending: 2/88

### Introduction

#### Use of Forms

The forms included in this "kit" shall be used to apply for all new discretionary grants and cooperative agreements awarded by the Office of Human Development Services. They shall also be used to request supplemental assistance, proposed changes or amendments, and request continuation or refunding for previously approved grants or cooperative agreements from the Office of Human Development Services. An original and two copies of the forms should be submitted to the responsible grants management office. If an item cannot be answered or does not appear to be related or relevant to the assistance required, write "NA" for not applicable.

#### Applications

Applicants for new awards and competing continuations are required to submit a complete application which consists of Parts I (SF-424) through Part V. Applicants for new projects must include completed Standard Forms 441, Civil Rights Assurance and HHS-641, Rehabilitation Act Assurance. Applicants for additional funding (such as a non-competing continuation or supplemental grant) or amendments to a previously submitted application should include only affected pages. Previously submitted pages whose information is still current need not be resubmitted. Additionally, applicants for certain HDS programs may be subject to Executive Order 12372, Intergovernmental Review of Federal Programs (see Attachments 1 and 2). These applicants must follow the instructions provided relative to Executive Order 12372 coverage where appropriate, as listed on page 11.

#### Submission of Applicants

- (1) Non-competing Continuation Grants—Applicants for continuation grants must submit these forms not later than 90 days prior to the budget period end date.
- (2) New Projects and Competing Continuations—Applicants for Assistance to support new projects or for competing continuations should refer to program announcements for information regarding deadline dates for submission of forms.

## Instructions for Completion of Part I (SF-424)

### Section I

Applicants shall complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk (\*) and use Section IV. An explanation follows for each item.

#### Item

1. Mark appropriate box. Preapplication and application are described in OMB Circular A-102 and HDS program instructions. Use of the SF-424 as a Notice of Intent is at State option. HDS does not require Notice of Intent.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. For a program covered by Executive Order 12372, enter the number assigned, if any, by the State Point of Contact Office. Applications submitted to OHDS must contain this identifier, if provided by the State Point of Contact. Note: Item 22 of this form must be completed for programs covered by E.O. 12372.

3b. Date identifier is assigned by State.

4a.-4h. Enter legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

**IF THE PAYEE WILL BE OTHER THAN THE APPLICANT, ENTER IN THE REMARKS SECTION "PAYEE". THE PAYEE'S NAME, DEPARTMENT OR DIVISION. COMPLETE ADDRESS AND EMPLOYER IDENTIFICATION NUMBER AND DHHS ENTITY NUMBER.**

If an individual's name and/or title is desired on the payment instrument, the name/or title of the designated individual must be specified.

5. Enter Employer Identification Number of applicant as assigned by the Internal Revenue Service. If the applicant organization has been assigned a DHHS Entity Number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full Entity Number. If applicant has other grants with DHHS and has been assigned a Payee Identification Number, enter PIN in parenthesis () beside employer identification number.

6a. Enter the Catalog of Federal Domestic Assistance number assigned to program under which assistance is

requested. If more than one program (e.g., joint funding) enter "multiple" and explain in Section IV remarks. If unknown, cite Public Law or U.S. Code.

6b. Enter the program title from Catalog of Federal Domestic Assistance. Abbreviate if necessary.

7. Enter title and appropriate description of project. For Notification of Intent, continue in Section IV if necessary to convey proper description. If project affects particular sites as, for example, construction or real property projects, attach a map showing the project location.

8. Enter appropriate letter to designate grantee type—"City" includes town, township or other municipality. If the grantee is other than that listed, specify type on "Other" line e.g., Council of Government. Note: Nonprofit organizations which have not previously received HDS program support must submit proof of nonprofit status.

9. Enter Government unit where significant and meaningful impact could be observed. List only largest unit or units is affected, such as State, county, or city. If entire unit is affected, list it rather than subunits.

10. Identify estimated number of persons directly benefiting from project, as described in the program narrative.

11. All applicants for new, competing continuation and non-competing continuation grants should enter the letter "A". And applicants for supplemental grant funding should enter the letter "B".

12. Enter amount requested or to be contributed during the initial funding/budget period by each contributor. Where allowable the value of in-kind contributions should be included. If the action is a change in dollar amount of existing grant (a revision or augmentation), indicate only the amount of the change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in Section IV. For multiple program funding use totals and show program breakdowns in remarks. Item definitions: 12a, amount requested from Federal Government; 12b, amount applicant will contribute; 12c, amount from State, if applicant is not a State; 12d, amount from local government, if applicant is not a local government; 12e, amount from any other sources, explain in Section IV. Note: Applicants for research grants should complete 12a and 12f only.

13a. Self explanatory.

13b. Enter the district(s) where most of actual work will be accomplished. If city-wide or State-wide covering several



districts, write "city-wide" or "State-wide".

14. Enter appropriate letter.

Definitions are:

A. *New*. A submittal for the first time for a new project or project period (includes competing continuations).

B. *Renewal*. Not applicable to HDS grants programs.

C. *Revision*. A modification to project after the initial funding/budget period and within the approved project period.

D. *Continuation*. Support for a non-competing continuation project after the initial funding/budget period and within the approved project period.

E. *Augmentation*. (Referred to elsewhere in these instructions and in other HDS publications as a "supplemental"). An application for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

15. Enter approximate date project is expected to begin. If initial budget period is other than 12 months, check item 21 and explain in Part IV.

16. Enter estimated number of months to complete project after Federal funds are available.

17. Complete only for revisions (item 14c), or augmentations (Supplements) (Item 14e).

18. Date application/preapplication must be submitted to HDS in order to be eligible for funding consideration.

19. Name and address of the Federal agency to which this request is addressed. Indicate as clearly as possible the name of the office to which the application will be delivered.

20. Enter existing Federal grant identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".

21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

## Section II

Applicants will always complete either item 22a or 22b and items 23a and 23b. An explanation follows for each item.

22a. Complete if application is subject to Executive Order 12372 (State review and comment). Note: All written comments submitted by or through the State Contact must be attached, if available. Applicants are advised of the delay of funding near the end of the fiscal year, if a timely notification to the State Contact is not made.

22b. Check if application is not subject to E.O. 12372.

23a. Name and title of authorized representative of legal applicant.

23b. Self explanatory. Note: Authorized representative signature cannot be signed by designee.

Note.—Applicant completes only sections I and II. Section III is completed by Federal Agencies.

## Instructions for Completion of Part II

Negative answers will not require an explanation unless the responsible HDS program office requests more information at a later date. All "Yes" answers must be explained on a separate page in accordance with these instructions.

Item 1—Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2—Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the approximate date that it will be obtained.

Item 3—Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 4—Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 5—Show the population residing or working on the Federal installation who will benefit from this project. (Federally recognized Indian reservations are not "Federal Installations")

Item 6—Show the percentage of the project work that will be conducted on Federally-owned land or leased land. Give the name of the Federal installation and its location.

Item 7—Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it.

Item 8—State the number of individuals, families, businesses, or farms this project will displace. Federal agencies will provide separate instructions, if additional data is needed.

Item 9—Show the Catalog of Federal Domestic Assistance number, the program number, the type of assistance, the status, the amount of each project

where there is related previous, pending or anticipated assistance from another funding source.

## Instructions for Completion of Part III

This form is designed so that application can be made for funds to support one or more functions or activities. Generally, HHS funded programs do not require a breakdown by function or activity. Therefore, only Line 1 need be completed. However, Head Start, funded by the Administration for Children, Youth and Families requires that activities commonly identified by program accounts be displayed separately on individual lines (Lines 1-4 under Section A and Columns 1-4 under Section B).

Since HDS programs award funds to support activities for budget periods which are generally 12 months in duration, Section A, B, C, and D must provide budget information for the requested budget period. Section E should reflect the need for Federal assistance in subsequent budget periods.

Applicants for research grants are not required to complete information items related to non-Federal share. Rather, research cost sharing shall be negotiated separately with the funding office.

## Section A—Budget Summary

### Lines 1-4

Col. (a): For applications pertaining to a single grant program and *not* requiring a functional, activity or program account breakout enter on Line 1 under Column (a) the Federal Domestic Assistance Catalog program title (See attached listing). For "Head Start", enter the activities (program accounts) name and number for which funds are being requested on separate lines.

Col. (b): Enter appropriate Catalog of Federal Domestic Assistance number. For "Head Start", enter the activities (program accounts) name and number for which funds are being requested on separate lines.

Col. (c)-(g): For *new applications*, leave Columns (c) and (d) blank. For each line entry, enter in columns (e), (f), and (g) the appropriate amounts needed to support the project for the first budget period. Applicants for research grant should make no entries in Column (f).

For *non-competing, or competing continuation applications*, enter in Columns (c) and (d) the estimated amounts for funds which will remain unobligated at the end of the current budget period. Enter in column (e), (f), and (g) the appropriate amounts needed to support the project for the new budget



period. (Applicants for research grants should make no entries in Columns (d) or (f). Column (g) should equal the total of Column (e) and Column (f).

For *augmentation* (supplements) and *changes to existing grants*, leave Columns (c) and (d) blank and enter in Columns (e) and (f) the amount of increase or decrease of Federal and non-Federal funds, as appropriate. Enter in Column (g) the new total budgeted amount (Federal and non-Federal) which includes the previously authorized total budgeted amounts for the current budget period plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of the amounts in Columns (e) and (f). Applicants for research grants should make no entries in columns (d) or (f).

#### Line 5

Enter the totals for all columns completed.

#### Section B—Budget Categories Column 1-5

In the Column heading (1) through (4), enter the same titles of the grant programs and/or program accounts shown on Lines 1 through 4, Column (a), Section A. For each grant program or activity (program account) entered in Columns (1) through (4) enter the total requirements for *Federal funds* by object class categories and enter total in Column 5.

Allowability of costs are governed by applicable cost principles set forth in Subpart Q of 45 CFR Part 74 and the HDS Grants Administration Manual.

**Personnel—Line 6a:** Enter the total costs of salaries and wages of applicant/grantee staff. Do not include costs of consultants or personnel costs of delegate agencies. (See Section F, Line 21, for additional requirements).

**Fringe Benefits—Line 6b:** Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate. Provide breakdown of amounts and percentages that comprise fringe benefit costs.

**Travel—Line 6c:** Enter total costs of out-of-town travel for employees of the project. Do not enter costs for consultant's travel or local transportation. Provide justification for requested travel costs. (See Line 6h and Section F, Line 21, for additional instructions).

**Equipment—Line 6d:** Enter the total costs of all equipment to be acquired by the project. "Equipment" means an article of tangible personal property having a useful life of more than two years and an acquisition cost of \$500 or more per unit. An applicant may use its

own definition of equipment, provided that such a definition would at least include all tangible personal property as defined in the preceding sentence. (See Section F, Line 21 for additional requirements).

**Supplies—Line 6e:** Enter the total costs of all tangible personal property (supplies) other than that included on line 6d.

**Contractual—Line 6f:** Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.), and, (2) contracts agreements with secondary recipient organizations including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. Attach a list of contractors indicating the name of the organization; the purpose of the contract; statement (scope) of work; period of performance; and the estimated dollar amount of the award. If the Name of Contractor, Scope of Work and estimated total is not available or has not been negotiated, include in Line h, "Other". (Note: Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must submit sections A and B of Part III, Budget Section, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total cost of all such agencies will be part of the amount shown on Line 6(f). Provide back-up documentation identifying Name of contractor, purpose of contract and major cost elements.

**Construction—Line 6g:** Enter the costs of alterations or renovation. Provide narrative justification and breakdown of costs. New construction is unallowable.

**Other—Line 6h:** Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs, (noncontractual), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use, training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

**Total Direct Charges—Line 6i:** Show the totals of Lines 6(a) through 6(h).

**Indirect Charges—Line 6j:** Enter the total amount of indirect costs. If no indirect costs are requested enter "none". This line should be used only

when the applicant (except local governments) has an indirect cost rate approved by the Department of Health and Human Services. If rate has recently been approved, please enclose a copy of current rate. Local governments shall enter the amount of indirect costs determined in accordance with HHS requirements. In the case of training grants to other than State or local governments, the reimbursement of indirect costs will be limited to the lesser of actual indirect costs or 8 percent of the amount allowed for direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alteration and renovations. It should be noted that when an indirect cost rate is requested, these costs included in the indirect cost pool should not be also charged as direct costs to the grant.

**Total—Line 6k:** Enter the total amounts of Lines 6(i) and 6(j). For all new competing and non-competing continuation applications, the total amount shown in Column (5), Line 6(k), should be the same as the amount shown in Section A, Column (e), Line 5.

For all supplements or changes, the total of the amount shown in Columns (1) through (4) should equal the amount shown in Section A, Line 5(e). The amount shown in Column (5) should include the cumulative total of the previously approved Federal share for the current budget period plus or minus, as appropriate, the increase or decrease of Federal funds.

**Program Income—Line 7:** Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show, in the program narrative statement, the nature and source of income.

#### Section C—Non-Federal Resources

**Line 8-11:** Enter amounts of non-Federal resources that will be used to support the project. (Applicants for research grants should not complete this Section but will negotiate appropriate cost sharing arrangements with the funding office). Provide a brief explanation, on a separate sheet, showing the type of contribution, and whether it is in cash or in-kind. If in-kind, is allowable and included, show the basis for computation including:

(1) Numbers and types of volunteers and rates at which their services are valued;

(2) Valuation of donated space (use only) including number of square feet and value assigned per square foot; and



(3) Determination of depreciation and use allowance for grantee-owned space; [Include statement whether space was purchased or constructed, totally or in part with federal funds for items (2) and (3)].

(4) Type and value of other in-kind contributions expected.

*Column (a):* Enter the program title or activities (program accounts) as in Column (a) Section A.

*Column (b):* Enter the amount of cash and in-kind contributions to be made by the applicant.

*Column (c):* Enter the State contribution. If the applicant is a State agency, enter the non-Federal funds to be contributed by the State other than the applicant State agency.

*Column (d):* Enter the amount of cash and in-kind contributions to be made from all other sources.

*Column (e):* Enter the totals of Columns (b), (c), and (d).

*Line 12—*Enter total of each of Columns (b) through (e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

#### Section D—Forecasted Cash Needs

*Line 13—*Enter the amount of Federal cash needed for this grant, by quarter, during the budget period.

*Line 14—*Enter the amount of cash from all other sources needed by quarter during the budget period. (Applicants for research grants should not complete this line).

*Line 15—*Enter the total of amounts on Line 13 and 14.

#### Section E—Budget Estimates of Federal Funds Needed for Balance of Projects

*Line 16-19—*Enter in Column (a) the same program title or activities (program accounts) as in Column (a) Section A. For new or competing continuation or noncompeting continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding budget periods (usually in years). Do not enter current year budget amount; enter second, third, fourth, and fifth year budget needs. This Section need not be completed for Headstart applicants with indefinite project periods or for revisions or supplements for the current budget period which do not increase the general level of support.

*Line 20—*Enter the totals of each of the Columns (b) through (e).

#### Section F—Other Budget Information

*Line 21—*Use this space to fully explain and justify the major items included in the budget categories shown in Section B. Include sufficient detail to

facilitate determination of allowability, relevance to the project, and cost benefits. Particular attention must be given to the explanation of any requested direct cost budget item which requires explicit approval by the HDS program office. Budget items which require identification and justification shall include, but not be limited to, the following:

1. Salary amounts and percentage of time worked for those key individuals who are identified in the project narrative.

2. Any foreign travel;

3. A list of all equipment (See Part III, Section B, Line 6d) and estimated cost of each item to be purchased. Need for equipment must be supported in program narrative.

4. Contractual: Major items or groups of smaller items; and

5. Other: group and major categories, e.g., consultants, local transportation, space rental, training allowances, staff training, computer equipment, etc. Provide a complete break-down of all costs that make up this category.

*Line 22—*Enter the type of indirect rate (provisional, final fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date HDS approved the rate, where applicable. Attach a copy of rate agreement if recently approved.

*Line 23—*Provide any other explanations required or deemed necessary.

#### Attachment 1.—Executive Order 12372 Coverage

##### 1. General

Executive Order 12372, "Intergovernmental Review of Federal Programs," provides for the State and local government coordination and review of proposed Federal financial assistance. Certain applicants for HDS grants must comply with the provisions of E.O. 12372 and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." The following table provides a listing of all HDS assistance programs identified by Catalog of Federal Domestic Assistance Number (CFDA), and shows those programs and activities which are covered by E.O. 12372 and those which are exempt from coverage.

Federally recognized Indian Tribes are exempt from the provisions and requirements of E.O. 12372 (see 48 FR 29196 dated June 24, 1983).

States may design their own processes for reviewing and commenting

on proposed Federal assistance under certain Federal programs. States adopting a review process under the E.O. will have designated a State official or organization to act as the State's "Single Point of Contact" (SPOC) for sending official State recommendations to HDS. Applicants with projects subject to E.O. 12372 review must adhere to the requirements of their State processes.

##### 2. Procedures for New and Competing Continuation Applications

E.O. 12372 requires applicants for new and competing continuation grants and cooperative agreements to coordinate their plans at the State and local levels through the State SPOC. Names and addresses of the State SPOC are listed in the Federal Register announcement soliciting applications or in the application kit. A current listing can also be obtained from the regional or headquarters grants management office. Potential applicants should contact their State SPOC at the earliest feasible time and notify them of their intent to apply for Federal assistance. Many State offices have their own notification forms and instructions, and applicants should obtain this material directly from them.

Applications submitted to HDS must respond to the E.O. 12372 Certification, Item 22 on Standard Form 424. HDS will notify the State SPOC of any application covered by E.O. 12372 that does not indicate that the State contact has had an opportunity to review it. Therefore, failure to notify the State of the proposed application to HDS may result in a delay of funding as HDS will not make an award without assurance of compliance with this process.

State SPOC offices have sixty (60) days after the HDS deadline date for the receipt of applications in which to review and resolve problems with the applicant and submit comments to HDS.

##### 3. Procedures for Non-Competing Continuation Applications

Applicants for non-competing continuations of awards covered by E.O. 12372 must contact the State SPOC regarding their application at the earliest possible time. Applications submitted to HDS must respond to the E.O. 12372 Certification, Item 22 on the Standard Form 424. HDS will notify the State SPOC of the receipt of any covered program application which has no indication that the State process has had an opportunity for review.

The closing date for submission of State comments is thirty (30) days after the deadline date for receipt of applications. Applicants are advised to make clear to the SPOC that they are



applying for a non-competing continuation award with a thirty day rather than a sixty (60) day review period.

**Attachment 2.—HDS Programs and Activities Covered by Executive Order 12372**

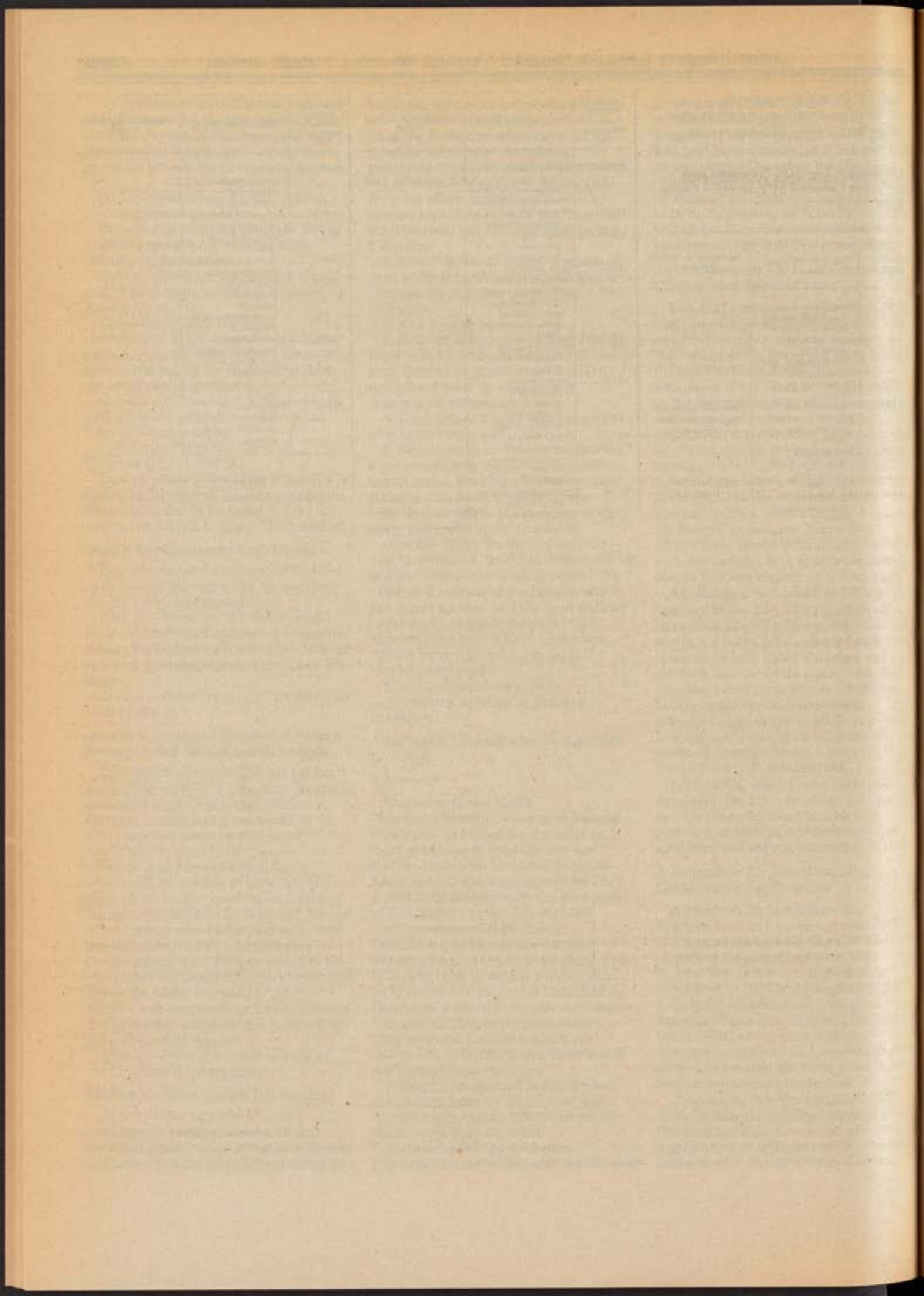
Catalog of Federal domestic assistance No.	Discretionary grants	Mandatory or formula grants
13.600	Head Start—Basic Head Start Program, research, training and technical assistance, demonstration, and pilot projects.	
13.623	Runaway youth—All projects.	
13.628	Child abuse and neglect prevention and treatment—All projects.	State child abuse and neglect prevention and treatment.
13.630	Developmental disabilities—basic support and advocacy.	
13.631	Developmental disabilities special projects.	

Catalog of Federal domestic assistance No.	Discretionary grants	Mandatory or formula grants	Catalog of Federal domestic assistance No.	Discretionary grants	Mandatory or formula grants
13.633	Aging—Title III-A & III-B, grants for supportive services and senior centers.		13.652	Adoption opportunities—research & demonstration.	
13.635	Aging—Title III-C, nutrition services.		13.655	Aging—Title VI grants to Indian tribes.	
13.645	Child welfare services—Title IV-B State grants.		13.658	Title IV-E—Foster care.	
13.646	Work Incentive Program (WIN).		13.659	Title IV-E—Adoption assistance.	
13.606	Child welfare research & demonstration section 426 of Social Security Act (SSA).		13.661	Native American Programs—research, demonstration, and evaluation.	
13.612	Native American Programs—financial assistance.		13.662	Native American Programs—training and technical assistance.	
13.632	Developmental disabilities—University affiliated facilities and satellite centers.		13.667	Social services block grant.	
13.647	Social services research and demonstration—section 1110 of SSA.		13.668	Aging—Title IV research, demonstration, & training.	
13.648	Child welfare services (426) training.				

[FR Doc. 85-28308 Filed 11-4-85; 8:45 am]

BILLING CODE 4130-01-M







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 Tuesday, November 5, 1985

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**H.R. 3605/Pub. L. 99-140**  
 To provide that the authority to establish and administer flexible and compressed work schedules for Federal Government employees be extended through December 31, 1985. (Oct. 31, 1985; 99 Stat. 563; 1 page) Price: \$1.00

**H.R. 2959/Pub. L. 99-141**  
 Making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes. (Nov. 1, 1985; 99 Stat. 564; 16 pages) Price: \$1.00

**LIST OF PUBLIC LAWS**

Last list November 4, 1985  
 This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal