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Wednesday
July 10, 1985

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-09-AD; Amdt 39-5094]

Airworthiness Directives; Aerospatiale (SUD) Caravelle SE-210 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires inspection of certain Aerospatiale (SUD) Caravelle SE-210 airplanes to detect cracks in the webs and web doubler on wing rib 44, and repair of these components, as necessary. This action was prompted by reports that the webs and doublers of this rib, which supports the main landing gear, have been found cracked. Cracks in the webs and doublers could lead to the separation of the landing gear.

EFFECTIVE DATE: August 16, 1985.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to Societe National Industrielle Aerospatiale, 316 Route de Bayonne, 31060 Toulouse Cedex 03, France, Attention: Mr. Roger Adam. These documents may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Standardization Branch, ANM-113; telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Direction General de l'Aviation Civile (DGAC) has issued Consigne de Navigabilite 84-159-59(B) which requires inspections and repairs, as necessary, to the web and web doubler on wing rib 44 which have not been modified in accordance with Modification 1763, in accordance with SUD Service Bulletin 57-64. Rib 44 supports the main landing gear; if the structural integrity of this rib is compromised, the gear could separate from the airplane.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

A proposal to amend Part 39 of the Federal Aviation Regulations to require the previously mentioned inspections and modifications was published in the **Federal Register** on March 19, 1985 (50 FR 10973). The comment period closed on May 5, 1985, and interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the amendment as proposed.

There are nine Caravelle airplanes on the U.S. Register, one of which is currently active. It will take approximately 100 manhours per airplane to accomplish the required actions, and the average labor cost will be $40 per manhour. Based on these figures, the total cost impact per airplane of this AD is estimated to be $4,000.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any SUD Caravelle Model SE-210 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

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

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

2. By adding the following new airworthiness directive:

Aerospatiale (formerly SUD): Applies to all Caravelle SE-210 Models I, III, and VIR airplanes, certificated in any category, which do not embody Modification 1753. Accomplish the following, unless previously accomplished:

A. Prior to the accumulation of 7000 landings or before the next 100 landings after the effective date of the AD, whichever occurs later, inspect the wing rib 44 web and angle doubler in accordance with SUD Service Bulletin 57-64 dated December 12, 1978.

B. Repeat the inspections of paragraph A., above, at intervals not to exceed:

1. Rib 44 lower cap—10,000 landings.
2. Webs and doublers—3,000 landings.

C. Parts found cracked must be repaired prior to further flight.

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

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

This amendment becomes effective August 16, 1985.

Issued in Seattle, Washington, on July 2, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-16354 Filed 7-9-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-NM-05-AD; Amdt. 39-5095]

Airworthiness Directives; British Aerospace (BAe) Viscount Models 700 Series and 800 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires that Alternators Part Number N0505 or 0505/1 which are installed, or have been installed, at the No. 2 position on Model 800 series airplanes be overhauled before the accumulation of 1250 flying hours. These alternators are the subject of mandatory actions required by the United Kingdom Civil Aviation Authority (CAA). This action is taken to preclude failure of this alternator and loss of de-icing capability.

EFFECTIVE DATE: August 16, 1985.

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

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Standardization Branch ANM-113; telephone (206) 431-2977. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of a limitation which they have imposed on the alternators installed on Viscount Models 700 and 800 series airplanes operated under registry of the United Kingdom to correct certain unsafe conditions which may exist. This limitation will act to prevent a failure of the alternator, a condition which could cause a fire and loss of de-icing capability.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which prescribed a mandatory overhaul life for the number two position generators on all BAe Viscount Model 700 and 800 airplanes was published in the **Federal Register** on March 1, 1985 (50 FR 8339).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received.

After careful consideration of all available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that one U.S. registered airplane would be affected by this AD. Since this action makes mandatory the time-between-overhaul which is currently recommended by the alternator manufacturer, the cost impact is estimated to be negligible.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model BAe Viscount Model 700 or 800 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

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

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

2. By adding the following new airworthiness directive:

British Aerospace Viscount: Applies to model 700 and 800 series airplanes, certificated in any category. To prevent failure of Alternators Part Number N0505 of 0505/1 which are or have been installed at the Number 2 position on Model 800 Series airplanes accomplish the following, unless already accomplished:

A. Replace with a servicable unit or overhaul in accordance with the Lucas overhaul manual reference 24-20-02 prior to the accumulation of 1250 flying hours or within the next 150 flying hours, whichever occurs later, and thereafter at intervals not to exceed 1250 flying hours.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, Aircraft Certification Division, FAA, Northwest Mountain Region.

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

This amendment becomes effective August 16, 1985.

Issued in Seattle, Washington, on July 2, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-16355 Filed 7-9-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 84-NM-129-AD; Amdt. 39-5096.]

Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires modification of certain lavatory waste containers to provide improved container sealing capability for enhanced fire containment on McDonnell Douglas DC-10 series airplanes. This AD is needed to assure the fire containment capability of the affected lavatory waste containers.

EFFECTIVE DATE: August 16, 1985.

Compliance schedule as precribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtined from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may also be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Gilbert L. Thompson, Aerospace Engineer, Systems & Equipment Branch, ANM-130L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2831.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Regulations to include a new airworthiness directive (AD) requiring modification of certain lavatory waste containers on McDonnell Douglas DC-10 series airplanes was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on February 4, 1985 (50 FR 6191). The comment period for the proposal closed on April 5, 1985.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due

consideration has been given to all comments received. Five comments were received. Four comments had no objection to the issuance of the AD.

The fifth commenter felt that the modified waste container would not effectively contain a fire if a waste container is not installed properly or the waste chute door is ajar. In addition, this commenter is presently installing smoke detectors in lavatories and fire extinguishers in the waste chutes and the commenter feels that these devices are more effective in providing the level of safety intended than the proposed modifications.

The FAA acknowledge that recently issued Federal Aviation Regulation (FAR) 121.308, Amendment 121–185, requires installation of lavatory smoke detectors and fire extinguishers in the lavatory waste containers on passenger-carrying transport category airplanes operated under Part 121, such as the DC–10 airplanes. That rule was issued to improve the cabin fire protection of transport category airplanes so operated. As noted in the response to comments on that rule, fire protection consists of fire containment by receptacles, suppression by automatic extinguishers in early stages of the fire, rapid detection by smoke detectors, and use of appropriate hand extinguishers. Further, as stated in Notice of Proposed Rulemaking (NPRM) for that rule Docket No. 24073, Notice No. 84–5, published in the **Federal Register** on May 17, 1984 (49 FR 21010), the lavatory smoke detectors and automatic fire extinguishers are in addition to the fire containment capability currently required for lavatory waste containers. Therefore, the requirement to improve waste containers fire containment capability is retained because containment capability, degraded or not, delays the propagation of fire and is thus a needed incremental portion of the complete fire protection process.

With regard to the effect of improper installation of the waste container, the FAA has determined that the modifications specified in this AD will aid in assuring that the "rapid service" waste containers are properly installed during servicing thereby retaining the demonstrated fire containment capability.

With regard to the possibility of the waste chute door being ajar, the FAA recognizes that overstuffing of waste receptacles with trash might prevent closure of the receptacle door and reduce the fire safety level of the receptacle. This is one of the conditions FAR 121.308 seeks to counter through the installation of automatic fire extinguishers. However, this possibility does not alleviate the need for waste container fire containment capability as one of the elements of overall fire protection, as outlined above.

It is estimated that 101 airplanes of U.S. registry will be affected by this AD, that it will take approximately 7.5 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The actual cost of modified parts is estimated to be $1,921 per airplane. Based on these figures, the total cost impact of the AD is estimated to be $224,321.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the following rule.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any, Model DC–10 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

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

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

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–10 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To assure the fire containment capability of the lavatory waste containers, accomplish the following:

A. Within 18 months after the effective date of this airworthiness directive (AD), modify the H/J type lavatory waste containers in accordance with the Accomplishment Instructions of McDonnell Douglas DC–10 Service Bulletin 25–330, January 25, 1985, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

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

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This Amendment becomes effective August 16, 1985.

Issued in Seattle, Washington, on July 2, 1985.

Charles R. Foster,

Northwest Mountain Region.

[FR Doc. 85–16356 Filed 7–9–85; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Parts 3 and 4

Organization, Procedures and Rules of Practice

AGENCY: Federal Trade Commission.

ACTION: Final rules.

SUMMARY: Following the reception of comments, the Commission has amended its Rules of Practice and Procedure governing appeals from initial decisions, the length and format of briefs on appeal, and service of process. The action is intended to streamline the briefing of cases involving cross appeals from an administrative law judge's initial decision and to conform its rules regarding the length and format of briefs and service of process more closely to the Federal Rules of Appellate Procedure.

EFFECTIVE DATE: August 9, 1985 except that 16 CFR 3.52 as amended herein will apply only to appeals from initial decisions issued on or after August 9, 1985. Former 16 CFR 3.52 will apply to appeals from initial decisions issued before that date.

FOR FURTHER INFORMATION CONTACT: Jerome A. Tintle, (202) 523–3521, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On November 27, 1984, at 49 FR 46554, the Commission published for comment proposed amendments to its Rules of Practice and Procedure to streamline the briefing of cases involving cross appeals from an administrative law judge's initial decision and to conform its rules regarding the length and format of briefs and service of process more closely to the Federal Rules of Appellate Procedure.

Two comments were received. One, submitted by an attorney on behalf of himself and several other attorneys who practice before the Commission, endorsed the proposed rule changes. The other was filed by a Commission Assistant Regional Director, who makes three recommendations.

First, he recommends that the length of briefs on appeal (except where a cross-appeal is involved) remain at 60 pages and that typewritten briefs continue to be accepted single-spaced. Proposed Rule § 3.52 would require double-spacing of typewritten briefs but would compensate for this requirement by allowing approximately 25 percent more pages for typewritten briefs than for printed briefs. According to the commenter, the 25 percent additional allowance of pages for typewritten briefs would not make up for the loss in effective brief length caused by the double-spacing requirement. In his experience, a 75-page typewritten brief, double-spaced, would be equivalent to about a 40 to 45-page typewritten brief, single spaced.

The Commission favors the double-spacing requirement because it will make for easier reading of typewritten briefs. Since any party may submit its brief in typewritten or printed form, however, we see no objection to increasing the page limitations for typewritten briefs. Accordingly, Rule § 3.52 is amended to require that all briefs on appeal that are submitted in typewritten form be double-spaced and to allow for approximately 50 percent more pages for typewritten briefs than for printed briefs. A provision has also been added, which limits the number of characters in both printed and typewritten briefs to 10 characters per inch, including spaces.

The Assistant Regional Director also observes that proposed Rule § 3.52, unlike the current rule, fails to specify that the page limitations on briefs include appendices. Appendices should be included; the rule is amended accordingly.

Finally, he recommends that the Commission not adopt the proposed rule amendments relating to service by first-class mail. Under the proposed amendments to Rule § 4.4, a document served by first-class mail would be deemed served from the day of mailing (as opposed to the day of delivery, under the current rule); and proposed Rule § 4.3(c) would add three days to the time periods prescribed for response to a document served by first-class mail. The Assistant Regional Director's concern is that any delay in mail delivery longer than three days would automatically reduce the amount of time available for response to a document served by mail. Any unfairness caused by a delay in mail delivery can normally be cured by a grant of extension of time for responding, however. Treating service of a document as complete upon mailing will, moreover, better enable the Commission to monitor the due-dates of responses to documents served during adjudicative proceedings. The Commission has determined, however, to amend §§ 4.3(c) and 4.4 to make clear that these special provisions with respect to service apply only to documents served in adjudicative proceedings under Part III of the Commission's Rules of Practice. Section 4.4(c) is also amended to limit the requirement of proof of service to parties in adjudicative proceedings other than complaint counsel; because the Secretary's Office will continue to serve all documents authored by complaint counsel, a certification of service is not required for those documents.

List of Subjects

16 CFR Part 3

Administrative practice and procedure, Claims, Equal access to justice.

16 CFR Part 4

Administrative practice and procedure, Freedom of information, Privacy, Sunshine Act.

For these reasons, Part 3, Subpart F, § 3.52, and Part 4, §§ 4.2, 4.3, and 4.4 of Chapter I of Title 16, Code of Federal Regulations, are amended as follows:

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

1. The authority citation for 16 CFR Part 3 continues to read as follows:

Authority: 15 U.S.C. 46(g).

1a. Section 3.52 is revised by redesignating paragraphs (f), (g), and (h) as paragraphs (h), (i), and (j), respectively; by revising paragraphs (a) through (e) and by adding new paragraphs (f) and (g), to read as follows:

§ 3.52 Appeal from initial decision.

(a) *Who may file; notice of intention.*—Any party to a proceeding may appeal an initial decision to the Commission by filing a notice of appeal with the Secretary within 10 days after service of the initial decision. The notice shall specify the party or parties against whom the appeal is taken and shall designate the initial decision and order or part thereof appealed from. If a timely notice of appeal is filed by a party, any other party may thereafter file a notice of appeal within 5 days after service of the first notice, or within 10 days after service of the initial decision, whichever period expires last.

(b) *Appeal brief.*—The appeal shall be in the form of a brief, filed within 30 days after service of the initial decision, and shall contain, in the order indicated, the following:

(1) A subject index of the matter in the brief, with page references, and a table of cases (alphabetically arranged), textbooks, statutes, and other material cited, with page references thereto;

(2) A concise statement of the case;

(3) A specification of the questions intended to be urged;

(4) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the record and the legal or other material relied upon; and

(5) A proposed form of order for the Commission's consideration instead of the order contained in the initial decision.

The brief shall not, without leave of the Commission, exceed 60 pages, if printed, or 90 pages, if typewritten, including any appendices but exclusive of pages containing the table of contents, tables of authorities and any addendum containing statutes, rules and regulations.

(c) *Answering brief.* Within 30 days after service of the appeal brief, the appellee may file an answering brief, which shall contain a subject index, with page references, and a table of cases (alphabetically arranged), textbooks, statutes, and other material cited, with page references thereto, as well as arguments in response to the appellant's appeal brief. However, if the appellee is also cross-appealing, its answering brief shall also contain its

arguments as to any issues the party is raising on cross-appeal, including the points of fact and law relied upon in support of its position on each question, with specific page references to the record and legal or other material on which the party relies in support of its cross-appeal, and a proposed form of order for the Commission's consideration instead of the order contained in the initial decision. If the appellee does not cross-appeal, its answering brief shall not, without leave of the Commission, exceed 60 pages, if printed, or 90 pages, if typewritten. If the appellee cross-appeals, its brief in answer and on cross-appeal shall not, without leave of the Commission, exceed 105 pages, if printed, or 160 pages, if typewritten. The page limitations of this paragraph include any appendices but are exclusive of pages containing the table of contents, tables of authorities, and any addendum containing statutes, rules and regulations.

(d) *Reply brief.* Within 7 days after service of the appellee's answering brief, the appellant may file a reply brief, which shall be limited to rebuttal of matters in the answering brief and shall not, without leave of the Commission, exceed 60 pages, if printed, or 90 pages, if typewritten. However, if the appellee has cross-appealed, any appellant who is the subject of the cross-appeal may, within 30 days after service of such appellee's brief, file a reply brief, which shall be limited to rebuttal of matters in the appellee's brief and shall not, without leave of the Commission, exceed 75 pages, if printed, or 115 pages, if typewritten. If the appellee has cross-appealed, any party who is the subject of the cross-appeal, other than an appellant may, within 30 days after service of the appellee's brief, file a reply brief which shall be limited to rebuttal of matters raised by the appellee's cross-appeal with respect to the party and shall not, without leave of the Commission, exceed 60 pages if printed, or 90 pages, if typewritten. The appellee who has cross-appealed may, within 7 days after service of a reply to its cross-appeal, file an additional brief, which shall be limited to rebuttal of matters in the reply to its cross-appeal and shall not, without leave of the Commission, exceed 30 pages, if printed, or 45 pages, if typewritten. The page limitations of this paragraph include any appendices but are exclusive of pages containing the table of contents, tables of authorities, and any addendum containing statutes, rules, and regulations. No further briefs may be filed except by leave of the Commission.

(e) *Form of briefs.* Briefs may be produced by standard typographic printing or by any duplicating or copying process which produces a clear black image on white paper. All printed matter must appear in the least 11 point type on opaque, unglazed paper. Briefs produced by the standard typographic process shall be bound in volumes having pages 6⅛ by 9¼ inches and type matter 4⅛ by 7⅛ inches. Those produced by any other process shall be bound in volumes having pages not exceeding 8½ by 11 inches and type matter not exceeding 6½ by 9½ inches, with double spacing between each line of text. Footnotes and quoted material within the text may be single-spaced. Both printed and typewritten briefs shall contain no more than 10 characters (including spaces) per inch.

(f) *Signature.* (1) The original of each brief filed shall have a hand-signed signature by an attorney of record for the party, or in the case of parties not represented by counsel, by the party itself, or by a partner if a partnership, or by an officer of the party if it is a corporation or an unincorporated association.

(2) Signing a brief constitutes a representation by the signer that he or she has read it, that to the best of his or her knowledge, information, and belief, the statements made in it are true, and that it is not interposed for delay. If a brief is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false and the proceeding may go forward as though the brief has not been filed.

(g) *Designation of appellant and appellee in cases involving cross-appeals.* In a case involving an appeal by complaint counsel and one or more respondents, any respondent who has filed a timely notice of appeal and as to whom the administrative law judge has issued an order to cease and desist shall be deemed an appellant for purposes of paragraphs (b), (c), and (d) of this rule. In a case in which the administrative law judge has dismissed the complaint as to all respondents, complaint counsel shall be deemed the appellant for purposes of paragraphs (b), (c), and (d) of this rule.

PART 4—RULES OF PRACTICE MISCELLANEOUS RULES

2. The authority citation for 16 CFR Part 4 continues to read as follows:

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46, unless otherwise noted.

2a. Section 4.2(d)(2) is revised to read as follows:

§ 4.2 Requirements as to form, and filing of documents.

* * * * *

(d) *Form.* * * *

(2) Briefs filed on an appeal from an initial decision shall be in the form prescribed by § 3.52(e).

3. Section 4.3(c) is added to read as follows:

§ 4.3 Time.

* * * * *

(c) *Additional time after service by mail.* Whenever a party in an adjudicative proceeding under Part III of the rules is required or permitted to do an act within a prescribed period after service of a paper upon it and the paper is served by first-class mail pursuant to § 4.4(a)(3) or § 4.4(b), 3 days shall be added to the prescribed period.

4. Section 4.4 is revised to read as follows:

§ 4.4 Service.

(a) *By the Commission.*

(1) Service of complaints, initial decisions, final orders and other processes of the Commission under 15 U.S.C. 45 may be effected as follows:

(i) *By registered or certified mail.* A copy of the document shall be addressed to the person, partnership, corporation or unincorporated association to be served at his, her or its residence or principal office or place of business, registered or certified, and mailed; service under this provision is complete upon delivery of the document by the Post Office; or

(ii) *By delivery to an individual.* A copy therof may be delivered to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation or unincorporated association to be served; service under this provision is complete upon delivery as specified herein; or

(iii) *By delivery to an address.* A copy thereof may be left at the principal office or place of business of the person, partnership, corporation, or unincorporated association, or it may be left at the residence of the person or of a member of the partnership or of an executive officer or director of the corporation, or unincorporated association to be served; service under this provision is complete upon delivery as specified herein.

(2) All other orders and notices, including subpoenas, orders requiring access, orders to file annual and special reports, and notices of default, may be served by any method reasonably certain to inform the affected person, partnership, corporation or

unincorporated association, including any method specified in paragraph (a)(1), except that civil investigative demands may only be served in the manner provided by section 20(c)(7) of the FTC Act (in the case of service on a partnership, corporation, association, or other legal entity) or section 20(c)(8) of the FTC Act (in the case of a natural person). Service under this provision is complete upon delivery by the Post Office or upon personal delivery.

(3) All documents served in adjudicative proceedings under Part III of the Commission's Rules of Practice other than complaints and initial, interlocutory, and final decisions and orders may be served by personal delivery or by first-class mail and shall be deemed served on the day of personal delivery or the day of mailing.

(4) When a party has appeared in a proceeding by an attorney, service on that individual of any document pertaining to the proceeding other than a complaint shall be deemed service upon the party. However, service of those documents specified in paragraph (a)(1) of this section shall first be attempted in accordance with the provision of paragraphs (a)(1) (i), (ii), and (iii) of this section.

(b) *By other parties.* Service of documents by parties other than the Commission shall be by delivering copies thereof as follows: Upon the Commission, by personal delivery or delivery by first-class mail to the Office of the Secretary of the Commission and, in adjudicative proceedings under Part III of the Commission's Rules of Practice, to the Assistant Director in the Bureau of Competition, the Associate Director in the Bureau of Consumer Protection, or the Director of the Regional Office of complaint counsel. Upon a party other than the Commission or Commission counsel, service shall be by personal delivery or delivery by first-class mail. If the party is an individual or partnership, delivery shall be to such individual or a member of the partnership; if a corporation or unincorporated association, to an officer or agent authorized to accept service of process therefor. Personal service includes handling the document to be served to the individual, partner, officer, or agent; leaving it at his or her office with a person in charge thereof; or, if there is no one in charge or if the office is closed or if the party has no office, leaving it at his or her dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Documents served in adjudicative proceedings under Part III of the Commission's Rules of Practice shall be deemed served on the day of personal service or the day of mailing. All other documents shall be deemed served on the day of personal service or on the day of delivery by the Post Office.

(c) *Proof of service.* In an adjudicative proceeding under Part III of the Commission's Rules of Practice, papers presented for filing by a party respondent or intervenor shall contain an acknowledgment of service by the person served or proof of service in the form of a statement of the date and manner of service and of the names of the person served, certified by the person who made service. Proof of service may appear on or be affixed to the papers filed.

By direction of the Commission, dated July 1, 1985.

Emily H. Rock,

Secretary.

[FR Doc. 85-16149 Filed 7-9-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Temporary Placement of 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP) and 1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine (PEPAP) Into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: The Acting Administrator of the Drug Enforcement Administration (DEA) is issuing this notice to temporarily place 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP) and 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP) into Schedule I of the Controlled Substances Act (CSA) pursuant to the emergency scheduling provisions of the CSA. This action is based on a finding that the scheduling of MPPP and PEPAP in Schedule I is necessary to avoid an imminent hazard to the public safety and on a recommendation from the Acting Assistant Secretary for Health, Department of Health and Human Services. This action will impose the criminal sanctions and regulatory controls of Schedule I on the manufacture, distribution and possession of MPPP and PEPAP.

EFFECTIVE DATE: On August 12, 1985 MPPP and PEPAP will be subject to Schedule I control.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

The Comprehensive Crime Control Act of 1984 (Pub. L. 98-473) which was signed into law on October 12, 1984, amended section 201 of the CSA (21 U.S.C. 811) to give the Attorney General the authority to temporarily place a substance into Schedule I of the CSA if he finds that such action is necessary to avoid an imminent hazard to the public safety. A substance may be scheduled under the emergency provisions of the CSA if that substance is not listed in any other schedule under section 202 of the CSA (21 U.S.C. 812) or if there is no approval or exemption in effect under 21 U.S.C. 355 for the substance. The Attorney General has delegated his authority under 21 U.S.C. 811 to the Acting Administrator of the Drug Enforcement Administration (28 CFR 0.100(b)).

As required by section 201(h)(4) of the CSA (21 U.S.C. 811(m)(4)), the Acting Administrator has notified the Secretary of Health and Human Services of his intention to place MPPP and PEPAP into Schedule I pursuant to the emergency scheduling provisions. Such action may not take effect until the expiration of thirty days after DEA notifies the Secretary and after a notification is published by DEA in the **Federal Register.**

In making a finding of an imminent hazard to the public safety, the Attorney General is required to consider only those factors set forth in paragraphs (4) the history and current pattern of abuse, (5) the scope, duration and significance of abuse, and (6) what, if any risk there is to the public health, of section 201(c) of the CSA (21 U.S.C. 811(c)).

House Report 98-835 which accompanied Public Law 98-473 states that "This new procedure [emergency scheduling] is intended by the Committee to apply to what has been called 'designer drugs,' new chemical analogs or variations of existing controlled substances, or other new substances, which have a psychedelic, stimulant or depressant effect and have high potential for abuse." The report specifies that MPPP, which is similar to meperidine (Demerol), is an example of such a substance. This report goes on to

say that "* * * The ability to establish controls on MPPP, if its production for drug abuse were to be encountered more often, would be important to protect the public health and to prosecute those who wantonly risk the public health." Clearly, this situation envisioned by Congress has occurred. Analogs of the synthetic narcotic analgesic, meperidine (Demeral), including MPPP and PEPAP, are examples of the "designer drugs" which Congress intended to subject to the emergency scheduling authority as imminent hazards to the public safety.

1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP) and 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP) are reversed ester analogs of the Schedule II synthetic narcotic analgesic, meperidine (pethidine, Demerol). Analgesic screening tests in rats and mice indicate that MPPP and PEPAP are meperidine-like opiate analgesics. The analgesic potency of MPPP, as measured after intravenous and subcutaneous administration in rats and mice, ranged from 5 to 30 times that of meperidine on a molar basis. Toxicity studies using subcutaneous administration in mice yielded an LD_{50} for MPPP of 40 mg/kg compared to an LD_{50} for meperidine of 196 mg/kg. The analgesic potency of PEPAP, as measured after subcutaneous administration in mice and rats, ranged from 12 to 72 times that of meperidine on a molar basis. DEA is unaware of any legitimate medical use or manufacture of MPPP and PEPAP in the United States.

MPPP and PEPAP can be synthesized via the appropriate piperidional intermediates. These intermediates are very susceptible to dehydration to the corresponding 1-alkyl-4-aryl-1,2,5,6-tetrahydropyridines. In the case of the MPPP synthesis, the by-product, 1-methyl-4-phenyl-1,2,5,6-tetrahydropyridine (MPTP), is also formed unless reaction conditions are carefully controlled; the PEPAP synthesis also yields 1-(2-phenylethyl)-4-phenyl-1,2,5,6-tetrahydropyridine (PEPTP). It has been determined that MPTP is a neurotoxic substance which induces a permanent Parkinsonian syndrome in man and nonhuman primates. This Parkinsonian syndrome has been identified in individuals who were exposed to MPTP as an impurity in the narcotic substance MPPP or accidently in an industrial setting. It is not known at this time whether PEPTP produces a similar neurotoxicity. Although careful synthetic procedures could eliminate the unwanted by-products, MPTP and PEPTP, the samples of clandestinely produced MPPP and PEPAP analyzed by forensic laboratories have invariably contained quantities of MPTP and PEPTP.

The abuse of MPPP was first reported in 1976 in the Washington, D.C. area when a 23 year old male was referred to the National Institute of Mental Health (NIMH) for evaluation after exhibiting symtoms of Parkinson's Disease. He was a known drug abuser and had used the meperidine analog, MPPP. This individual synthesized MPPP and reported that intravenous and intramuscular use of MPPP produced an opiate-like high and other subjective effects similar to those of meperidine. He subsequently produced more MPPP but altered the reaction conditions. Intravenous use of MPPP from these later batches resulted in his hospitalization with Parkinsonian symptoms. Duplication of his synthesis by researchers produced MPPP, MPHP (N-methyl-4-phenyl-4-hydroxy-piperidine) and MPTP (1-methyl-4-phenyl-1,2,5,6-tetrahydropyridine). Subsequent studies showed that MPTP was responsible for the production of the Parkinsonian syndrome.

DEA laboratories analyzed six exhibits of MPPP in 1982 from Monterey and Santa Clara Counties in California. All exhibits were clandestinely produced, contained MPTP and were obtained from individuals who were hospitalized with a Parkinsonian syndrome. By the summer of 1983, neurologists at the Santa Clara Valley Medical Center reported that they were treating seven individuals for a Parkinsonian syndrome after their intravenous use of MPPP contaminated with MPTP. Scientists at the National Institute of Mental Health tested MPTP in monkeys and succeeded in producing Parkinsonism in these animals. MPPP has been sold on the street as synthetic heroin. Interviews with narcotics users indicate that many may have been unknowingly exposed to MPPP/MPTP or other meperidine analogs. Not all of these individuals immediately developed Parkinsonian symptoms. Parkinsonian's Disease is associated with a decrease in the number of dopaminergic neurons in the substantia nigra greater than that accompanying normal aging. Since MPTP also decreases the number of dopaminergic neurons in the substantia nigra, it is unlikely that more MPTP exposed individuals may develop Parkinsonism as their dopaminergic neurons further decrease with age.

Physicians at the University of British Columbia in Vancouver, Canada reported another case of MPIP-induced Parkinsonism after abuse of MPPP. An individual has prepared MPPP and snorted it daily for seven days prior to developing Parkinsonian symptoms. Analysis of the material which he had taken revealed the presence of MPPP, MPTP and the piperidinol intermediate.

Although forensic laboratories have not detected MPPP/MPTP in the illicit drug traffic since 1982, there is considerable evidence that MPPP/MPTP or other meperidine analogs have been available since that time and are currently available. Raids of clandestine laboratories producing methamphetamine near Jamul, California in September, 1984 and April, 1985 by DEA yielded copies of the typewritten synthesis of MPPP, literature references to the synthesis of meperidine analogs and, at the 1985 laboratory, precursors to produce MPPP. Additionally, in October, 1984, DEA seized a large-scale PCP laboratory in Brownsville, Texas which was in the process of making an intermediate which could have been converted into PEPAP. Analysis of the reaction mixture found at the laboratory showed that 1-(2-phenylethyl)-4-phenyl-piperidinol (intermediate in the synthesis of PEPAP) and 1-(2-phenylethyl)-4-phenyl-1,2,5,6-tetrahydropyridine (PEPTP, dehydration by-product) were present. In March, 1985 a DEA laboratory reported the identification of PEPAP and PEPTP in a sample confiscated by the Hayward Police Department in Alameda County, California.

In January, 1985, the Centers for Disease Control (CDC), Department of Health and Human Services, in conjunction with the State of California and the Santa Clara Valley Medical Center in San Jose, California, began an interview program to locate persons who may have used MPPP/MPTP. By letter dated April 12, 1985, DEA Acting Administrator John C. Lawn requested that Dr. James Mason, Acting Assistant Secretary for Health, provide DEA with the results of the CDC study and an evaluation of the study data relevant to a determination of the current or recent availability of MPPP/MPTP. Dr. Mason responded by letter dated May 28, 1985, that the evidence available suggests that meperidine analogs are currently available in California. The CDC found that a number of interviewees reported the use of a substance after 1982 which produced symptoms identical to those produced by acute MPPP/MPTP exposure. Specifically, 24 interviewees reported the use of such a substance in 1983, 31 in 1984 and 9 in 1985. Additionally, the CDC reports that trained staff at drug treatment clinics in Los Angeles, San Diego, and Fresno, California have reported seeing classical

signs and symptoms of meperidine analog use in clients. Narcotic users interviewed in San Francisco, Oakland and Salinas, California also report that meperidine analogs are currently available. In his letter, Dr. Mason stated that "We believe that . . . meperidine analogs are currently available in California. Due to the known severe, irreversible toxic effect of MPTP/MPPP and total lack of any known health benefit associated with these substances, I encourage you to consider exercising whatever authorities are available to you to control these substances, including your Emergency Scheduling authority to place them in Schedule I of the Controlled Substances Act."

The intravenous use of clandestinely produced narcotics in general, and the meperidine analogs, MPPP and PEPAP in particular, pose substantial risks to the public health and safety. The presence of the neurotoxin, MPTP, as a by-product in clandestinely produced MPPP, multiplies the public health and safety hazards attendant to the use of MPPP. The continued availability, use and possible spread of the use of meperidine analogs, particularly MPPP, will undoubtedly result in the development of a chronic irreversible and progressive parkinsonian syndrome in many more individuals either immediately after use or some later time. Although PEPTP, the PEPAP by-product, has a chemical structure similar to that of MPTP, it is not yet known whether PEPTP will produce toxic effects similar to those produced by MPTP. Nevertheless, the current availability and use of PEPAP as a drug of abuse, its lack of any known accepted medical use and its possible toxicity, warrant immediate action to prevent further risk to the public health and safety.

The data described above show that the production, distribution and use of meperidine analogs, specifically MPPP and PEPAP, continue to pose a very serious hazard to the public health and safety. The use of MPPP in Washington, D.C., California and British Columbia, Canada as well as the attempted synthesis of PEPAP in Texas and its identification in California indicates that the use of MPPP and PEPAP is not an isolated phenomenon. There is a potential for the production, distribution and use of these substances along with their attendant health and safety hazards, to spread to other areas of the United States.

In accordance with the provisions of section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100, the Acting Administrator has considered the following factors described in section 201(c) of the CSA (21 U.S.C. 811(c)) relative to making a determination of whether MPPP and PEPAP each pose an imminent hazard to the public safety:

(4) Its history and current pattern of abuse.

(5) The scope, duration and significance of abuse.

(6) What, if any, risk there is to the public health.

Based on a consideration of these factors, the recommendation of the Acting Assistant Secretary for Health, and in light of the current availability and abuse of MPPP, PEPAP and their by-products MPTP and PEPTP, the neurotoxicity of MPTP, and the possible neurotoxicity of PEPTP, the Acting Administrator, pursuant to section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100, finds that scheduling MPPP and PEPAP in Schedule I of the CSA, at least on a temporary basis, is necessary to avoid an imminent hazard to the public safety.

The Acting Administrator has transmitted notice of his intention to temporarily place MPPP and PEPAP into Schedule I of the CSA to the Secretary of Health and Human Services. Comments submitted by the Secretary in response to the notification, including whether there is an exemption or approval in effect for MPPP or PEPAP under the Federal Food, Drug and Cosmetic Act, shall be taken into consideration by the Acting Administrator before the notice becomes effective.

Pursuant to the provisions of section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100, the Acting Administrator hereby orders that on August 12, 1985 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts and salts of isomers, and 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts and salts of isomers, be placed into Schedule I of the CSA (21 U.S.C. 801 et seq.) unless the Acting Administrator gives notice in the **Federal Register** that this order is rescinded prior to August 12, 1985.

PART 1308—[AMENDED]

List of Subjects in 21 CFR Part 1308

Prescription drugs.

For the reasons set forth above, 21 CFR 1308.11(g) is amended as follows:

1. The authority citation for 21 CFR Part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b).

2. Sections 1308.11(g)(3) and (4) are added to read as follows:

§1308.11 Schedule I.

* * * * *

(g) * * *

(3) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts and salts of isomers 9661

(4) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts and salts of isomers 9663

* * * * *

The temporary placement of MPPP and PEPAP in Schedule I under section 201(h) of the CSA (21 U.S.C. 811(h)) will expire at the end of one year from the effective date of this order. If a rulemaking proceeding to schedule MPPP or PEPAP under the CSA has been initiated pursuant to section 201(a) of the CSA (21 U.S.C. 811(a)) and is pending, the temporary scheduling of MPPP or PEPAP may be extended for up to six months.

This action is not a formal rulemaking procedure as set forth in the Administrative Procedures Act (5 U.S.C. 551–559) and the opportunity for a hearing on the record is not required. Nevertheless, the Acting Administrator affords the opportunity for comments to be submitted concerning this matter. Comments should be submitted in quintuplicate to the Acting Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: Federal Register Representative.

All regulations and criminal sanctions applicable to Schedule I substances are effective on August 12, 1985 with respect to MPPP and PEPAP. However, individuals registered with DEA in accordance with Part 1301 or 1311 of Title 21 of the Code of Federal Regulations and who currently possess MPPP or PEPAP may continue to do so pending DEA's receipt of an amended registration application no later than September 9, 1985.

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports MPPP or PEPAP, or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* MPPP and PEPAP must be manufactured, distributed and stored in accordance with §§ 1301.71—1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and Packaging.* All labels and labeling for commercial containers

of MPPP and PEPAP must comply with the requirements of §§ 1302.03—1302.05, 1302.07 and 1302.08 of Title 21 of the Code of Federal Regulations.

4. *Quotas.* All persons required to obtain quotas for MPPP or PEPAP shall submit applications pursuant to §§ 1302.12 and 1302.22 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records and who possesses any quantity of MPPP or PEPAP shall take an inventory pursuant to §§ 1304.11—1304.19 of Title 21 of the Code of Federal Regulations of all stocks of this substance on hand.

6. *Records.* All registrants required to keep records pusuant to §§ 1304.21—1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding MPPP and PEPAP.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.37—1304.41 of Title 21 of the Code of Federal Regulations shall do so regarding MPPP and PEPAP.

8. *Order Forms.* All registrants involved in the distribution of MPPP or PEPAP shall comply with the order form requirements of § 1305.01—1305.16 of Title 21 of the Code of Federal Regulations.

9. *Importation and Exportation.* All importation and exportation of MPPP and PEPAP shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* Any activity with respect to MPPP or PEPAP not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act occurring on or after August 12, 1985 is unlawful.

Pursuant to 5 U.S.C. 605(b), the Acting Administrator certifies that the temporary placement of MPPP and PEPAP into Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354). This action involves the temporary control of substances with no legitimate medical use or manufacture in the United States.

It has been determined that the temporary placement of MPPP and PEPAP in Schedule I of the GSA under the emergency scheduling provisions is a statutory exception to the requirements of Executive Order 12291 (46 FR 13193).

Date: July 5, 1985.

John C. Lawn,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 85–16491 Filed 7–9–85; 8:45 am]

BILLING CODE 4410–09–M

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is making a change in the wording of one of the conditions contained in 28 CFR 2.40, Conditions of Release. That condition, 28 CFR 2.40(a)(11), prohibits parolees from possessing firearms or other dangerous weapons and also contains language concerning securing permission to possess such items. The Parole Commission has determined that, since general provisions for the modification of parole release conditions are contained already at 28 CFR 2.40 (b) and (e), it would be clearer and would avoid confusion to rewrite the condition to include only the prohibitory language. Details as to modification (or waiver) of this condition can be added, as necessary, to the procedures that accompany the rules on modification.

EFFECTIVE DATE: October 1, 1985.

FOR FURTHER INFORMATION CONTACT: Alan J. Chaset, Deputy Director of Research and Program Development, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Telephone (301) 492–4980.

SUPPLEMENTARY INFORMATION: Currently the U.S. Parole Commission imposes several conditions on every grant of parole, conditions deemed necessary to provide adequate supervision and to protect the public welfare. The Commission has amended one of the conditions at 28 CFR 2.40 by changing the language prohibiting a parolee's possessing firearms or other dangerous weapons. The new language maintains the prohibition but removes the discussion of the waiver of this prohibition. Several United States Probation Officers had reported that the former wording of the condition was misleading and confusing, causing some parolees to conclude that permission to carry firearms could be granted by the Parole Commission even in the face of contrary federal, state or local law.

Modification of the release conditions may be made by the Commission, or a member thereof, on its own motion, pursuant to 28 CFR 2.40(b). Requests for modification may be made by the U.S. Probation Officer supervising the parolee, also pursuant to 28 CFR 2.40(b), or by the parolee himself, pursuant to 28 CFR 2.40(e). The Commission has determined that these rules that provide generally for modification are sufficient to govern the exceptional circumstances where a parolee can secure permission to possess a firearm or other dangerous weapon. Any details concerning such a modification can be added, as necessary, to the procedures that accompany the rules.

This rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 2

Administrative practice and procedures, Prisoners, Probation and parole.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 is revised to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. 28 CFR 2.40, Conditions of Release, is amended by revising paragraph (a)(11) to read as follows:

§ 2.40 Conditions of release.

(a) * * *

(11) The parolee shall not possess a firearm or other dangerous weapon.

* * * * *

Dated: June 19, 1985.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 85–16362 Filed 7–9–85; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF EDUCATION

Office of Inspector General

34 CFR Part 19

National Security Information; Handling Classified Information

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the existing regulations in 34 CFR Part 19—National Security Information Procedures to comply with the procedural requirements of Executive

Order 12356, "National Security Information."

The amendments are necessary in order to identify Executive Order 12356 and the Information Security Oversignt Office's (ISOO) Directive No. 1 as the basis for these regulations, and to revise and retitle § 19.14, relating to declassification procedures. Section 19.14 informs members of the public of the procedures to be followed in submitting requests for mandatory review for declassification and establishes internal processing and disposition procedures for such requests.

EFFECTIVE DATE: These regulations are effective on July 10, 1985.

FOR FURTHER INFORMATION CONTACT: Joyann B. Koustenis, Security Officer, Room 4124, M.E.S. Bldg., 330 C Street SW., Washington, D.C. 20202, Telephone: (202) 472-2410.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 12356, "National Security Information," effective on April 2, 1982, requires that agencies which handle classified information promulgate regulations identifying the information to be protected, prescribe classification, downgrading, declassification and safeguarding procedures, and establish a monitoring system to ensure compliance. The Executive Order further requires that those portions of the regulations which affect members of the public be published in the **Federal Register.**

The Department of Education's Role With Classified Information

The Department of Education does not have original classification authority; however, it receives information classified by other agencies. These regulations establish procedures for handling such information. The Office of Inspector General is required to develop and direct a Department-wide monitoring system to ensure effective implementation of Executive Order 12356. This includes, but is not limited to: (1) Designating certain Department officials as custodians of all classified information; (2) developing an effective security education program that familiarizes employees with the requirements of the Order; and (3) establishing procedures for mandatory declassification review requests.

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations.

However, publication of this document as a proposed rule for public comment is not required under 5 U.S.C. 553(b)(A) since the regulations relate only to agency procedures. Further, since these regulations are not substantive, they do not require a delayed effective date under 5 U.S.C. 553(d).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria established in the Order for major regulations.

List of Subjects in 34 CFR Part 19

Classified information.

(Catalog of Federal Domestic Assistance number not applicable)

Dated: July 5, 1985.

William J. Bennett,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by revising Part 19 as follows:

PART 19—NATIONAL SECURITY INFORMATION PROCEDURES

1. The authority citation for Part 19 is revised to read as follows:

Authority: Executive Order 12356.

2. In §§ 19.1, 19.11, and 19.15, "12065" is removed wherever it appears and "12356" is inserted in its place.

3. In § 19.12, paragraph (a) is revised to read as follows:

§ 19.12 Reproduction controls.

(a) Reproduction of classified material within the Department of Education must be in compliance with Executive Order 12356, Section 4-1.

* * * * *

4. In § 19.13, paragraph (b)(1) is revised to read as follows:

§ 19.13 Storage.

* * * * *

(b) * * *

(1) The combination must be changed as required by the June 25, 1982 Information Security Oversight Office's (ISOO) Directive No. 1, Section 2001.43.

* * * * *

5. Section 19.14 is revised to read as follows:

§ 19.14 Mandatory review for declassification.

(a) *Requests.* Request for mandatory review of national security information must be in writing and addressed to the Assistant Inspector General for Investigation, Office of Inspector General, U.S. Department of Education, L'Enfant Plaza Station, P.O. Box 23458, Washington, D.C. 20026.

(b) *Mandatory review.* Information is subject to mandatory review by the originating agency if—

(1) The request is made by a U.S. citizen or permanent resident alien, a Federal agency, or a State or local government; and

(2) The request describes the document or material containing the information with sufficient specificity to enable the Department to locate it with a reasonable amount of effort.

(c) *Exemptions from mandatory review.* Information originated by a President, the White House staff, by committees, commissions, or boards appointed by the President, or others specifically providing advice and counsel to a President or acting on behalf of a President, is exempted from mandatory review for declassification.

(d) *Processing requirements.* The Department of Education does not have original classification authority. Any classified information or materials in its custody are classified by another agency. The Department refers copies of the request and the requested documents to the originating agency for processing, and may, after consultation with the originating agency, inform the requester of the referral.

(e) *Fees.* The Department may charge fees for search and review time required to process the request and for reproduction costs. These fees are charged in accordance with 31 U.S.C. 483a.

[FR Doc. 85-16402 Filed 7-9-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 15

[Federal Acquisition Circular 84-10]

Federal Acquisition Regulation; Correction

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

ACTION: Interim rule; correction.

SUMMARY: This document corrects § 15.813-1, Policy, of the interim rule published in the **Federal Register** on Wednesday, July 3, 1985 (50 FR 27560).

DATES: The period of comment is extended to August 9, 1985.

ADDRESS: Interested parties should submit written comments to: General Services Administration, ATTN: FAR Secretariat (VR), 18th & F Streets, N.W., Room 4041, Washington, D.C. 20405.

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

In FR Doc. 85-15989 issued Wednesday, July 3, 1985, make the following correction:

1. Section 15.813-1 is corrected to read as follows:

15.813-1 Policy.

The Government should not purchase items of supply offered for sale to the public at a price that exceeds the lowest price at which such items are sold by the contractor unless the price difference is clearly justified by the seller or unless exempt under 15.813-3. To this end, 10 U.S.C. 2323 and 41 U.S.C. 253e require an offeror to certify that the price offered is not more than its lowest commercial price or to submit a written statement specifying the amount of any difference and providing justification for that difference.

Dated: July 3, 1985.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

[FR Doc. 85-16398 Filed 7-9-85; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

[Docket No. 30519-89]

Shrimp Fishery of the Gulf of Mexico

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

ACTION: Notice of adjustment to Texas closure.

SUMMARY: NOAA opens the fishery conservation zone off Texas to trawl fishing for shrimp at 30 minutes after sunset on July 8, 1985, earlier than that scheduled by the Texas closure provisions (May 20, 1985, through July 15, 1985). This action is prescribed by existing regulations, and its intended effect is to allow harvest of brown shrimp at optimal commercial size.

EFFECTIVE DATE: The opening is effective at 30 minutes after sunset on July 8, 1985. Public notice has been issued at least 24 hours prior to the opening as required under 50 CFR 658.24.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, National Marine Fisheries Service, Southeast Regional Office, Fishery Operations Branch, 9450 Koger Boulevard, St. Petersburg, Florida 33702, telephone number: 813-893-3723.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico provides for adjustments to the closing and opening dates for the seasonal closure of the fishery conservation zone off Texas. Implementing rules at 50 CFR 658.24 describe the Texas closure and specify that these adjustments be made by the Regional Director under criteria set out in that section. NOAA adjusted the Texas closure on May 20, 1985 (50 FR 20912), based upon these specified criteria.

Available information and estimates indicate that an early opening is warranted and desirable. Biological data collected by the Texas Parks and Wildlife Department on the size of shrimp indicate that shrimp within the closed area have reached an average size which supports the early opening, and a period of strong tidal activity begins on July 8.

Other Matters

This action is taken under the authority of 50 CFR 658.24, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 658

Fisheries.

(16 U.S.C. 1801 *et seq.*)

Dated: July 5, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 85-16394 Filed 7-5-85; 2:03 pm]

BILLING CODE 3510-22-M

50 CFR Part 674

[Docket No. 50694-5094]

High Seas Salmon Fishery Off Alaska; Correction

AGENCY: National Marine Fisheries Services (NMFS), NOAA, Commerce.

ACTION: Final rule; correction.

SUMMARY: This document corrects two omissions in the regulatory text portion of the final rule for the High Seas Salmon Fishery Off Alaska that was published June 18, 1985, at 50 FR 25247.

FOR FURTHER INFORMATION CONTACT: Aven M. Anderson (Fishery Management Biologist, NMFS), 907-586-7229.

(16 U.S.C. 3631 *et seq;* 16 U.S.C. 1801 *et seq.*)

Dated: July 3, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

§ 674.21 [Corrected]

The correction is made in FR Doc. 85-14611, page 25248, column 3. Paragraph (a)(2)(ii) is corrected to read "All salmon species—0001 hours July 15 until the combined commercial and recreational harvest reaches the harvest limit of chinook salmon," and paragraph (a)(2)(iii) is corrected to read "All salmon species but chinook—from the time the combined commercial and recreational harvest reaches the harvest limit of chinook salmon until 2400 hours September 20."

[FR Doc. 85-16393 Filed 7-9-85; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 132
Wednesday, July 10, 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

Federal Grain Inspection Service

7 CFR Part 800

Fees for Supervision of Official Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) proposes to reduce fees by approximately 40 percent for the supervision of inspection and weighing services performed by agencies. The proposed fee reduction is intended to reduce the level of applicable operating reserves. FGIS also is proposing to establish fees to recover the costs incurred for supervision of agencies performing Class Y weighing services and to clarify the fee schedule by consolidating the fees for protein and oil analyses under the category "official criteria." These proposed changes would clarify, update, and simplify the fee schedule.

DATES: Comments must be submitted on or before August 9, 1985.

ADDRESSES: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Management Branch, Rm, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382-1738. All comments received will be made available for public inspection at the above office during regular business hours (7 CFR 1.27(b)). A summary of comments received on this proposal will be published with the final rule.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address as above, telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. This action has been classified as nonmajor because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the official inspection and weighing services and those entities that perform these services do not meet the requirements for small entities. FGIS is required by statute to make services available and to cover the estimated costs of providing such services. Moreover, this proposed action, in part, would reduce applicable fees.

Supervision Fees for Official Services

The United States Grain Standards Act, as amended, (7 U.S.C. 71 *et seq.*) requires that delegated States and designated official agencies pay fair and reasonable fees to cover the estimated costs to FGIS to supervise these agencies.

A final rule was made effective August 1, 1984 (49 FR 26560), which, in part, reduced the fees for FGIS supervision of inspection and weighing of delegated States and designated official agencies by approximately 35%. This reduction in fees was intended to bring revenues more in line with FGIS costs while, at the same time, gradually reducing the level of operating reserves for these two programs. Since that time, FGIS has carefully monitored the level of these fees in light of current program costs and revenues, including applicable operating reserves.

The 1984 reduction in fees has slowed the rate of growth in the operating reserves by approximately 64%. However, the operating reserves continue to grow, albeit, at a slower rate. As of April 30, 1985, for both supervision programs, FY 1985 revenues were $1.8 million with costs of $1.2 million. As of that date, the level of the applicable operating reserves was $4.5 million. In the 1984 reduction, some factors used in projections were affected by unanticipated exports of grains in the first few months of fiscal year 1985. Further, FGIS has and continues to adopt cost savings measures to provide the grain trade with the most cost effective programs as practicable. To this end, FGIS continued to implement cost savings measures, including reductions in personnel and overhead cost, for the FGIS supervision programs. Additionally, effective August 1, 1984, FGIS has implemented a new program in which additional supervisory authorities have been delegated to the States of California and Washington in their delegated capacities under the Act. This action has permitted the closing of two field offices. This proposed action in and of itself would not change the level of fees assessed to these delegated States because the fees charged to these States are assessed separately as set forth in the States' delegation of authority documents.

A comparison of FY 1984 actual costs with comparable FY 1985 actual costs indicates that FGIS costs have been reduced by approximately 9%. Presently, grain exports are at levels which are approximately 19% below the first quarter of FY 85 levels. Recent trends indicate that exports are running approximately 4.5% behind comparable 1984 figures. This trend is expected to continue in the immediate future. A comparison of FY 84 actual revenues with comparable FY 85 actual revenues indicates that FGIS revenues have been reduced approximately 41%.

Nevertheless, based upon present operating reserve levels, FGIS is proposing a fee reduction of approximately 40%. Examples of proposed fee reductions include the following: For official inspection or reinspection services and official Class X weighing services, the present supervision fees for trucks, $.50; hopper cars, $1.60; barges, $10.25 and ships $82.00 would be reduced to $.30, $.95, $6.15 and $49.20 respectively.

This reduction is projected to operate the programs at net losses so as to reduce the operating reserves on a planned gradual basis. The proposed reduction in fees would decrease the operating reserves over the next few fiscal years. This action would promote program stability and provide for an orderly reduction of operating reserves, thereby avoiding any potential sharp increase in fees as may be required because of unanticipated or accelerated program losses. If adopted, this reduction when added to the 1984 reduction will have reduced applicable

fees by approximately 61% over early FY 1984 levels.

The possibility of a fee reduction has been discussed with the FGIS Advisory Committee as well as with members of the American Association of Grain Inspection and Weighing Agencies (AAGIWA). All have concurred in the need for appropriate action. FGIS will continue to closely monitor its cost and revenues in this area so that appropriate action may be taken to further revise these fees, if deemed necessary.

FGIS is proposing to establish fees to cover costs incurred for the supervision of agencies performing official Class Y weighing services. The proposal is included in anticipation that agencies may receive more requests from applicants for this type service. FGIS incurs the cost for supervising this service, and as such is proposing to recover the costs. The proposed fees have been set at a level which is anticipated not to increase applicable operating reserves.

The Administrator is authorized to perform permissive inspections under official standards or, upon request, under other approved criteria. Protein testing is one such other criteria and supervision fees for protein analysis performed by agencies are listed separately in the supervision fee schedule. In order to clarify the fee schedule and provide supervision fees for any and all official criteria, FGIS is proposing that the supervision fees for protein, oil or any other analyses be assessed at $.20 under the heading official criteria. A conforming change to footnote 6 is proposed as appropriate.

Miscellaneous nonsubstantive changes, including renumbering and restating footnotes, are being proposed to clarify and facilitate the use of the fee schedule.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Exports, Grain.

PART 800—GENERAL REGULATIONS

Accordingly, 7 CFR part 800 of the regulations is proposed to be amended by revising § 800.71(a), Schedule C, Tables 1 and 2 as follows:

The authority citation for Part 800 continues to read as follows:

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

§ 800.71 Fees assessed by the Service.

* * * * *

Schedule C—Fees for FGIS Supervision of Official Inspection and Weighing Services Performed by Delegated States and/or Designated Agencies in the United States [1]

TABLE 1

Inspection services (bulk or sacked grain)	Official inspection or reinspection services
(1) Official sample-lot inspection service (white certificate):	
(i) For official grade and official factor determinations:	
(A) Truck or trailer (per insection)[2]	$0.30
(B) Boxcar or hopper car (per inspection)[2]	0.95
(C) Barge (per inspection)[2]	6.15
(D) Ship (per ship)[3]	49.20
(E) All other lots (per inspection)[2 4]	0.30
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection) (maximum 2 factors)[5]	0.20
(B) Official criteria [2 6]	0.20
(2) Stowage examination services:	
(i) Ship (per stowage certificate)	3.00
(ii) Other carriers (per stowage certificate)	0.20
(3) Warehouseman's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate):	
(i) For official grade and official factor determinations (per inspection)	0.30
(ii) For official factor or official criteria determinations:	
(A) Factor determination (per inspection) (maximum 2 factors)[5]	0.20
(B) Official criteria [2 6]	0.20
(4) Reinspection services:	
(i) Truck, boxcar, hopper car, barge, ship, warehouseman's sample-lot, submitted sample, factor determination, and all other lots (per sample inspected)	0.30
(ii) Official criteria [2 6]	0.20

NOTE: The footnotes for Table 1 are shown at the end of Table 2.

TABLE 2

Official services (bulk or sacked grain)	Official weighing services	
	(class X)	(class Y)
(1) Official weighing services:		
(i) Truck or trailer (per carrier)	$0.30	$0.20
(ii) Boxcar or hopper car (per carrier)	0.95	0.25
(iii) Barge (per carrier)	6.15	1.55
(iv) Ship (per carrier)[3]	57.40	N/A
(v) All other lots (per lot or part lot)[4]	0.35	0.20

[1] The fees include the cost of supervision functions performed by the Service for official inspection and weighing services performed by delegated States and/or designated agencies.

[2] A fee shall be assessed for each carrier or sample inspected if a combined lot certificate is issued or a uniform loading plan is used to determine grade.

[3] A fee shall be assessed per ship regardless of the number of lots or sublots loaded at a specific service point. A fee shall not be assessed for divided-lot certificates.

[4] Inspection services for all other lots include, but are not limited to, sampling service, condition examinations, and examination of grain in bins, and containers. For weighing services, all other lots include, but are not limited to, seavans and inhouse bin transfers.

[5] Fees shall be assessed for a maximum of two factors. If more than two factors are determined, fees are assessed at rates in Table 1 (1)(i) or (3)(i) above, as applicable, based on carrier or type sample represented.

[6] Official criteria includes, but is not limited to, protein and oil analyses. A fee shall be assessed for each sample tested.

* * * * *

Dated: June 21, 1985.

Kenneth A. Gilles,

Administrator.

[FR Doc. 85–16374 Filed 7–9–85; 8:45 am]

BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of marketing policy.

SUMMARY: This notice sets forth a summary of the preliminary draft of the 1985–86 marketing policy for lemons grown in California and Arizona. The preliminary draft marketing policy was submitted by the Lemon Administrative Committee which administers the marketing order covering California-Arizona lemons. The marketing policy contains information on crop and market prospects for the 1985–86 season.

DATE: Written suggestions, views, or pertinent information relating to the marketing of the 1985–86 California-Arizona lemon crop will be considered if postmarked by July 22, and received by July 26, 1985.

ADDRESS: Interested persons are invited to submit written statements in duplicate to: Docket Clerk, Room 2069-S, F&V, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Such submissions should reference the date and page number of the **Federal Register** and will be made available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975. Growers and handlers of lemons may obtain a copy of the committee's preliminary draft marketing policy directly from the Lemon Administrative Committee. Copies are also available from Mr. Doyle.

SUPPLEMENTARY INFORMATION: Pursuant to § 910.50 of the marketing order covering lemons grown in California and Arizona, the Lemon Administrative Committee, hereinafter referred to as the "committee", is required to hold a marketing policy meeting not later than August 15 of each fiscal year and thereafter submit such marketing policy to the Secretary. The order authorizes volume and size regulations applicable to fresh shipments of lemons to

domestic markets including Canada. Export shipments of lemons and lemons utilized in the production of processed lemon products are not regulated under the order.

The committee has prepared a preliminary draft marketing policy for the 1985–86 marketing season. The marketing policy is intended to inform the Secretary and persons in the industry of the committee's plans for recommending regulation of shipments during the marketing season and the basis therefor. The committee evaluates market conditions and makes recommendations to the Secretary as to the quantity of lemons that can be shipped each week to domestic outlets without disrupting markets. Under certain conditions, the committee may recommend size regulations applicable to fresh domestic shipments.

In its preliminary 1985–86 draft marketing policy, the committee projected the California-Arizona lemon crop at 39,957 cars (1,000 cartons at 37½ pounds net weight each equal one car). Last year's production was recorded at 53,027 cars. The production area is divided into three districts. The current estimates by district (with last year production in parentheses) are as follows: District 1—6,100 cars (6,619); District 2—23,925 cars (27,423); and District 3—9,932 cars (18,985).

It is expected that lemon sizes will be smaller than last year on the average. Fruit quality is expected to be good to excellent.

The committee estimates that shipments to domestic fresh market outlets, including Canada, will account for 14,500 cars. Last year's shipments of fresh lemons to domestic markets were estimated to be 14,000 cars. Fresh export shipments are expected to total 10,000 cars compared to 9,450 cars estimated last year. Processing and other disposition is now forecast at 15,457 car compared to 28,250 cars last year.

Lemons are normally shipped throughout the entire year. The committee has adopted a schedule of estimated weekly shipments for the 1985–86 season.

Fresh lemons face competition from other varieties of citrus fruit, lemon juice, lemonade, and a number of soft drink products. The California-Arizona lemon crop also is in direct competition with Florida and foreign lemons Florida shipments of lemons are estimated at 450 cars for 1985–86, down from the normal 600–700 cars. Imports of lemons vary from year to year, with about 335 cars imported last year, mostly from Spain. Imports are expected to decline this season due to a shortfall in the Spanish crop.

With respect to the use of periods of open movement, the committee, in its preliminary draft of the 1985–86 marketing policy, observed that it is virtually impossible to predict specific periods of open movement in advance due to the myriad of variables which can either positively or adversely affect marketing conditions. Thus, if during the fiscal year supply and demand conditions are such that open movement is the appropriate recommendation, the committee would present such a recommendation to the Secretary.

Section 910.50 of the marketing order reads as follows:

"Each year not later than August 15 of the fiscal year (or such later date as the committee may establish with the approval of the Secretary) the committee shall hold a marketing policy meeting and shall thereafter submit to the Secretary its marketing policy for such fiscal year, to continue in force until revised, or superseded by the adoption of a new marketing policy. The marketing policy shall contain the following information: (a) The available supplies of lemons in each prorate district, including estimated quality and composition of sizes; (b) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and byproduct channels, together with quantities otherwise to be disposed of; (c) a schedule of estimated weekly shipments to be recommended to the Secretary during the fiscal year; (d) level and trend of consumer income; (e) estimated supplies of competitive citrus commodities; and (f) any other pertinent factors bearing on the marketing of lemons. In the event that it becomes advisable to substantially modify the marketing policy the committee shall submit to the Secretary a revised marketing policy or a new marketing policy setting forth the information as required in this section."

Based upon information now available, season average equivalent fresh on-tree grower returns for California-Arizona lemons (under Marketing Order No. 910) are likely to approach but not exceed the projected season average equivalent parity price for such lemons.

As additional information on this price relationship becomes available, it will be reviewed by the Department of Agriculture in the light of program requirements and the provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

In order to provide for public input in regulatory actions, the Department will accept written views and information pertinent to the proposed marketing policy and the need for, or level of, regulation for the 1985–86 season.

Publication of this summary of the marketing policy is to provide information as to potential regulations. This action does not create any legal obligations or rights, either substantive or procedural.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemon.

1. The authority citation for 7 CFR Part 910 continues to read as follows:

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

Dated: July 8, 1985.

Thomas R. Clark,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85–16506 Filed 7–9–85; 8:45 am]

BILLING CODE 3410–02–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–22083A; File No. S7–24–85]

Proposed Rule Amendment to Rule 15Bc7–1 To Make Composite Compliance Examination Information Available to the Municipal Securities Rulemaking Board; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments; correction.

SUMMARY: On May 28, 1985, the Commission issued a release soliciting comment on the proposed amendments (Securities Exchange Act Release No. 22083) governing the availability to the Board of copies of reports of compliance examinations of municipal securities brokers and municipal securities dealers; notice of the release was published in **Federal Register** on June 4, 1985 (50 FR 23443). As a result of an oversight, part of the text of the proposed amendments was missing from the release and did not appear in the **Federal Register.** Accordingly, the Commission is republishing the text of the amendments section to include the full text of the amendments.

DATE: Comments to be received by July 15, 1985.

ADDRESSES: All comments should be submitted in triplicate and addressed to John Wheeler, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: William W. Uchimoto, Esq., (202) 272-2409, Room 5193, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

Text of the Amendments

Note.—Arrows indicate text proposed to be added. Brackets indicate text proposed to be deleted.

On page 2344, the text of § 240.15Bc7-1 is correctly proposed to be revised as follows:

§ 240.15Bc7-1 Availability of examination reports.

(a) Upon written request, copies of any report of an examination of a municipal securities dealer made by the Commission or furnished to it by an appropriate regulatory agency pursuant to section 17(c)(3) of the Act or by a national securities association pursuant to section 15(B)(c)(7)(B) of the Act shall be made available to the Municipal Securities Rulemaking Board (the "Board") by the Commission [within thirty days after receiving such report,] ►, upon written request,◄ subject to the following limitations:

(1) The Board shall establish by rule and shall maintain adequate procedures for ensuring the confidentiality of any information made available to it by the Commission pursuant to section 15(b)(c)(7)(B) of the Act;

(2) Information made available to the Board shall not identify any municipal securities broker, municipal securities dealer, or associated person which is the subject to [an] ►a non-public◄ examination report;

[(3) * * *]

[(4) * * *]

(b) [* * *] ►If information to be made available to the Board is furnished to the Commission on a separate form prepared by an appropriate regulatory agency other than the Commission or by a national securities association, that form, rather than a copy of any report of an examination, will be made available to the Board, provided that the conditions set forth in this paragraph are satisfied. Within sixty days of every six month period ending May 31 and November 30, each appropriate regulatory agency or national securities association making available information on a separate form shall furnish to the Commission two copies of a form containing the information set forth in paragraphs (b)(1) through (b)(8) of this section. One copy of the form shall be made promptly available to the Board. Copies of any forms furnished pursuant to this paragraph shall not identify and municipal securities broker, municipal securities dealer, or associated person which is the subject of an examination from which information was derived for the form; however, the Commission may obtain for its own use, upon request, the identity of any such examinee or the full examination reports. Furnished forms shall include the following information:◄

(1) [* * *] ►The report period.◄

(2) [* * *] ►(i) With respect to a national securities association, the number of examinations which formed the basis of the report and, of these examinations, the number which were routine, special, and financial/operations. (ii) With respect to an appropriate regulatory agency which is a bank agency, the number of examinations which formed the basis of the report and, of these examinations, the number which were routine, special, and financial/operational. The number of examinations which formed the basis of the report of bank dealers and the number of examinations of separately identifiable departments or divisions of banks effecting municipal securities transactions.◄

(3) [* * *] ►Indications of the violations of each Board rule found in examinations which formed the basis of the report.◄

(4) [* * *] ►Copies of public notices issued during the report period of any formal actions taken on violations of Board rules.◄

(5) [* * *] ►Any comments concerning any questionable practices relating to municipal securities activities, whether or not covered by provisions of the Act and the rules and regulations thereunder, including the rules of the Board.◄

(6) [* * *] ►Descriptions of any significant or recurring customer compliants relating to municipal securities activities received by the appropriate regulatory agency or national securities association during the report period or by municipal securities dealers during the 12 month period preceding the examination.◄

(7) [* * *] ►Description of any novel issues or interpretations arising under the Board's rules.◄

(8) [* * *] ►Description of any changes to existing Board rules or additional rules which would improve the regulatory scheme for municipal securities professionals or assist in the enforcement of the Board's rules.◄

(c) Copies of any report of an examination of a municipal securities broker or municipal securities dealer made by the Commission or furnished to it pursuant to section 15B(c)(7)(B) or section 17(c)(3) of the Act, or separate forms made available to the Commission pursuant to paragraph [(a)(3) or paragraph (a)(4)] ►(b)◄ of this section will be maintained in a non-public file.

By the Commission.

John Wheeler,

Secretary.

June 27, 1985.

[FR Doc. 85-16187 Filed 7-9-85; 8:45am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Permanent State Regulatory Program of Utah

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period to further extend the deadline for Utah to resubmit rules (1) governing a blaster training, examination and certification program as required by the Federal regulations at 30 CFR Part 850, and (2) to develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation.

On March 20, 1984, Utah requested an extension to develop a blaster certification program. On June 8, 1984, OSM announced its decision to extend Utah's deadline to June 10, 1985 (49 FR 23836). On June 6, 1985 Utah indicated that an additional six-month extension was necessary.

All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) are required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause. OSM is proposing to again modify the deadline for Utah to develop and adopt its blaster program. This notice sets forth the dates and locations for submission of written comments.

DATES: Comments not received by 4:00 p.m. August 9, 1985 will not necessarily be considered.

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. Robert Hagen, Director, Albuquerque Field Office, Office of Surface Mining, 219 Central Avenue NW., Albuquerque, New Mexico 87102; Telephone: (505) 755–1486.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hagen, Director, Albuquerque Field Office, Office of Surface Mining, 219 Central Avenue NW., Albuquerque, New Mexico 87102; Telephone: (505) 766–1486.

SUPPLEMENTARY INFORMATION: On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of Utah's program, the applicable date is 12 months after publication date of OSM's rule or March 4, 1984.

On March 20, 1984, the State of Utah submitted to OSM a request for an extension until April 4, 1985, to submit final rules addressing the blaster certification program. In the April 23, 1984 **Federal Register** (49 FR 17040), OSM proposed a thirteen month extension for Utah to submit to OSM a proposed blaster training program. Public comment on this proposal was sought for 30 days ending May 23, 1984. On June 8, 1984 (49 FR 23836) OSM announced its decision to extend the deadline for Utah to develop a program; giving Utah 12 months additional time to study the rule and statutory changes needed to bring Utah's rules into compliance with the revised Federal rules, and extending the deadline period to June 10, 1985.

The Utah Rules Revision Committee planned on formulating a blaster certification program together with other revisions to the Federal rules. The State indicated that its certification program, which is administered through the Utah Industrial Commission, would provide the necessary protection until the State developed a program under its approved surface mining regulatory program.

In a June 6, 1985 letter to OSM the State of Utah indicated that an additional six-month extension was necessary to review any of OSM's concerns and changes to its proposed program. The State noted that in considering the impact of a six-month extension, OSM should recognize that Utah is predominately an underground coal mining State, and that coal mining currently underway in the State is underground mining. Blasting associated with those operations is under the direction of the Utah Industrial Commission, in coordination with MSHA.

OSM is seeking comment on additional time for Utah to develop and adopt a blaster certification program. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may provide an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

Additional Determinations

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

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

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

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

List of Subjects in 30 CFR Part 944

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

Dated: July 3, 1985.

Brent W. Blauch,

Acting Director, Office of Surface Mining.

[FR Doc. 85–16378 Filed 7–9–85; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300134; FRL-2861-2]

Croscarmellose Sodium; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that croscarmellose sodium be exempted from the requirement of a tolerance when used as an inert ingredient (disintegrant, solid diluent, carrier, and thickener) in pesticide formulations. This proposed regulation was requested by the FMC Corp.

DATE: Written comments, identified by the document control number [OPP–300134], must be received on or before August 9, 1985.

ADDRESS: By mail, submit comments to:

Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Registration Support and Emergency Response Branch, Registration Division (TS–767), Environmental Protection Agency, Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: N. Bhushan Mandava, Registration Support and Emergency

Respose Branch, Environmental Potection Agency, 401 M St. SW., Washington, D.C. 20460.

Office location and telephone number: Registration Support and Emergency Response Branch, Rm. 724A, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION: At the request of FMC Corp., the Administrator proposes to amend 40 CFR 180.1001(c) by establishing an exemption from the requirement of a tolerance for croscarmellose sodium when used as a desintegrant, solid diluent, carrier, and thickener in pesticide fomulations applied to growing crops or to raw agricultural commodities after harvest.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient. Croscarmellose sodium.

Name and address of requestor. FMC Corp., Newark, DE 19711.

Bases for approval. 1. Croscarmellose sodium, as listed in the U.S. National Formulary XVI, is a defined form of a cross-linked polymer of sodium carboxymethylcellulose.

2. Sodium Carboxymethylcellulose is cleared under 40 CFR 180.1001(c) for use as a surfactant, related adjuvants of surfactants.

3. Sodium Carboxymethylcellulose is cleared under 21 CFR 175.105 as an indirect food additive in adhesives and components of coatings; 21 CFR 201.117 as an inert ingredient in prescription drugs; 21 CFR 182.1745 as a multiple purpose GRAS food substance; and 21 CFR 582.1745 as a general purpose food additive.

4. Carboxymethylcellulose is cleared under 21 CFR 175.105 as an indirect food additive in adhesives and components of coatings; 21 CFR 182.70 in substances migrating from cotton and cotton fabrics used in dry food packaging.

Based on the above information and review of its use, it has been found that when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains this inert ingredient, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number, [OPP-300134]. All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Registration Support and Emergency Response Branch at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: June 24, 1985.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for 40 CFR Part 180 continues to read as set forth below:

Authority: 21 U.S.C. 346a.

2. Section 180.1001(c) is amended by adding and alphabetically inserting the inert ingredient as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
• • • • •		
Croscarmellose sodium (CAS Reg. No. 74811-65-7).	.....	Disintegrant, solid diluent carrier, and thickener
• • • • •		

* * * * *

[FR Doc. 85-16250 Filed 7-9-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 655

Mid-Atlantic Fishery Management Council; Public Hearings

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

ACTION: Atlantic Mackerel, Squid, and Butterfish Fisheries; Notice of public hearings and request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold public hearings to obtain comments on Amendment 2 to the fishery management plan for the Atlantic Mackerel, Squid; and Butterfish Fisheries (FMP).

DATES: All hearings will begin at 7:00 p.m., and will be tape recorded with the tapes filed as the official transcript of the hearing. See "**SUPPLEMENTARY INFORMATION**" for dates and locations of the public hearings. Written comments will be accepted until August 2, 1985.

ADDRESS: See "**SUPPLEMENTARY INFORMATION**" for locations of the public hearings. All written comments should

be sent to John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: John C. Bryson (Executive Director), 302–674–2331.

SUPPLEMENTARY INFORMATION: The amendment proposes to (1) change the fishing year from April 1 through March 31 to January 1 through December 31; (2) reduce the bycatch TALFFs in the foreign fishery; (3) revise the Atlantic mackerel management regime by replacing the "reserve" with a system using an allowable biological catch and initial optimum yield similar to the system currently in effect for the squids; (4) revise the butterfish management regime by replacing the fixed maximum catch limit with a provision that allows reduction of the maximum catch in response to stock conditions and adding a minimum size limit of 500 butterfish per 100 pounds with a 10 percent tolerance for undersized fish; (5) add a provision that U.S. harvesting vessels with permits in the Atlantic mackerel, squid, or butterfish fisheries may not have mechanical sorters aboard but allow the Regional Director to grant an exemption to this provision if a NMFS observer is aboard the vessel at the expense of the owner or operator of the vessel, or if other provisions for determining presorting catch count sizes are developed; and (6) revise the reporting requirements as follows:

a. The owner or operator of any U.S. catching vessel with a commercial or incidental catch permit in the Atlantic mackerel, squid, or butterfish fisheries is urged to voluntarily maintain on a daily basis an accurate fishing vessel record for each fishing trip. If fishing vessels records are not submitted for a minimum 20 percent of the permitted vessels in each major port of landing (based on permit application data), then the Regional Director will select a sample of 20 percent of the vessels in such port and the owners or operators of the vessels selected will be required to submit fishing vessel records.

b. The owner or operator of any U.S. catching/processing vessel with a commercial or incidental catch permit in the Atlantic mackerel, squid, or butterfish fisheries must maintain on a daily basis an accurate fishing vessel record for each fishing trip.

c. The owner or operator of any vessel with a party/charter boat permit in the Atlantic mackerel, squid, or butterfish fisheries is urged to voluntarily maintain on a daily basis an accurate fishing vessel records for each fishing trip. If fishing vessel records are not submitted for a minimum 20 percent of the permitted vessels in each major port of landing (based on permit application data), the Regional Director will select a sample of 20 percent of the vessels in such port and the owners or operators of the vessels selected will be required to submit fishing vessel records.

d. All persons who buy Atlantic mackerel, squid, or butterfish from owners or operators of vessels with permits in the Atlantic mackerel, squid, or butterfish fisheries must maintain on a daily basis, on forms supplied by NMFS, the total amount in pounds of each species purchased, by market class; date of puchase; price per pound by market class for each species purchased; and name and mailing address of dealer or processor. Additionally, U.S. fish processors must submit annually to the Council, on forms supplied by the Council, the processing capacity intended to be used in the upcoming fishing year, and the actual processing capacity used during the current fishing year. All persons purchasing or receiving any Atlantic mackerel, squid, or butterfish at-sea for transport to any port in the U.S. must maintain and provide to the Regional Director or Council, as appropriate, records identical to those required under the above paragraphs.

The requirement that U.S. vessels have permits for the mackerel, squid, and butterfish fisheries is continued, but permits expire on December 31 of each year. The permits of vessels participating in the fishing vessel record program will be renewed automatically.

Foreign nations fishing for Atlantic mackerel, squid, or butterfish are subject to the time and area restrictions in 50 CFR 611.50 and the fixed gear avoidance regulations in 50 CFR 611.50(d). However, the Regional Director may waive the time and area restrictions with the concurrence of the New England and Mid-Atlantic Fishery Management Councils.

The dates and locations of the public hearings are scheduled as follows:

July 24, 1985—Quality Inn Lake Wright, 6280 Northampton Boulevard, Norfolk, Virginia

July 25, 1985—Cape May County Extension Office, Dennisville Road (Rt. 657), Cape Court House, New Jersey

July 29, 1985—Skipper Motor Inn, Route 6, Fairhaven, Massachusetts

July 30, 1985—Dutch Inn, Great Island Road, Galilee, Rhode Island

July 31, 1985—Holiday Inn, Exit 72, Long Island Expressway and Rt. 25, Riverhead, New York

Dated: July 5, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 85–16387 Filed 7–5–85; 2:03 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 50, No. 132
Wednesday, July 10, 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

Forms Under Review by Office of Management and Budget

July 5, 1985.

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

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

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from:

Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, D.C. 20250, (202) 447-2118

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

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

Extension

- Agricultural Marketing Service
- Marketing Agreement for Peanuts—No. 146
- Peanut Administrative Committee Forms
- On occasion, Weekly, Monthly, Annually
- Businesses or other for-profit; 6,927 responses; 1,782 hours; not applicable under 3504(h)
- Frank Grasberger (202) 447-5053

New

- Foreign Agricultural Service
- Contacts and Product Publicity Notice—Buyer Alert Notice FAS 964 and 965
- On occasion
- Farms; Businesses or other for-profit; Small businesses or organizations; 3,000 responses; 510 hours; not applicable under 3504(h)

Mike Dwyer (202) 447-7103

Jane A. Benoit,

Departmental Clearance Officer.

[FR Doc. 85-16373 Filed 7-9-85; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-502]

Nylon Impression Fabric From Japan: Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether nylon impression fabric from Japan, produced by or for the account of Asahi Chemical Industry Company, Ltd. (Asahi) and Shirasaki Tape Co., Ltd., (Shirasaki) is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product, produced by or for the account of Asahi and Shirasaki, are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before July 25, 1985, and we will make ours on or before November 18, 1985.

EFFECTIVE DATE: July 10, 1985.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377-5288.

SUPPLEMENTARY INFORMATION:

The Petition

On June 10, 1985, we received a petition in proper form filed by Bomont Industries of Totowa, New Jersy, and Burlington Industries, Inc. of Greensboro, North Carolina, filing on behalf of the U.S. industry producing and selling finished uninked impression fabric, whether slit or unslit. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Japan, produced by or for the account of Asahi and Shirasaki are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry. Asahi and Shirasaki presently are excluded from the antidumping duty finding on this merchandise, published in the **Federal Register** on May 25, 1978 (43 FR 22481).

The petitioners based the United States price on ex-factory prices derived from U.S. selling prices. Foreign market value of nylon impression fabric is based on ex-factory prices derived from home market selling prices and, where there were no home market sales, constructed value based upon Japanese raw material and labor costs and general, selling and administrative expenses. To the sum of materials, fabrication and general expenses they added the statutory minimum of 8 percent for profit. The amount of general expenses used was higher than the statutory minimum of 10 percent of the sum of the cost of materials and fabrication.

Petitioners also allege that third country sales to West Germany of nylon impression fabric by Shirasaki are being made at less than the cost of production. Petitioners based this allegation on a comparison of Shirasaki's cost to ex-factory selling prices in West Germany.

Based on the comparison of these values, petitioners alleged dumping margins of from 3.7 to 19.7 percent.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on nylon impression fabric and found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether nylon impression fabric from Japan, produced by or for the account of Asahi and Shirasaki, is being or is likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by November 18, 1985.

Scope of Investigation

The merchandise covered by the investigation consists of nylon impression fabric from Japan woven from continuous filament yarns of nylon; whether texturized or non-texturized; finished; whether slit or uncut; and not inked for use in typewriters and printers; and currently classifiable under item numbers 347.6020, 338.5001 and 338.5002 of the *Tariff Schedules of the United States Annotated,* produced by or for the account of Asahi and Shirasaki.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by July 25, 1985, whether there is a reasonable indication that the merchandise covered by this investigation is causing material injury, or threatens material injury, to a United States industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory and regulatory procedures.

Dated: July 1, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-16386 Filed 7-9-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Fish Import Certification From the United Kingdom

Regulations established in accordance with the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 *et seq.* (50 CFR 216.24(e)) provide that a nation may certify that vessels fishing under its flag are (1) fishing in comformance with U.S. regulations, or (2) if not in conformance, are not fishing in a manner prohibited for U.S. fishermen under these regulations. This certification is necessary in order to permit the importation into the United States of certain of its fish and fish products.

The Assistant Administrator for Fisheries, National Marine Fisheries Service, has received and accepted a certification from the Government of the United Kingdom that vessels fishing for salmon and halibut under their flag are fishing in conformance with U.S. regulations in regard to the taking of marine mammals incidental to commercial fishing operations. Therefore, salmon and halibut from Great Britain, Scotland and Wales are hereby exempt from the provisions of 50 CFR 216.24(e)(3) and may be exported to the United States without an accompanying Standard Form 369-1 (Fisheries Certificate of Origin). Copies of the certification are on file and available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Dated: July 2, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 85-16359 Filed 7-9-85; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee will convene a public meeting, July 18, 1985, at the Best Western Airport Inn, Philadelphia International Airport, Philadelphia, PA (telephone: 215-365-7000), to formulate a fisheries management primer as well as to discuss other fishery management matters. For further information, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: July 3, 1985.

Richard B. Roe,

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

[FR Doc. 85-16391 Filed 7-9-85; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

A subgroup of the North Pacific Fishery Management Council's Gulf of Alaska Groundfish Fishery Management Plan Team will convene a public meeting, July 29-31, 1985, at 9 a.m., in Room 2079, at the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 7600 Sand Point Way, NE., Seattle, WA. The subgroup will discuss ways to revise the groundfish plan to make it more reponsive to the rapidly evolving fisheries in the Gulf of Alaska.

Also, the Council's workgroup on goals and objectives for the Gulf of Alaska groundfish fishery will convene a public meeting, August 1-2, 1985, at 9 a.m., at the same location as indicated above, to discuss specific goals and strategies that will guide management of the groundfish fisheries in the Gulf of Alaska. For further information contact the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 274-4563.

Dated: July 3, 1985.

Richard B. Roe,

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

[FR Doc. 85-16392 Filed 7-9-85; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Special Operations Policy Advisory Group; Meeting

ACTION: Notice of meeting.

The Special Operations Policy Advisory Group (SOPAG) will meet on 23 July 1985 in the Pentagon, Arlington, Virginia to discuss sensitive, classified topics.

The mission of the SOPAG is to advise the Office of the Secretary of Defense on key policy issues related to the development and maintenance of effective Special Operations Forces.

In accordance with section 10(d) of Pub. L. 92–463, the "Federal Advisory Committee Act," and section 552b(c)(1) of Title 5, United Staes Code, this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

July 5, 1985.

[FR Doc. 85–16404 Filed 7–9–85; 8:45 am]

BILLING CODE 3810–01–M

Environments Committee; Meeting

ACTION: Notice of meeting.

SUMMARY: A meeting of the Environments Committee of the Ada Board will be held 30 July 1985 from 9:00 A.M. to 5:00 P.M. at the Hyatt Regency Minneapolis Hotel in Minneapolis, Minnesota.

The agenda is as follows: (1) Minutes of previous two meetings; (2) discussion of charter and goals; and (3) Discussion of standardization issues.

FOR FURTHER INFORMATION CONTACT: Dr. Edward Lieblein, Acting Director, Ada Joint Program Office, (202) 694–0209.

Patricia H. Means,

Office of the Secretary of Defense, Federal Register Liaison Officer, Department of Defense.

July 5, 1985.

[FR Doc. 85–16403 Filed 7–9–85; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Intent to Compromise Claim

AGENCY: Department of Education.

ACTION: Notice of intent to compromise claim.

SUMMARY: Notice is given that the Secretary intends to compromise a claim of less than $50,000 against the Oakland Unified School District now pending before the Education Appeal Board (EAB), Docket No 3–(113)–83 (31 U.S.C. 3711; 20 U.S.C. 1234a(f)).

DATE: Interested persons may comment on the proposed action by submitting written data, views, or arguments on or before August 26, 1985.

ADDRESSES: Comments should be addressed to Ms. Sunny Harris, Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 4091, FOB–6), Washington, DC 20202.

SUPPLEMENTARY INFORMATION: The claim in question arose from an audit conducted by the Office of Inspector General (OIG) of the U.S. Department of Education (Department). The audit, covering the period of January 1 through November 30, 1980, concerned the Cities in Schools (CIS) program administered by the Oakland Unified School District under Title III of the Elementary and Secondary Education Act, Special Projects. As a result of this audit, the OIG concluded that the School District had improperly transferred grant funds under its CIS program to a CIS program in the Bronx, New York. In a Final Determination Letter (FDL) dated October 30, 1982 the Department's Chief of the Business Management Branch, Assistance Management and Procurement Services, upheld the auditors' finding and determined that the Oakland Unified School District had to refund $4,186 to the Department for the improper transfer of funds to the CIS program in the Bronx, New York, and related indirect costs.

The OIG discovered the improper transfer of funds during a review of an audit performed by the Auditor General of the State of California. The State audit revealed that the Oakland Unified School District had used grant funds under the CIS program to contract with a consultant from the Bronx, but the School District never received the services. According to the School District, this expenditure resulted from a request from a project officer in this Department that the School District transfer $4,000 of its grant funds to the Bronx's CIS program, which was in dire financial straits.

The OIG and the Department's Chief of the Business Management Branch, Assistance Management and Procurement Services, determined that this transfer of funds was an unallowable expenditure. The applicable regulations required that costs charged to a grant program be "necessary and reasonable for proper and efficient administration of the grant program," 45 CFR Part 74, Appendix C, Part I C.1.a. (1979), and that they "not be allocable to or included as a cost of any other federally financed program in either the current or a prior period," 45 CFR Part 74, Appendix C, Part I C.1.f. (1979). According to the FDL, the transfer violated both of these provisions: i.e., it was not a necessary and reasonable cost of the Oakland Unified School District CIS project, and it was a cost of another federally financed program (the CIS project in the Bronx). Furthermore, the transfer was considered by the OIG and the Chief of the Business Management Branch to be tantamount to a donation/contribution, which is unallowable under 45 CFR Part 74, Appendix C, Part II D.3. (1979). The FDL also indicated that if in fact the project officer requested or authorized the transfer of funds, that official had no legal authority to do so and the Department is not bound by that official's behavior. *See* 45 CFR 100a.483 (1979).

The Oakland Unified School District has offered to repay the Department $2,093 in full settlement of the claim. The Secretary proposes to accept the School District's offer and to compromise the claim.

Given the small size of the Department's claim, and the sizeable proportion of recovery (50%) under the intended compromise, the Secretary has determined that it would not be practical or in the public interest to continue this proceeding. In addition, the Secretary has taken into account that the transfer of funds apparently was made at the behest of the Department's project officer and that the costs of litigating this matter through the appeal process are very substantial in relation to the size of the claim.

Because of the specific facts of this case, the proposed compromise will not adversely affect any other audit proceeding currently pending before the EAB.

FOR FURTHER INFORMATION CONTACT: The public is invited to comment on the Secretary's intent to compromise this claim. Additional information may be obtained by writing to Ms. Sunny Harris at the address given at the beginning of this notice.

(31 U.S.C. 3711; 20 U.S.C. 1234a(f)).
(Catalog of Federal Domestic Assistance No. does not apply).

Dated: July 5, 1985.
William J. Bennett,
Secretary of Education.
[FR Doc. 85-16401 Filed 7-9-85; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Proposed Consent Order With O.B. Mobley, Jr.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with O.B. Mobley, Jr. (Mobley) and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: August 9, 1985.

ADDRESS: Comments should be addressed to: Mobley Consent Order Comments, RG-13, Economic Regulatory Administration, Depart of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Meyer Magence, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. Copies of the Consent Order may be obtained free of charge by writing or calling this office (202/252-4945).

SUPPLEMENTARY INFORMATION: On May 22, 1985, the ERA executed a proposed Consent Order with Mobley. Pursuant to 10 CFR 205.199J, ERA will receive written comments on the proposed Consent Order for thirty (30) days following publication of this Notice. The ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. Background

Mobley was the operator of the crude oil producing property known as the Lewisville Smackover Lime Unit (Lewisville Unit) in Lafayette County, Arkansas during the period September 1, 1976 through March 16, 1978 (violation period).

For the violation period, Mobley applied 10 CFR 212.75 in calculating the base production control level of the Lewisville Unit. On March 16, 1978, Mobley was issued an Interpretation by DOE's Office of General Counsel, which was affirmed by the DOE's Office of Hearings and Appeals (OHA), stating that Mobley must apply 10 CFR 212.72, and not 10 CFR 212.75, to sales of crude oil produced from the Lewisville Unit. The DOE's interpretation was unheld by the District Court for the Western District of Louisiana, *Mobley* v *DOE*, CI-78-1073 (1982). The effect of the improper application of § 212.75 was that Mobley charged higher than lawful prices for the crude oil produced and sold from that unit.

Although it applied § 212.75, rather than § 212.72, Mobley on its own escrowed, the difference between revenues received according to § 212.75 and those it would have received pursuant to § 212.72. While not conducting a complete audit of Mobley's compliance with the federal petroleum price regulations for the violation period, DOE has verified that Mobley escrowed the amount of the overcharges. These monies were subsequently transferred to the deposit fund escrow account in the Department of Treasury.

II. The Consent Order

The proposed Consent Order resolves Mobley's civil liability for violations of the Mandatory Price Regulations in sales of crude oil from the Lewisville Unit during the period September 1, 1976 through March 6, 1978. DOE believes that this Consent Order satisfactorily resolves the issues in this case and is in the public interest.

III. Refunds

Pursuant to the terms of the proposed Consent Order, Mobley relinquishes its rights and claims to all monies deposited in the escrow account maintained by the Department of Treasury. This amount, $1,095,622.15, which includes interest, will then be available for ultimate disposition by the DOE, pursuant to the procedures established under 10 CFR Part 205, Subpart V.

IV. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. The ERA will consider all comments it receives by 4:30 p.m., local time, on the 30th day after the date of publication of this notice. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the provisions of 10 CFR 205.9(f).

Issued in Washington D.C., on June 25, 1985.
Milton C. Lorenz,
Special Counsel, Economic Regulatory Administration.
[FR Doc. 85-16397 Filed 7-9-85; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP85-578-000 et al.]

Natural Gas Certificate Filings; ANR Pipeline Co. et al.

July 3, 1985.

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

1. ANR Pipeline Co.

[Docket No. CP85-578-000]

Take notice that on June 5, 1985, ANR Pipeline Company (ANR), 500 Rennaissance Center, Detroit, Michigan 48243, filed in Docket No. CP85-578-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205), or, in the alternative, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, for authorization to transport natural gas for Reynolds Metals Company (Reynolds), all as more fully set forth in the request/application on file with the Commission and open to public inspection.

Pursuant to § 157.209, ANR requests authority to transport up to 3,298 million Btu of gas per day on a best-efforts basis for Reynolds under a transportation agreement among ANR, Reynolds and Hadson Systems, Inc. (Hadson), dated March 25, 1985. ANR states that the gas to be transported would be purchased by Reynolds from Hadson pursuant to a natural gas sale and purchase contract dated March 25, 1985, and which provides that Hadson would sell up to 16,500 Mcf per day at a price of $2.57 per million Btu on a dry basis. ANR indicates that the transportation agreement provides that ANR would receive the gas at the interconnections of the pipeline systems of ANR and Hadson in Caddo, Custer and Washita Counties, Oklahoma. ANR states that it would redeliver the gas to Midwestern Gas Transmission Company which in turn would deliver the gas to Northern Illinois Gas Company for further delivery to Reynolds at its McCook, Illinois, facility. It is stated that ANR would redeliver the gas less 8.5 percent for fuel use and lost and unaccounted-for gas and would charge 30.2 cents per dt equivalent of gas transported and

delivered on behalf of Reynolds and that the rate is based upon ANR's Rate Schedule EUT-1. ANR states that the service would be for a period through December 31, 1985, or such other date as the Commission may determine and that no new facilities are required by ANR to transport gas for Reynolds. It is indicated that Reynolds would use the gas for boiler fuel, a low priority use.

ANR also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by Reynolds. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. ANR would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

ANR states that the Commission regulations under Section 157.209 presently provide for low priority end-user transportation service through June 30, 1985, and the Commission has proposed to extend authorization for such services through December 31, 1985. Should such authority fail for any reason, in the alternative to the above request, ANR requests, pursuant to section 7(c) of the regulations, a temporary and permanent certificate of public convenience and necessity authorizing ANR to transport gas for Reynolds under the same terms and conditions as discussed above. ANR states that such authority would ensure Reynolds of the continued transportation of gas acquired by Reynolds to meet its low priority needs.

Comment date: July 24, 1985, in accordance with Standard Paragraph F and August 19, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. ANR Pipeline Co.

[Docket No. CP85-602-000]

Take notice that on June 10, 1985, ANR Pipeline Company (ANR), 500 Rennaissance Center, Detroit, Michigan 48243, filed in Docket No. CP85-602-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205), or, in the alternative, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, for authorization to transport natural gas for B.F. Goodrich Company (Goodrich), all as more fully set forth in the request/application on file with the Commission and open to public inspection.

Pursuant to § 157.209, ANR requests authority to transport up to 3,500 dt equivalent of gas per day on a best-effort basis for Goodrich under a transportation agreement with Goodrich dated April 8, 1985. ANR states that the gas to be transported would be purchased by Goodrich from Hadson Gas Systems, Inc. (Hadson), pursuant to a natural gas sale and purchase contract dated April 23, 1985, and which provides that Hadson would sell up to 3,800 Mcf per day at a price of $2.57 per million Btu on a dry basis. ANR indicates that the transportation agreement provides that ANR would receive the gas at various interconnections of its pipeline system and the gas sellers in Beaver, Beckham, Caddo, Canadian, Custer, Dewey, Ellis, Grady, Harper, Major, Roger Mills, Texas, Washita and Woodward Counties, Oklahoma; Hansford, Roberts and Wheeler Counties, Texas; and Meade, Rice and Seward Counties, Kansas.[1] ANR states that it would redeliver the gas, less 7.5 percent for fuel use and lost and unaccounted-for gas, to Northern Indiana Fuel and Light Company (Northern Indiana) for the account of Goodrich at an interconnection between the pipeline systems of ANR and Northern Indiana in Steuben County, Indiana. Northern Indiana would transport and deliver the gas to Goodrich at its Woodburn, Indiana, facility. It is stated that Goodrich would use the gas for boiler fuel. ANR states that it would charge 33.7 cents per dt equivalent of gas transported and delivered on behalf of Goodrich and that the rate is based upon ANR's Rate Schedule EUT-1. It is stated that the service would be for a period through December 31, 1985, or such other date as the Commission may determine and that no new facilities are required by ANR to transport gas for Goodrich.

ANR also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by Goodrich. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. ANR would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

[1] The gas transportation agreement indicates that the receipt points from Hadson are located in Washita, Custer, Caddo, Harper and Roger Mills Counties, Oklahoma.

ANR states that the Commission regulations under § 157.209 presently provide for low priority end-user transportation service through June 30, 1985, and the Commission has proposed to extend authorization for such services through December 31, 1985. Should such authority fail for any reason, in the alternative to the above request, ANR requests, pursuant to section 7(c) of the regulations, a temporary and permanent certificate of public convenience and necessity authorizing ANR to transport gas for Goodrich under the same terms and conditions as discussed above. ANR states that such authority would ensure Goodrich of the continued transportation of gas acquired by Goodrich to meet its low priority needs.

Comment date: July 24, 1985, in accordance with Standard Paragraph F and August 19, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Chandeleur Pipe Line Co.

[Docket No. CP85-635-000]

Take notice that on June 21, 1985, Chandeleur Pipe Line Company (Chandeleur), P.O. Box 7141, San Francisco, California 94120-7141, filed in Docket No. CP85-635-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain offshore pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Chandeleur requests to construct a subsea connection on its existing 12-inch pipeline in Mobile Block 902, offshore Mississippi, approximately 11 miles of 12-inch pipeline extending from the aforementioned tie-in to a production platform in Mobile Block 861, and an appurtenant metering station to be located on the Mobile Block 861 production platform.

Chandeleur states that it would construct the proposed facilities in order to deliver gas from Mobile Block 861 to its parent Chevron U.S.A., Inc. (Chevron), at Chevron's Pascagoula, Mississippi, Refinery-Chemical Plant (Plant). It is asserted that Chevron currently receives gas from Chandeleur for its Plant from production located in the Main Pass 41 field, offshore Louisiana.

Chandeleur states that Chevron owns a 50 percent interest in the Mobile Block 861 field with Pennzoil Company and Union Oil Company of California, each owning a 25 percent interest. It is asserted that due to an emergency situation which has developed at Mobile

Block 861 and in order to provide the most expeditious means possible of marketing Chevron's gas from various wells in Mobile Block 861, which gas would otherwise be flared, Chevron has requested that Chandeleur transport this gas for consumption at the Plant.

It is stated that in order for Chevron to receive the Mobile Block 861 volumes at the Plant, it has advised Chandeleur that it would reduce its takes from Main Pass 41 production.

It is asserted that Mississippi Power Company (MPC) would continue to received its gas supplies (used in turbines at the plant complex) from Main Pass 41, continuing Chandeleur's current transportation service on behalf of MPC.

Chandeleur states that the existing emergency situation was created at Mobile Block 861 on March 23, 1985 when Chevron (the operator) experienced a subsea blowout and gas migrated to a shallow sand interval. To alleviate the pressure which developed, Chevron received permission from the Minerals Management Service to flare gas and such flaring has continued while vent wells are being drilled.

Estimated cost of the proposed facilities would be $5,127,000 which funds would be provided to Chandeleur from Chevron by long-term advance.

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

4. Cranberry Pipeline Corp.

[Docket No. CP85-598-000]

Take notice that on June 4, 1985, Cranberry Pipeline Corporation (Applicant), 1400 Charleston National Plaza, Charleston, West Virginia 25325, filed in Docket No. CP85-598-000 an application pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and § 284.127 of the Commission's Regulations for authorization to transport natural gas for Columbia Gas Transmission Corporation (Columbia) for a period in excess of two years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the terms of a gas transportation agreement dated April 9, 1985, it would transport not more than 6 billion Btu of gas per day for Columbia. Applicant states that pursuant to a corporate reorganization and subject to an order of the Commission granting Cabot Corporation (Cabot) authority to abandon a related sale and exchange, it has requested the subject authority to transport gas under section 311 of the NGPA for a period in excess of two years. Applicant further states that the April 9, 1985, transportation agreement replaces Cabot's Rate Schedule No. 8 certificated by the Commission in Docket No. G-5236.

Applicant avers that the proposed service would extend for a primary term ending November 1, 1993, and thereafter until terminated by either party upon twelve months notice. Applicant further avers that it would receive gas from Columbia at Cabot's Big Creek compressor station in McDowell County, West Virginia and that it would redeliver to Columbia at the Bradley compressor station in Wyoming County, West Virginia or the Lanham compressor station in Kanawha County, West Virginia. Applicant asserts that the gas transportation agreement provides for the addition of other points of delivery upon mutual agreement of the parties.

Applicant proposes to charge Columbia an initial rate of 51.0 cents per million Btu. Applicant asserts that such rate is within the settlement rate which it recently had approved in Docket Nos. ST80-94, *et al.*, as a fair and equitable rate for transportation using its West Virginia system.

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

5. East Tennessee Natural Gas Co.

[Docket No. CP85-591-000]

Take notice that on June 7, 1985, East Tennessee Natural Gas Company (East Tennessee), P.O. Box 10245, Knoxville, Tennessee 37939-0245, filed in Docket No. CP85-591-000 a request pursuant to § 157.205 of the Regulation under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate new delivery points for the existing customers, Tennessee-Virginia Energy Corporation (Tennessee-Virginia), United Cities Gas Company (United Cities), and Eastman Kodak (Eastman) under the certificate issued in Docket No. CP84-412-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request or file with the Commission and open to public inspection.

East Tennessee proposes to establish new delivery points for its existing customers, Tennessee-Virginia, on East Tennessee's Johnson City Lateral near the I-81-U.S. 23 Highway Interchange, Sullivan County, Tennessee, United Cities near Roads 656 and 657 on East Tennessee's 3300 Line in Washington County, Virginia, and for Eastman on East Tennessee's 3300 Line upstream of the Kingsport lateral line which presently serves Eastman in Sullivan County, Tennessee. East Tennessee states that the new delivery points would enable Tennessee-Virginia to serve the area of the I-81-U.S. 23 Highway Interchange, which presently does not have gas service. It is explained that United Cities delivery point would enable United Cities to better serve its Bristol, Tennessee-Virginia, service area where it has had serious pressure problems, and the Eastman delivery point would serve a laboratory presently being constructed by Eastman on undeveloped land near its existing industrial facilities in Kingsport, Tennessee. The site of the laboratory does not presently have gas service available. It is stated that the estimated cost of all of the proposed facilities is $185,000 and would be paid from funds on hand. All gas to be sold through the proposed facilities would be within existing contract volume and/or curtailment period quantity entitlements, it is asserted.

Comment date: August 19, 1985, in accordance with Standard Paragraph G at the end of the notice.

6. El Paso Natural Gas Co.

[Docket No. CP85-503-000]

Take notice that on May 9, 1985, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP85-503-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for permission and approval to abandon certain existing minor facilities and the related transportation service necessary for the delivery and direct sale of natural gas to America Magnesium Company (American) located in Scurry County, Texas, under the abandonment authorization issued in Docket No. CP82-435-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

El Paso states that it was authorized to construct and operate approximately 1 mile of pipeline and certain measuring, regulating, and appurtenant facilities which were installed under authorization issued in Docket No. CP69-3. Said authorization enabled El Paso to sell and transport up to 1,000 Mcf of natural gas daily to American for use in its plant pursuant to a September 28, 1981, sales agreement between the parties. It is further stated that American claimed bankruptcy in January 1981, stating it would reorganize but wanted to continue receiving natural gas service from El Paso. It is explained that due to American's financial

situation the September 28, 1981, sales agreement was amended to protect El Paso's interest by stating American could not assign said agreement without El Paso's consent.

However, El Paso states that on October 21, 1982, it was informed American sold its plant to MPLC North American Magnesium, Inc. (MPLC), and that MPLC thereafter sold the plant to World Wide Refining and Tank Company (World Wide), but that the present consumer of the gas service proposed to be abandoned is Dixie Petro-Chem, Inc. (Dixie). El Paso further states that it continued to bill American for gas deliveries.

El Paso asserts that it is proposing to abandon the above-mentioned sale, transportation, and related facilities because American violated its contract with El Paso by assigning said agreement without El Paso's consent. El Paso further states it has notified Dixie of its intention and suggested Dixie find a new supplier.

El Paso avers the facilities it proposes to abandon would be returned to stock, if salvable. El Paso estimates it would cost $3,000 to remove said facilities and that they will have a salvage value of $7,165.

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

7. Mountain Fuel Resources, Inc.

[Docket No. CP85-617-000]

Take notice that on June 17, 1985, Mountain Fuel Resources, Inc. (Mountain Fuel), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket NO. CP85-617-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a six-inch sales tap and related metering and regulating facilities for deliveries of natural gas to Mountain Fuel Supply Company (Supply) for resale to Cogeneration Technology and Development Company (CTDC) in Garfield County, Colorado, under the certificate issued in Docket No. CP82-491-000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is stated that the tap would be used for deliveries of up to 7,750 Mcf of gas per day to Supply, a distribution company affiliate of Mountain Fuel, for resale to CTDC, which would use the gas to operate three gas turbines at its proposed cogeneration plant in Garfield County. It is explained that the tap and metering faciliteis would be installed at a cost of $65,000, to be paid by Mountain Fuel, which would be reimbursed by CTDC. It is asserted that the deliveries by Mountain Fuel to Supply would be within the later's maximum daily entitlement pursuant to Mountain Fuels' Rate Schedules CD-1 and X-33.

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

8. Mountain Fuel Resources, Inc.

[Docket No. CP85-618-000]

Take notice that on June 17, 1985, Mountain Fuel Resources, Inc. (MFR), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP85-618-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate one sales tap and appurtenant facilities to serve as a new delivery point on MFR's transmission pipeline system under the certificate issued in Docket No. CP82-491-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

The requested tap, it is said, is required to effect the delivery of natural gas to Mountain Fuel Supply Company (MFSC) under Rate Schedules CD-1 and X-33 of MFR's FERC Gas Tariff for ultimate sale to Mid-America Pipeline Company (MAPCO).

MFR proposes to construct and operate one two-inch sales tap and related metering and regulating facilities, at an estimated cost of $22,000, on its Granger Tap Line in Sweetwater County, Wyoming, to effect the delivery of up to approximately 320 Mcf of natural gas per day to MFSC, a local distribution affiliate of MFR, for ultimate sale to MAPCO. It is stated that MAPCO requires these gas supplies to fuel an 1100 horsepower Solar turbine pump drive at its proposed Granger pump station which would pump demethanized natural gas liquids through a segment of MAPCO's Rocky Mountain Pipeline System.

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

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

[Docket No. CP85-587-000]

Take notice that on June 7, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-587-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northern to increase the firm entitlement of Western Gas Utilities, Inc. (Western Gas), its utility customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern contends that Western Gas wishes to increase its currently effective contract demand by 288 Mcf per day over a five-year period commencing October 27, 1985. Accordingly, Western Gas would be required to purchase additional firm entitlement sold under Northern's Rate Schedule CD-1, it is asserted. Northern has also stated that the request to increase the firm entitlement currently being sold is due to anticipated expansion of natural gas service in one of Western Gas' market areas.

Northern further states that it can make the additional deliveries of such quantities without constructing additional facilities.

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

10. Northwest Pipeline Corporation

[Docket No. CP85-118-002]

On June 18, 1985, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP85-118-002 a petition to amend the Commission's order issued May 8, 1985, in Docket Nos. CP85-118-000 and CP85-118-001 pursuant to section 7(c) of the Natural Gas Act so as to authorize Northwest to continue the transportation of natural gas for the account of CPEX-Pacific, Inc. (CPEX), for an additional six-month term extending through December 23, 1985, all as more fully described in the petition to amend which is on file with the Commission and open to public inspection.

It is said that the Commission's May 8, 1985, order authorized Northwest to transport, on a best-efforts basis, up to 10 billion MMBtu's of natural gas per day for the account to Reichhold Chemicals, Inc. (Reichhold), CPEX's predecessor, pursuant to a gas transportation agreement dated October 26, 1984. It is explained that under the transportation agreement, Northwest transports gas for CPEX-Pacific, Inc. (CPEX), successor in interest to Reichhold, from the Canadian border at Sumas, Washington, to the Deer Island meter station in Columbia County, Oregon, where thermally equivalent volumes, less fuel, are redelivered to

Northwest Natural Gas Company for CPEX's account.

Further, Northwest states that it presently is authorized to perform the subject transportation service for a six-month term, extending through June 23, 1985, the initial termination date of the transportation agreement. By amendment dated June 7, 1985, to the transportation agreement, Northwest and CPEX agreed to extend the term of the transportation agreement for an additional six months.

Northwest requests the Commission to amend its May 8, 1985, order to authorize Northwest to continue to transport natural gas for CPEX under the transportation agreement, as amended, for an additional six-month term extending through December 23, 1985.

Other than the extension of term, Northwest proposes no change in the existing transporation service. Northwest states that it would continue to charge its effective tariff rate applicable to incremental on-system transportation services which is currently 20.0 cents per million Btu plus a fuel charge and a GRI charge.

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

11. Texas Gas Transmission Corp.

[Docket No. CP85-588-000]

Take notice that on June 7, 1985, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP85-588-000 a request pursuant to § 157.205 of the Commission's regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Westvaco Corporation (Westvaco) under the certificate issued in Docket No. CP82-407-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport up to 10 billion Btu of gas per day for Westvaco through June 30, 1985, or until the expiration of the term of any extension of the transportation program set up by the Commission in Order No. 234-B. Texas Gas states that the gas to be transported would be purchased from TXO Production Corporation and would be used for pulp and lime drying, flame stabilization, space heating and other miscellaneous uses in Westvaco's Wickliffe, Kentucky, plant.

Texas Gas indicates that it would receive up to 10 billion Btu equivalent of natural gas per day delivered into its pipeline system at an existing interconnection with Natural Gas Pipeline Company of America in Cameron Parish, Louisiana, and would redeliver such gas to Westvaco's Wickliffe, Kentucky, plant.

Texas Gas states that it would charge Westvaco the rate set forth in Texas Gas's Rate Schedule T-SL/Z-2 which is currently 32.91 cents per Mcf. In addition, Texas Gas indicates that it would collect the General R & D Funding Unit of the Gas Research Institute for all quantities transported under the transportation agreement.

Texas Gas also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexibile authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Texas Gas would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

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

12. Trunkline Gas Co.

[Docket No. CP85-453-001]

Take notice that on June 19, 1985, Trunkline Gas Company (Trunkline), Post Office Box 1642, Houston, Texas 77001, filed in Docket No. CP85-453-001 an amendment to its pending application filed in Docket No. CP85-453-000 pursuant to section 7(c) of the Natural Gas Act so as to correct certain information included in the pending application, to delete Exhibit E from the pending application, and to note that the pending application provides for an increase in delivery pressure for Union Gas Company from 225 psig to 300 psig, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Trunkline states that its pending application filed in Docket No. CP85-453-000 incorrectly listed the current contract demand for the Village of Greenup as 2,000 Mcf of natural gas per day. Trunkline states that the correct contract demand is 1,430 Mcf and that the proposed increase in contract demand for Greenup should be 2,570 Mcf per day. Trunkline states that the total current contract demands for the SG customers listed in its application is thus 38,752 Mcf per day and that the total proposed increase in demand for these SG customers is 38,695 Mcf per day. Trunkline adds that the corresponding grand total (including the contract demand for the Central Illinois Public Service Company) should reflect current contract demands of 55,541 Mcf per day and an increase of 44,796 Mcf per day.

Trunkline further states that Exhibit E was erroneously filed in its pending application and therefore requests that it be deleted from the application. Trunkline explains that no other proceeding other than Docket No. RP83-93 is relevant to this application.

Trunkline further requests that the Commission note that the service agreement with Union Gas Company, which is included in its application filed in Docket No. CP85-453-000, provides for an increase in delivery pressure from the currently authorized pressure of 225 psig to 300 psig. Trunkline states that this increase in delivery pressure would have no significant effect on the operations of Trunkline's system.

Trunkline states that, whereas the various service agreements included in Exhibit I to Docket No. CP85-453-000 reflect an effective date prior to the date of this filing, Trunkline will correct the agreements to reflect the effective date authorized by the Commission. Trunkline proposes to make other minor technical corrections (e.g., corrections to mailing addresses) to these agrements prior to execution.

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

13. East Tennessee Natural Gas Co.

[Docket No. CP85-610-000]

Take notice that on June 12, 1985, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37939-0245, filed in Docket NO. CP85-610-000 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the rearrangement of the maximum daily quantities of its customers and to increase and decrease the contract demands of some of its customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection and the appendix to this notice.

Applicant proposes to rearrange the maximum daily quantities (MDQ) of some of its customers within existing contract demand volumes prior to the 1985-86 heating season. Applicant would also increase and decrease contract demands (CD) of certain of its customers prior to the 1985-86 heating season. Applicant states that no

facilities are required to effectuate the proposed MDQ and CD changes.

Applicant further states that it proposes to utilize uncommitted system storage volumes which it presently has under contract with Consolidated Gas Supply Corporation combined with local production from the Early Grove Gas Company to meet the net increase in contract demand of 3,531 Mcf of natural gas.

EAST TENNESSEE NATURAL GAS COMPANY—PRESENT AND PROPOSED CONTRACT AUTHORIZATIONS

[Mcf at 14.73 psia]

Line No.	Col. 1—particulars	Col. 2—CP85—total authorizations	Col. 3—proposed increase (decrease)	Col. 4—total proposed authorization
1	Resale customers:			
2	Zone 1—			
3	Town of Algood	402	48	450
4	City of Athens	4,926		4,926
5	Chattanooga Gas Company.	49,565	(2,565)	47,000
6	Citizens Gas Utility Dist	2,742		2,742
7	City of Cookeville	5,080		5,080
8	City of Dunlap	1,859	641	2,500
9	Elk River Public Util. Dist.	10,777		10,777
10	Town of Englewood	506		506
11	City of Etowah	2,167		2,167
12	City of Fayetteville	4,189	50	4,239
13	Town of Gainesboro	582		582
14	City of Gallatin	4,409	150	4,559
15	City of Harriman	3,704		3,704
16	City of Jamestown	1,159		1,159
17	City of Knoxville	35,000		35,000
18	City of Lenoir City	2,753	330	3,083
19	City of Lewisburg	4,380		4,380
20	City of Livingston	1,431	220	1,651
21	City of Loudon	3,100	600	3,700
22	Town of Madisonville	912	38	950
23	First Utility District of			
24	Maury County—Mt. Pleasant.	1,171	620	1,781
25	Middle TN Utility Dist	16,184	1,816	18,000
26	City of Monteagle	349	71	420
27	Oak Ridge Utility Dist	7,200		7,200
28	Powell Clinch Util. Dist	4,446	415	4,861
29	City of Rockwood	2,652	200	2,852
30	City of South Pittsburg	3,155		3,155
31	City of Sweetwater	2,439	141	2,580
32	Resale customers: (continued)			
33	United Cities Gas Co.—Zone 1 [1].			
34				
35	Zone 2—			
36	Jefferson-Cocke County			
37	Utility District	6,730		6,730
38	Natural Gas Utility District.			
39	of Hawkins County	3,939	236	4,175
40	Sevier County Utility Dist.	3,110	880	4,000
41	United Cities Gas Co.—			
42	Zone II [1]	14,660		14,660
43	Unicoi County Util. Dist	2,260	240	2,500
44	Tennessee-Virginia Energy			
45	Corporation—Zone 2 [2].	21,396		21,396
46	Zone 3—			
47	Tennessee-Virginia Energy			
48	Corporation—Zone 3 [2].	23,362		23,362
49	Roanoke Gas Company	9,789		9,789
50	Total jurisdictional	264,463	4,131	268,594
51	Total United Cities Gas Co.[1].	36,638		36,638

EAST TENNESSEE NATURAL GAS COMPANY—PRESENT AND PROPOSED CONTRACT AUTHORIZATIONS—Continued

[Mcf at 14.73 psia]

Line No.	Col. 1—particulars	Col. 2—CP85—total authorizations	Col. 3—proposed increase (decrease)	Col. 4—total proposed authorization
52	Total Tennessee-Virginia Energy			
53	Corporation [2]	44,758		44,758
54	(formerly Volunteer Natural Gas			
55	and Colonial Natural Gas).			
56	Direct sales customers: [3]			
57	Zone 1—			
58	Aluminum Co. of America (F).	18,000		18,000
59	Aluminum Co. of America (R).	8,000		8,000
60	Aluminim Co. of America (S).	5,000		5,000
61	Armour and Company (R).	800		800
62	Bowater Southern Paper			
63	Corporation (F)	3,500		3,500
64	Bowater Southern Paper			
65	Corporation (R)	26,500		26,500
66	Greenback Industries, Inc. (F).	500		500
67	Occidental Chemical Corp. (F) [4].	150		150
68	Occidental Chemical Corp. (R) [4].	4,500		4,500
69	Rhone-Poulenc Chemical Co. (F) [5].	300		300
70	Rhone-Poulenc Chemical Co. (R).	1,200		1,200
71	Monsanto Company (F)	750	(600)	150
72	Direct sales customers: (continued)			
73	Zone 1—(continued)			
74	Monsanto Company (R)	6,000		6,000
75	Old Hickory Brick Co. (R).	500		500
76	Olin Corporation (R)	1,200		1,200
77	Sewanee Silica Co. (F)	0		0
78	Stauffer Chemical Company—			
79	Mt. Pleasant (F)	700		700
80	Mt Pleasant (R)	6,000		6,000
81	Tennessee Air Nat'l Guard (F).	550		550
82	Union Carbide Corporation (R).	7,500		7,500
83	Department of Energy (F).	2,400		2,400
84	Department of Energy (R).	7,634		7,634
85	Zone 2—			
86	AFG Industries, Inc (F)	7,300		7,300
87	AFG Industries, Inc. (R)	3,700		3,700
88	General Shale Products			
89	Corporation (R)	4,196		4,196
90	Mead Corporation (F)	200		200
91	Mead Corporation (R)	1,000		1,000
92	Tennessee Eastman Co. (F).	9,600		9,600
93	Tennessee Eastman Co. (R).	1,049		1,049
94	Total nonjurisdictional (F).	43,950	(600)	43,350
95	Total nonjurisdictional (R).	79,779		79,779
96	Total nonjurisdictional (S).	5,000		5,000
97	Total system (F)	328,413	3,531	331,944
98	Total system (R)	79,779		79,779
99	Total system (S)	5,000		5,000
	(F) Firm Service			
	(R) Interruptible Service			

EAST TENNESSEE NATURAL GAS COMPANY—PRESENT AND PROPOSED CONTRACT AUTHORIZATIONS—Continued

[Mcf at 14.73 psia]

Line No.	Col. 1—particulars	Col. 2—CP85—total authorizations	Col. 3—proposed increase (decrease)	Col. 4—total proposed authorization
100	(S) Seasonal Service			
	Notes:			

[3] Authorized Volumes at 1000 BTU/CF at 14.73 psia.
[4] Formerly Hooker Chemical Corporation.
[5] Formerly Mobil Chemical Company.

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

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comments date file with the Federal Energy Regulatory, Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activitiy shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest if filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-16389 Filed 7-9-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER85-589-000 et al.]

Public Service Company of Oklahoma et al.; Electric Rate and Corporate Regulation Filings

July 3, 1985.

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

1. Public Service Company of Oklahoma

[Docket No. ER85-589-000]

Take notice that on June 26, 1985, Public Service Company of Oklahoma (PSO) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 211. PSO requests an effective date of June 1, 1984.

Copies of the filing have been served on Southwestern Electric Power Company, the Oklahoma Corporation Commission and the Louisiana Public Service Commission.

Comment date: July 17, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Public Service Company of Oklahoma

[Docket No. ER85-590-000]

Take notice that on June 26, 1985, Public Service Company of Oklahoma (PSO) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 210. PSO requests an effect cancellation date of June 1, 1984.

Copies of the filing have been served on Southwestern Electric Power Company, the Oklahoma Corporation Commission and the Louisiana Public Service Commission.

Comment date: July 17, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Shawmut Engineering, Inc.

[Docket No. EL85-35-000]

Take notice that on July 19, 1985, Shawmut Engineering, Inc. tendered for filing a complaint pursuant to Sections 205, 206, and 306 of the Federal Power Act against Pennsylvania Electric Company.

Comment date: August 2, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. West Texas Utilities Company

[Docket No. ER85-591-000]

Take notice that on June 26, 1985 West Texas Utilities Company ("WTU") tendered for filing a letter agreement, dated February 18, 1985, between WTU and Texas Electric Service Company ("TESCO") and an Agreement Between Texas Electric Service Company and West Texas Utilities Company for the Construction and Interconnection of Transmission Facilities, dated February 28, 1985. Each of the two agreements submitted provides for an additional point of interconnection between the respective transmission systems of WTU and TESCO. WTU requests that the agreements be made effective as of July 1, 1985, and, accordingly, WTU requests waiver of the notice requirements under the Federal Power Act.

Copies of the filing have been served on TESCO and on the Public Utility Commission of Texas.

Comment date: July 17, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-16390 Filed 7-9-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC85-17-000]

Williston Basin Interstate Pipeline Co.; Tariff Filing

July 3, 1985.

Take notice that on June 20, 1985, Williston Basin Interstate Pipeline Company (Williston Basin), 304 East Rosser Avenue, Suite 200, Bismarck, North Dakota 58501, tendered for filing in Docket No. TC85-17-000 pursuant to Part 154 of the Commission's Regulations the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to be effective January 1, 1986:

First Revised Sheet No. 162
First Revised Sheet No. 163

Williston Basin proposes to eliminate the continued restriction on the addition of new customers. Williston Basin states that it has lifted curtailment of deliveries on its system and there will be no limitations imposed on Williston Basin's customers during the 1985-86 supply year. It is averred that Williston Basin's FERC Form 15 and FERC Form 16 support its ability to meet its full customer requirements and to meet the requirements of new customers. Williston Basin submits that the existing growth restriction is unnecessary and could result in the potential loss of sales to new customers and a consequent potential loss in fixed cost recovery that would otherwise accure to the benefit of Williston Basin's existing customers.

Williston Basin states that this filing complies with Article II(C) of the "Amendment of Stipulation and Agreement in Settlement of Remaining Issues and Terminating Proceedings" as approved by the Commission in Docket No. RP76-91-000 on February 19, 1982, that requires Williston Basin to file tariff sheets before July 31, 1985, if it is proposing a change in the rule governing new connections to become effective upon the expiration of the amendment.

Any person desiring to be heard or to make any protest with reference to said tariff sheets filing should on or before July 15, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to

intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-16388 Filed 7-9-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-66120; FRL-2861-3]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the names of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

EFFECTIVE DATE: August 9, 1985.

ADDRESS: By mail, submit comments to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20406.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Lela Sykes, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 718C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2126).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
88-12	Bugonex 50% Malathion Bug Killer Liquid, Concentrate, Emulsifiable	The Hyponex Co., Inc., 3489 Sawmill Rd., Box 4300 Copley, OH 44321	Apr. 18, 1961.
239-2232	Ortho Triox Granular Vegetation Killer	Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804	May 16, 1968.
264-156	Amchem X—All Liquid	Union Carbide Agricultural Products Co., Inc., P.O. Box 12014, T.W. Alexander Dr., Research Triangle Park, NC 27709.	Feb. 20, 1962.
561-3	Pest-X No. 5 Spray	Klein Kleen-All Corp. of Milwaukee, 1125 N. Third St., Milwaukee, WI 53203	June 4, 1964.
655-333	Prentox Sulfoxide 40% Solution	Prentiss Drug and Chemical Co., Inc., C.B. 2000, 21 Vernon St., Floral Park, NY 11001.	Dec. 3, 1968.
655-336	Prenton Sulfoxide	do	Dec. 5, 1968.
655-444	Prentox® Insect-Mite, Emulsifiable, Concentrate	do	Dec. 1, 1972.
655-639	Prentox® Chlorpyrifos DDVP Concentrate	do	July 2, 1981.
1191-346	Flight Brand EPN-Methyl Parathion 3-3 EC	Carolina Chemicals, Inc., 306 Miami St., West Columbia, SC 29169	Sept. 26, 1979
1269-26	De Witt D-3 Super Insecticide	De Witt Chemical Co., P.O. Box 2015 Atlanta, GA 30301	Apr. 3, 1967.
1339-162	Cotton States Vapona-2 OS	Cotton States Chemical Co., 116 Wassan St., P.O. Drawer 157, West Monroe, LA 71291.	Oct. 26, 1961.
1624-23	20 Mule Team® Benzabor Weed Killer Semi-Selective	U.S. Borax and Chemical Corp., 3075 Wilshire Blvd., Los Angeles, CA 90002	July 1, 1958.
2131-13	Flea and Tick Soap for Dogs	The R.T. French Co., One Mustard St., P.O. Box 23450, Rochester, NY 14692	June 26, 1968.
2204-11	Nopcocide 140	Diamond Shamrock Chemicals Co., Process Chemicals Division, P.O. Box 2386R, Morristown, NJ 07960.	Aug. 18, 1971.
3509-67	Safe-Way Brand Vapokill Emulsifiable	Safe-Way Farm Products Co., Inc., 2519 East 5th St., Austin, TX 78702	Apr. 9, 1963.
8590-156	Captan-Trithion-G 10-3-3D	Agway, Inc., Box 4933, Syracuse, NY 13221	July 15, 1965.

The Agency has agreed that each cancellation shall be effective August 9, 1985, unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue until the supply in exhausted, or for one year from the effective date of cancellation. Other persons may continue to sell and distribute these products until the supply is exhausted. Continued sale and use of such existing stocks has been determined to be in accordance with the provisions of FIFRA and must be consistent with the label and labeling approved by EPA. Production of these products after the effective date of cancellation is prohibited and would be a violation of FIFRA.

Requests that the registration of these products be continued may be submitted in triplicate to the Registration Support and Emergency Response Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66120]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in Rm. 236, CM#2, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Authority: (7 U.S.C. 136d).

Dated: June 24, 1985.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 85-16249 Filed 7-9-85; 8:45 am]

BILLING CODE 6560-50-M

[A-2-FRL-2861-7]

Prevention of Significant Deterioration of Air Quality (PSD); Final Determinations

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this notice is to announce that between February 1, 1985 and April 30, 1985, the New York State Department of Environmental Conservation (NYSDEC) issued eight final determinations and the New Jersey Department of Environmental Protection (NJDEP) issued one final determination

pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21.

DATES: The effective dates for the above determinations are delineated in the following chart (see **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Office of Policy and Management, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264–4711.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the NYSDEC and NJDEP have made final determinations relative to the sources listed below:

Name of applicant	Location	Project proposal	Reviewing agency	Final action	Date of final action
Seneca Foods Corp.	Dundee, New York	Conversion of 3 natural gas-fired boilers to burn No. 6 fuel oil as an additional fuel.	NYSDEC	PSD non-applicability determination	Feb. 6, 1985
Alcan Aluminum Corp. (Sheet & Plate Division).	Scriba, New York	Burning of No. 6 fuel oil in an existing aluminum holding furnace and reduction of No. 6 fuel oil consumption at another existing furnace.	NYSDEC	PSD non-applicability determination	Feb. 20, 1985
ADM Corn Sweeteners.	Montezuma, New York.	Construction of a starch dryer and storage silos.	NYSDEC	PSD non-applicability determination	Feb. 27, 1985
Dunlop Tire Corp	Tonawanda, New York.	Replacement of 2 30000 lb/hr boilers with a new 24000 lb/hr No. 6 oil/natural gas-fired boiler.	NYSDEC	PSD non-applicability determination	Feb. 27, 1985
Eastman Kodak Company.	Rochester, New York.	Construction of a process reactor for production of vitamins	NYSDEC	PSD non-applicability determination	Mar. 6, 1985
Eastman Kodak Company.	Rochester, New York.	Construction of a coating machine	NYSDEC	PSD non-applicability determination	Mar. 13, 1985
Chart Energy Enterprises Corp.	Atlantic City New Jersey.	Construction of a cogeneration plant.	NJDEP	PSD non-applicability determination	Mar. 20, 1985
Reynolds Metals Company.	Massena, New York.	Construction of a wood-fired boiler and conversion of 3 existing full time oil-fired boilers to standby natural gas-fired boilers.	NYSDEC	PSD non-applicability determination	Mar. 27, 1985
New York City Health & Hospitals Corp.	Kings County Hospital Center, Brooklyn, New York.	Replacement of existing coal and oil-fired boilers with new oil and natural gas-fired boilers.	NYSDEC	PSD non-applicability determination	Apr. 17, 1985

This notice lists only the sources that have received final PSD determinations. Copies of these determinations and related materials may be available for public inspection at the following offices:

NYSDEC Actions

New York State Department of Environmental Conservation, Division of Air Resources, Source Review and Regional Support Section, 50 Wolf Road, Albany, New York 12233–0001

NJDEP Actions

New Jersey Department of Environmental Protection, Division of Environmental Quality, Bureau of Engineering and Technology, John Fitch Plaza, CN 027, Trenton, New Jersey 08625

If available pursuant to the Consolidated Permit Regulations (40 CFR Part 124), judical review of these determinations under section 307(b)(1) of the Clean Air Act (the Act) may be sought *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from the date on which these determinations are published in the **Federal Register**. Under section 307(b)(2) of the Act, these determinations shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Dated: June 26, 1985.

Christopher J. Daggett,

Regional Administrator.

[FR Doc. 85–16380 Filed 7–9–85; 8:45 am]

BILLING CODE 6560–50–M

[OPP-00209; FRL-2862-7]

Administrator's Pesticide Advisory Committee; Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Administrator's Pesticide Advisory Committee (APAC) Subcommittee on Labeling will hold a meeting to formulate recommendations regarding which pesticide networks the Agency should pursue to encourage the safe use and handling of pesticide products. The meeting will be open to the public.

DATE: The meeting will take place on Wednesday, July 31, 1985, at 9 a.m. and adjourn by 5 p.m.

ADDRESS: The Subcommittee meeting will be held in: Environmental Protection Agency, Room 1112, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Betty Winter, Executive Secretary, Administrator's Pesticide Advisory Committee (TS–788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room E–639, 401 M Street, SW., Washington, DC 20460 (202–382–2916).

SUPPLEMENTARY INFORMATION: The meeting will be open to the public, and time will be set aside for public comments concerning the agenda items. Any member of the public wishing to present an oral or written statement relative to the Subcommittee's topics of discussion for this meeting should contact the APAC Executive Secretary at the address or telephone number listed above. A complete agenda will be available at the meeting.

Dated: July 2, 1985.

Marcia E. Williams,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 85–16473 Filed 7–9–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Agreement Filed; Asia North America Eastbound Rate Agreement

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal

Maritime Commission, Washington, DC 20573, within 15 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–010776.

Title: Asia North America Eastbound Rate Agreement.

Parties:

American President Lines, Ltd.
Barber Blue Sea
Evergreen Marine Corp. (Taiwan) Ltd.
Hanjin Container Lines Ltd.
Hapag-Lloyd Trans-Pacific Service.
Hong Kong Islands Line.
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Korea Marine Transport Co., Ltd.
Lykes Bros. Steamship Co., Inc.
A.P. Moller-Maersk Lines.
Mitsu O.S.K. Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha Line.
Orient Overseas Container Line, Inc.
Sea-Land Service, Inc.
Showa Line, Ltd.
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.
Zim Israel Navigation Co. Ltd.

Synopsis: The proposed agreement would permit the parties to agree upon rates and conditions of carriage for the transportation of cargo in the trade from ports and points in (1) Hong Kong, Macao, Korea, Taiwan, Siberia U.S.S.R. and the Peoples Republic of China (North Asia Range") and (2) Thailand, Viet Nam, Kampuchea, Laos, Burma, the Philippines, Singapore, Malaysia, Brunei and Indonesia ("South Asia Range") to ports on the Atlantic, Gulf and Pacific coasts of the United States and Atlantic and Pacific Canadian Ports and U.S. and Canadian interior and coastal points via such ports. The scope of the agreement also includes Alaska, Puerto Rico, and the U.S. Virgin Islands, but excludes Hawaii.

Dated: July 5, 1985.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–16353 Filed 7–9–85; 8:45: am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

DMB Corporation, Inc.; Formation of; Acquisition by; or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 255.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than July 31, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *DMB Corporation, Inc.*, De Forest, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of De Forest-Morrisonville Bank, De Forest, Wisconsin.

Board of Governors of the Federal Reserve System, July 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–16364 Filed 7–9–85; 8:45 am]

BILLING CODE 6210–01–M

Hongkong and Shanghai Banking Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 1, 1985.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Hongkong and Shanghai Banking Corporation*, Hong Kong; *Kellette, N.V.*, Curacao, Netherlands Antilles; *HSBC Holdings, B.V.*, Amsterdam, The Netherlands; and *Marine Midland Banks, Inc.*, Buffalo, New York; to acquire Marine Midland National Finance Corporation, Wilmington, Delaware, which will become a bank holding company by acquiring Marine Midland Bank (Delaware), N.A., Wilmington, Delaware.

Marine Midland Finance Corporation has also applied to engage *de novo* directly in making, acquiring, and

servicing loans or other extensions of credit (including issuing letters of credit and accepting drafts).

Board of Governors of the Federal Reserve System, July 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-16365 Filed 7-9-85; 8:45 am]

BILLING CODE 6210-01-M

Independent Banks of Virginia, Inc.; Correction

This notice corrects a previous **Federal Register** document (FR Doc. 85-15423), published at page 26623 of the issue for Thursday, June 27, 1985. The location of the bank to be acquired, the Princess Anne Commercial Bank, is corrected to read Virginia Beach, Virginia.

Board of Governors of the Federal Reserve System, July 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-16366 Filed 7-9-85; 8:45 am]

BILLING CODE 6210-01-M

North Community Bancorp, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States

The applicationis available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 29, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin. D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1, *North Community Bancorp, Inc.,* Chicago, Illinois; to engage *de novo* through its subsidiary, Community Mortgage Company, Chicago, Illinois, in servicing mortgage loans for others.

Board of Governors of the Federal Reserve System, July 3, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-16367 Filed 7-9-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Medical Management of Pregnant Persons With Diabetes Treated in Maternal and Child Health Programs; Open Meeting

The Centers for Disease Control will convene the following meeting in Philadelphia, Pennsylvania, of a work group to discuss draft public health guidelines and strategies being developed for care of pregnant persons with diabetes in State health department sponsored programs. The meeting will be open to the public, limited only by space available.

Medical Management of Pregnant Persons With Diabetes Treated in Maternal and Child Health Programs

Date: July 17, 1985.

Time: 9:30 a.m.-4:00 p.m.

Place: Airport Hilton Inn, 10th and Packer Avenues, Philadelphia, Pennsylvania 19148.

Additional information may be obtained from: Robert D. Moran, Division of Diabetes Control, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333 Telephones:

FTS: 236-1844

Commercial: (404) 329-1844.

Dated: July 2, 1985.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 85-16371 Filed 7-9-85; 8:45 am]

BILLING CODE 4160-18-M

Public Health Service

National Toxicology Program, Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting on August 14, 1985 of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina.

The meeting begins at 8:30 a.m. and will be open to the public. The primary agenda topic is the completion of peer review on draft technical reports of long-term toxicology and carcinogenesis studies from the National Toxicology Program. Reviews will be conducted by the Technical Reports Review Subcommittee of the Board in conjunction with the *ad hoc* Panel of Experts.

Draft technical reports of studies on the following chemicals are *tentatively* scheduled to be peer reviewed on August 14. These are listed in order of review with Chemical Abstracts Service registry number, route of administration and species, and NTP chemical manager for each study.

Chemical (CAS registry No.)	Route/species	Chemical manager (phone No.)
Decabromodiphenyl Oxide (1163-19-5).	Feed/mice, rats.	Dr. H.B. Matthews (919-541-3252).
Ephedrine Sulfate (134-72-5).	Feed/mice, rats.	Dr. R.D. Irwin (919-541-3340).
Diesel Fuel Marine/ Navy Fuels JP-5 (6008-20-6).	Dermal/mice.....	Dr. M.P. Dieter (919-541-3368).
Chlorinated Paraffins, (C_{23}, 40% Cl) (63449-39-8).	Gavage/mice, rats.	Dr. J.R. Bucher (919-541-4532)
Chlorinated Paraffins, (C_{12}, 58% Cl) (63449-39-8).	Gavage/mice, rats.	Dr. J.R. Bucher (919-541-4532).
Tetrachloroethylene (Perchloroethylene) (127-18-4).	Inhalation/ mice, rats.	Dr. J.H. Mennear (919-541-4178).
Chlorendic Acid (115-28-6).	Feed/mice, rats.	Dr. J.E. French (919-541-7790).
n-Butyl Chloride (109-69-3).	Gavage/mice, rats.	Dr. J.H. Roycroft (919-541-3627).

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919-541-3971), FTS (629-3971), will furnish final agenda,

rosters of subcommittee and panel members, and other program information prior to and at the meeting, and summary minutes subsequent to the meeting.

Dated: July 2, 1985.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 85-16363 Filed 7-9-85; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

Illinois and Michigan Canal National Heritage Corridor Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Illinois and Michigan National Heritage Corridor Commission will be held July 17, 1985, beginning at 10 a.m. at the Central Square Building, Ninth and Hamilton Streets, Lockport, Illinois.

The Commission was originally established on August 24, 1984, pursuant to provisions of the Illinois and Michigan Canal National Heritage Corridor Act of 1984, 98 Stat. 1456, 16 U.S.C. 461 to implement and support the conceptual plan.

Matters to be discussed at the meeting will include reports from the finance subcommittee, headquarters subcommittee, and personnel subcommittee. The commission will also be briefed on Federal government contracting procedures and the use of cooperative agreements. This is the second meeting of the commission. Therefore, further organizational structures and means of communicating internally and externally will be discussed.

The meeting will be open to the public. Interested persons may submit written statements to the official listed below prior to the meeting. Further information concerning the meeting may be obtained from Alan M. Hutchings, Chief, Division of External Affairs, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone 402-221-3481 (FTS 864-3481). Minutes of the meeting will be available for public inspection at the Midwest Regional Office 3 weeks after the meeting.

Dated June 26, 1985.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 85-16361 Filed 7-9-85; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Kesterson Reservoir Closure and Cleanup; Rescheduling of Scoping Sessions for Draft Environmental Impact Statement

The Bureau of Reclamation has rescheduled the public scoping sessions for the environmental impact statement (EIS) on closing and cleaning up Kesterson Reservoir in Merced County, California. On May 28, 1985, Reclamation published a notice of intent to prepare the EIS in cooperation with the U.S. Fish and Wildlife Service (FWS). Two scoping sessions were originally planned for June 26 and 27 in Mendota and Los Banos, California. Later in June, Reclamation published another notice postponing those sessions until after Reclamation submits the closure and cleanup plan to the California State Water Resources Control Board on July 5, 1985. This notice is to establish a new schedule for conducting the scoping sessions.

Scoping meetings will be conducted at:

July 24, 1985, 7:00 p.m.-10:00 p.m.

Herbert Hoover School, 800 East 26th Street, Merced, California

July 24, 1985, 1:00 p.m.-4:00 p.m.

Fresno Convention Center (Wine Room), 700 M Street, Fresno, California

July 24, 1985, 7:00 p.m.-10:00 p.m.

McCabe School (MU Room), 250 South Derrick Street, Mendota, California

July 25, 1985, 1:00 p.m.-4:00 p.m.

Merced County Fairgounds at Los Banos, Fourth and F Streets, Los Banos, California

July 25, 1985, 7:00 p.m.-10:00 p.m.

Gustine High School, 501 North Avenue, Gustine, California

The scoping meetings, which will be in a workshop format, are intended to obtain information from the public to help determine significant issues, potential environmental effects, and other information related to the proposed action. Anyone wishing to make formal statements should do so, in writing, by August 2, 1985, to Reclamation at the address provided below.

Further information may be obtained from Bob Schroeder (916) 484-4507 and Rod Hall (916) 484-4792, both of the Bureau of Reclamation. Stephen Moore (916) 484-4133 is the contact for the FWS. All are located at 2800 Cottage Way, Sacramento, California 95825-1898.

Dated: July 8, 1985.

James E. Cook,

Acting Commissioner.

[FR Doc. 85-16512 Filed 7-9-85; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30670]

Lackawanna Valley Railroad Corp., Moxahala Valley Railroad Corp., and Panther Valley Railroad Corp.; Exemption From 49 U.S.C. 11343

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 11343(a)(4) the continuance in control of Lackawanna Valley Railroad Corp., Moxahala Valley Railroad Corp., and Panther Valley Railroad Corporation by Mr. William Powers, subject to protective conditions for rail employees.

DATES: This exemption is effective on August 9, 1985. Petitions to stay must be filed by July 22, 1985, and petitions for reconsideration must be filed by July 30, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30670 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) John D. Heffner, Suite 1100, 8300 Greensboro Drive, McLean, VA 22101

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to: T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: July 2, 1985.

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

James H. Bayne,

Secretary.

[FR Doc. 85-16379 Filed 7-9-85; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-84]

Rail Carriers; Atchison, Topeka & Santa Fe Railway Co.; Passenger Train Operation

Correction

In the issue of Wednesday, July 3, 1985, in the document beginning on page 27500, make the following correction:

On page 27501, first column, in the file line, "FR Doc. 85-15876" should have read "FR Doc. 85-15876a".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Missing Children's Assistance Act; Withdrawal Program Announcement

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of Withdrawal of Program Announcement.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is withdrawing the program announcement entitled "National Study of Law Enforcement Agencies' Policies and Practices Regarding Missing Children and Homeless Youth" published in the **Federal Register** on June 14, 1985, 50 FR 24951.

If this program is selected as a priority after review of public comments submitted to OJJDP in response to the proposed Missing Children's Assistance Act Section 406 priorities as published in the **Federal Register** on May 10, 1985, 50 FR 19817, OJJDP will republish the announcement at the same time that the notice of the final program priorities is published in the **Federal Register.**

Comments on the proposed priorities are due by July 9, 1985 and OJJDP anticipates that the notice of final program priorities will be published within 10 days of that date.

Dated: July 3, 1985.

Approved:

James M. Wootton,

Deputy Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 85-16352 Filed 7-9-85; 8:45 am]

BILLING CODE 4410-01-M

Bureau of Prisons

National Institute of Corrections; Bylaws

July 1, 1985.

Article I—Title and Objects

The name of this organization shall be the Advisory Board of the National Institute of Corrections (NIC) hereinafter referred to as the Board of NIC or the Board.

Under the authority of 18 U.S.C. 4351-4353 (1974) as provided for by Pub. L. 93-415, Title V, Part B hereinafter referred to as 18 U.S.C. 4351-4353 (1974), NIC's overall goal is to aid in the development of more effective and humane, constitutional, federal, state and local correctional systems which will contribute to the safety of offenders, staff and the community by:

1. Providing the stimulus for cooperative and consolidated action by all groups affecting corrections.
2. Establishing close working relationships among federal, state and local correctional agencies.
3. Developing a larger sense of professionalism at all levels in corrections.
4. Drawing other professional groups into a closer relationship with correctional planning and practice.

In order to implement these objectives, 18 U.S.C. 4351-4353 (1974) outlines five primary assistance areas that form the core of NIC's activities: training, research and evaluation, policy formulation and implementation, clearinghouse and publication, and technical assistance.

18 U.S.C. 4351-4353 (1974) expressly charges the Board of NIC with both the authority and responsibility to develop and supervise the overall policy of NIC. The primary responsibility of the Board in this regard shall be to review and approve the Annual Program Plan presented by the Director of NIC.

Article II—Organization

Section 1. Membership and terms of office—as required under 18 U.S.C. 4351-4353 (1974), the Board of NIC shall consist of sixteen members:

Six individuals or their respective designees shall serve as ex officio members, these include: The Director of the Federal Bureau of Prisons, the Assistant Attorney General for the Office of Justice Programs, Chairman of the U.S. Parole Commission, the Director of the Federal Judicial Center, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Assistant Secretary for Development of the Department of Health and Human Services. Any ex officio member of the Board who selects a designee to serve in his position shall notify the Board's chairman in writing of such action. This written notification must include the name and position of the designee. Any change in a respective designee must follow the same notification procedure.

Five members of the Board of NIC must qualify as practitioners at the federal, state or local level in the area of corrections. These individuals shall be appointed by the Attorney General for staggered three year terms.

The five remaining members of the Board of NIC shall be selected from the private sector such as business, labor and education and shall have demonstrated an active interest in corrections. These five members shall be appointed by the Attorney General for staggered three year terms.

Upon completion of the term of each of the ten members not serving ex officio, the Attorney General shall appoint successors who will each serve for a term of three years. Terms of appointment of each of the ten members not serving ex officio shall bear the effective date of January 1. In the absence of an appointment of a successor by the Attorney General, the incumbent member shall continue to serve as a Board member until a successor is appointed.

Section 2. General Duties. The Board shall:

A. Review all proposed amendments to these bylaws;

B. Review all legislation affecting NIC;

C. Participate with the Director of NIC in the development of a long-range fiscal plan for Prisons, Jails, Community Corrections, National Academy, and the Clearinghouse/Information Services;

D. Participate with the Director of NIC in the development of annual program plans for NIC; and

E. Review all documents and guidelines dealing with grant and contract funding for NIC.

Section 3. Officers of the Board—The Board annually shall elect a chairman and five vice-chairmen, each of whom shall be the Chairman of one of the standing committees. These officers shall be elected by a majority vote of the Board. The term of the office for the chairman and vice-chairmen shall be one year commencing upon completion of the Board's fall/winter meeting. No chairman or vice-chairman shall serve more than two consecutive one year terms without concurrence of two-thirds's of the members of the Board.

No ex officio member of the Board may serve as chairman of the Board. No

designee may serve as an officer of the Board.

A. The Chairman shall:

1. Preside over all meetings of the Board.

2. Consult with Board members and the Director of NIC and develop an agenda for each meeting. The agenda shall include but not be limited to: a report from each standing and when appropriate from each ad hoc committee or task force, a report from the Director of NIC, and any proposed amendment to these bylaws.

3. Appoint as many ad hoc committees or task forces as are necessary to assist MIC in the accomplishment of its objectives.

4. Appoint each vice-chairman elected by the Board to chair one of the specific standing committees established under these bylaws and appoint members of those committees.

5. Perform such other functions and duties as the Board may lawfully authorize or request.

The Chairman of the Board is a member of all committees and task forces of the Board and shall be entitled to vote on any committee or task force of the Board. The Chairman of the Board shall be counted in the quorum of any committee or task force.

In event of his absence, the chairman shall designate in writing one of the vice-chairmen who will serve in his place. In event of the long term incapacitation or demise of the chairman the following rule of succession shall be applied. If eligible, succession shall occur in descending order:

1. Vice-Chairman, in the sequence, Prisons Committee, Jails Committee, Community Corrections Committee, National Academy Committee, Clearinghouse/Information Services Committee.

B. Each vice-chairman shall:

1. Serve as a chairman of one of the standing committees established under these bylaws. In the event of his/her absence, the chairman of any standing committee of the Board may designate a replacement for the interim. Such designation shall be communicated to the Director or to the Chairman. In the absence of such a designation, the Chairman may appoint a replacement for the interim.

Section 4. Committee Structure.

A. *The Executive Committee* shall consist of the chairman of the Advisory Board and the chairman of each of the standing committees and shall serve as an appellate review board making recommendations to the Director of NIC in cases of appeal by applicants for grants and contracts:

The Executive Committee shall have the authority to:

1. Take appropriate action for the Board when it is not in session and report those actions in writing to the members of the Board.

2. Act as an appellate review Board for hearing the appeals from actions of the standing committees.

B. *Standing Committees*—There shall be five standing Committees as follows: (1) Prisons, (2) Jails, (3) Community Corrections, (4) National Academy of Corrections, and (5) Clearinghouse/ Information Services. Each of the standing committees will be composed of no more than five and not less than three members of the Board. Each standing committee shall be balanced as equally as possible with members from each of the three categories of Board members, i.e., ex officio, practitioner, and private sector representatives. At no time shall more than two members from any one category serve on any one standing committee. No individual Board member shall serve on more than two standing committees at any one time. No designee may serve as chairman of the standing committee.

Each of the standing committees through its chairman, shall make its recommendations known to the Board at its regular meetings.

Each standing committee shall:

1. Review grants and contracts relevant to its area of responsibility that are in excess of $300,000 and make recommendations to the Director regarding funding;

2. Work with assigned staff to develop that portion of the annual program plan relevant to its area of responsibility;

3. Review the fiscal allocations within the preceding year's Annual Program Plan and make budget recommendations for the Division with which the committee works;

4. Help develop policy for the Division with which it works; and

5. Review, on a quarterly basis, grant award summaries covering grants made in its respective subject area.

C. *Ad Hoc Committees and Task Forces*—The chairman is empowered to appoint as many ad hoc committees and task forces from the Board's membership as deemed necessary to conduct the business of the Board. As with standing committees, representation on ad hoc committees should reflect, if possible, all three categories of Board membership as outlined in Article II, Section 1 of these bylaws.

Upon the recommendation of the Director, or the Chairman of the *ad hoc* committee or task force, or upon the recommendation of the Board, the Chairman is empowered to appoint, because of their expertise, non-members of the Board to special subcommittees of *ad hoc* committees or task forces.

Any non-member of the Board appointed pursuant to this sub-section may be invited by the Director, the Chairman, or the Chairman of the special sub-committee or task force under whom he serves to participate in the discussion of any agenda item directly relevant to the work of such special sub-committee or task force.

The Chairman shall appoint a nominating committee prior to the last regularly scheduled Board meeting each year. The committee shall nominate candidates for offices authorized by the Board. Upon submission to the Board of its report the committee shall be discharged.

Article III—Director of NIC

As provided for by 18 U.S.C. 4351(h) (1974), the Director of NIC shall be appointed by the Attorney General after consultation with the Board of NIC.

The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

In accordance with the policies of the Board of NIC and applicable law, the Board of NIC delegates to the Director the authority to issue procedures, regulations, and guidelines to implement these policies.

It shall be the primary duty of the Director of NIC to present NIC's Annual Program Plan to the Board, and to execute the Annual Program Plan upon Board approval.

The Director of NIC shall also have the following duties as applicable to the Advisory Board: (1) To Provide appropriate staff support to the Board and its committees as may be necessary for the fulfillment of their duties, (2) to

present a report to the Board of NIC at each meeting of the activities of NIC to date, (3) to maintain an up-to-date file of any written authorization which ex officio members of the Board of NIC must file when designating an individual to serve in their place as provided for under 18 U.S.C. 4351–4353 (1974), (4) to provide for the keeping and recording of the minutes of any meeting of the Board of NIC and upon request for any of the Board's committees, (5) to provide all Board members with notice of the upcoming meetings, the agenda for the meeting, the minutes of the last meeting and any other appropriate materials, (6) to provide the Board through such means as it may direct a quarterly report of grant and contract awards.

Article IV—Standard Operating Procedure

The Director of NIC shall promulgate Standard Operating Procedures for the management and control of Institute business and activities. Where such procedures have direct impact on Advisory Board Responsibilities they will be submitted to the Board for review before becoming operational.

Article V—Meetings

The Board shall meet three times annually. However, when deemed necessary, additional meetings may be called by the chairman or by at least two-thirds of the Board.

Written notice of each meeting of the Board of NIC stating the place, date and hour of the meeting, shall be given to each member at least three weeks prior to the date of the meeting.

Notice of any additional meeting of the Board of NIC shall state in writing, by certified mail, the purpose or purposes for which the meeting is being called and shall state whether the meeting is being called by the Chairman or by two-thirds of the Board. The agenda of the meeting shall be limited to the purpose specified. Where notice of any emergency meeting has not been given in writing at least three weeks prior to the date of such a meeting to each Board member, the call of the meeting must be ratified at the meeting by a vote of no less than two-thirds of the full membership of the Board present and working, or voting by mail ballot, for such ratification.

Notice of all meetings of the Board shall be published in the **Federal Register** at least 15 days prior to the meeting, provided that in emergencies, such requirement may be waived. This notice shall contain a statement of the purpose of the meeting, a summary of the agenda, and the time, place, and location of such meeting.

The Director and/or the Chairman may invite on a regular basis such federal officials as might contribute to deliberations of the Institute.

Except for executive sessions, meetings of the Board shall be open to the public for observation. The Chairman may invite more active participation from the public when such action is appropriate and does not interfere with the orderly transaction of the Board's business.

Executive sessions may be called by a majority vote of a quorum of the Board in public. No final action shall be taken at such meetings except upon votes in open session. These sessions shall not be used to obstruct the fullest possible public accessibility to meetings.

Article VI—Voting

All members of the Board of NIC shall each be entitled to a vote on any issue before the Board.

In the event there is a need for the Board to vote on any issue between regularly scheduled meetings, the Chairman, with the consent of the Executive Committee, may conduct a mail ballot. Advisory Board members will be given a minimum of fifteen days within which to respond to a mail ballot.

Under 18 U.S.C. 4351, a member serving ex officio may designate an individual to serve and vote in his/her position at any meeting of the Board or its committees and task forces. Selection of a designee does not preclude an ex officio member from attending and voting at any meeting of the Board, its committees or task forces in place of the respective designee.

No action of the Board of NIC shall be valid and binding without a vote by a quorum of its members. A quorum of the Board shall consist of one-half or more of its members or designees.

Article VII—Compensation of Board Members

Under 18 U.S.C. 4351–4353 (1974), the members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Board who are full-time officers or employees of the United States shall serve without additional compensation, but may be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Board pursuant to 18 U.S.C. 4351–4353 (1974), be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of Title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by Section 5703 of Title 5, United States Code for persons in the Government service employed intermittently. Compensation and reimbursement as provided for by this Article shall be made only upon written request.

Article VIII—Parliamentary Authority

Meetings of the Board and its committees shall be conducted in accordance with the rules contained in *Robert's Rules of Order Revised.* These rules shall govern the Board in all cases where applicable and in which they are not inconsistent with these bylaws. Special rules of order preempting those contained in *Robert's Rules of Order Revised* may be adopted by the Board. Any special rules of order are to be incorporated in these bylaws as a separate section under ths Article.

Article IX—Amendment of the Bylaws

These bylaws may be amended at any meeting of the Board by a majority vote of a quorum of the Board. Amendments to the bylaws may be proposed by the Executive Committee or by any five members of the Board of NIC. Any proposed amendments must be written, signed and sent to Board members at least 15 days in advance of the meeting at which they will be discussed.

Article X—Notice of the Bylaws

Notice of these bylaws shall be published in the **Federal Register.**

Dated: July 1, 1985.

Raymond C. Brown,

Director.

[FR Doc. 85–16327 Filed 7–9–85; 8:45 am]

BILLING CODE 4410–05–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–85–4]

Permanent Variance; St. Joe Lead Company

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Modification and Correction of Notice of Application for Permanent Variance.

SUMMARY: This notice is to (1) make a change and (2) correct and error in the

Federal Register publication of the St. Joe Lead Company application for a permanent variance (50 FR 24963–24966, June 14, 1985.

(1) The Occupational Safety and Health Administration has been requested, and has agreed, to extend the time for comments to be accepted for an additional 30 days until August 14, 1985. The comment period and last date for requests for a hearing have been extended by modifying the paragraph entitled "DATE:" in column two on page 24963, as follows:

"The last date for interested persons to submit comments on the variance application is August 14, 1985. The last date for affected employers and employees and appropriate State authority having jurisdiction over employment or places of employment covered in the application to request a hearing on the application is August 14, 1985."

(2) Due to an inadvertent error, Item 1. in column 3, referred to the blood lead level at or above which St. Joe Lead Company proposed to remove an employee as, 10 μg/dl. The correct level is, 60 μg/dl. The change should read as follows:

"1. St. Joe shall remove each employee with a blood lead level at or above 60 μg/dl and return the employee when his or her blood lead level is at or below 50 μg/dl."

Signed at Washington, DC this 3rd day of July, 1985.

Patrick R. Tyson,

Deputy Assistant Secretary of Labor.

[FR Doc. 85–16360 Filed 7–9–85; 8:45 am]

BILLING CODE 4510–26–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–295]

Commonwealth Edison Co., Zion Nuclear Power Station, Unit 1; Issuance of Director's Decision Regarding Integrated Containment Leak Rate Testing at Commercial Nuclear Power Facilities

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued, a "Decision Pursuant to 10 CFR 2.206" concerning the letters dated March 6 and March 8, 1985 (Petition) filed by Dr. Zinovy V. Reytblatt requesting an immediate postponement of containment leak rate tests for all light-water reactors and debugging and revalidation of certain computer software used in determining leak rates.

The Petition further alleges that the Zion Unit 1 containment leak rate test performed in July 1984 was in error and, therefore, the Petitioner concludes that the Zion Unit 1 leak rates are in excess of regulatory limits.

The Director, Office of Nuclear Reactor Regulation, has determined to deny Petitioner's request pursuant to 10 CFR 2.206. The reasons for this decision are explained in the "Director's Decision under 10 CFR 2.206" (DD–85–10) which is available for public inspection in the Commission's Public Document Room located at 1717 H Street NW., Washington, DC 20555, and at the local public document room for the Zion Station, located at 2600 Emmaus Avenue, Zion, Illinois 60099.

A copy of the Decision will be filed with the Secretary for Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland this 3rd day of July.

For the Nuclear Regulatory Commission

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85–16409 Filed 7–9–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–45]

Issuance of Amendment To Transfer Facility Operating License From Union Carbide Subsidiary B, Inc., to Cintichem, Inc.

The U.S. Nuclear Regulatory Commission has issued Amendment 23 to Operating License No. R–81 to Cintichem, Inc., for operation of the facilities located at its Sterling Forest facility in Tuxedo, New York. Cintichem, Inc., has acquired all the interests previously held by the Union Carbide Subsidiary B, Inc. This amendment is effective on or after its date of issuance.

The amendment deletes the name Union Carbide Subsidiary B, Inc., and replaces it with the name of Cintichem, Inc., wherever it appears in the license or the amendments thereto.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), section 109 of Pub. L. 98–553, and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR, Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

This amendment changes administrative procedues or requirements only. Accordingly, this amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated December 28, 1984, (2) Amendment No. 23 to License No. R–81 and (3) the Staff Evaluation. These items are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 2nd day of July 1985.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Chief, Standardization & Special Projects Branch Division of Licensing.

[FR Doc. 85–16407 Filed 7–9–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–322]

Long Island Lighting Co.; Shoreham Nuclear Power Station; Issuance of Facility Operating License

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. NPF–36 to the Long Island Lighting Company, (the licensee) for the Shoreham Nuclear Power Station (the facility). The license authorizes the operation of the reactor at power levels not in excess of 121.8 megawatts thermal (five percent of rated power).

The Shoreham Nuclear Power Station is a boiling water reactor located in the town of Brookhaven, Suffolk County, New York. The license is effective as of its date of issuance.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. Issuance of this license has been authorized by an Atomic Safety and Licensing Board by its Partial Initial Decisions dated September 21, 1983, and June 14, 1985; by an Atomic Safety and Licensing

Appeal Board in its Appeal Board Decision dated October 31, 1984; by the Commission in Memorandum and Order CLI-84-21, dated November 21, 1984; and by an Atomic Safety and Licensing Board in its Memorandum and Order Ruling on Remanded Issues dated November 30, 1984. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on March 18, 1976 (41 FR 11367).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluation in the Final Environmental Statement.

For further details in respect to this action, see (1) Facility Operating License NPF-36 complete with Technical Specifications and the Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards, dated October 14, 1981; (3) the Commission's Safety Evaluation Report, dated April 1981 (NUREG-0420), and Supplements 1 through 8 thereto; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Final Environmental Statement, dated October 1977 (NUREG-0285); (6) the Environmental Report and supplements thereto; (7) the Licensing Board Orders; (8) the Appeal Board Order; and (9) the Commission's Memorandum and Order.

These items are available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and the Shoreham Wading River Public Library, Route 25A, Shoreham, New York 11786. A copy of Facility Operating License NPF-36 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements (NUREG-0420) and the Final Environmental Statement (NUREG-0285) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention: Sales Manager, Washington, D.C. 20555. GPO deposit account holders may call (301) 492-9530.

Dated at Bethesda, Maryland, this 3rd day of July 1985.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 85-16406 Filed 7-9-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-483]

Union Electric Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a partial exemption from the requirements of Appendix J to 10 CFR Part 50 to the Union Electric Company (the licensee) for the Callaway Generating Station, Unit 1 located at the licensee's site in Callaway County, Missouri.

Environmental Assessment

Identification of Proposed Action

The exemption would allow for a one-time extension for the performance of Type C tests on 59 containment isolation valves until the next cold shutdown. Section III.D.3 of Appendix J requires that Type C tests be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years. The current Type C test due dates range from August 11 to December 27, 1985 for the 59 affected valves. The extension would allow these valves to be tested at the next cold shutdown, currently scheduled during April-June, 1986, during Callaway's first refueling outage. The proposed exemption is in accordance with the licensee's request dated May 17, 1985.

The Need for the Proposed Action

The proposed exemption is required to permit the licensee to perform the Type C tests on 59 containment isolation valves during the next cold shutdown.

Environment Impacts of the Proposed Action

The proposed exemption grants a one-time extension for the performance of Type C tests in on 59 containment isolation valves. With respect to this exemption from Appendix J, the increment of environmental impact is related solely to the potential increased probability of containment leakage during an accident. This could lead to higher offsite and control room doses. However, this potential increase is very small, due to the short length of exposure of the subject valves to an operating environment and the fact that the previous tests yielded favorable results.

Alternative to the Proposed Action

Because the staff has concluded that there is no measurable environmental impact associated with the proposed exemption, any alternative to these exemptions will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts of plant operations and would result in increased radiation exposure to plant personnel.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement related to the operation of Callaway Plants Units 1 and 2," dated January 1982.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request that supports the proposed exemption. The NRC staff 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 requests for the exemption dated May 17, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Fulton City Library, 709 Market Street, Fulton, Missouri.

Dated at Bethesda, Maryland, this 1st day of July, 1985.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Assistant Director, for Licensing Division of Licensing.

[FR Doc. 85-16408 Filed 7-9-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc., Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR-26, issued to Consolidated Edison Company of New York, Inc. (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 2 located in Westchester County, New York.

By letter dated February 28, 1985 Consolidated Edison submitted an application to amend the Indian Point Unit No. 2 Technical Specifications to reflect revised heatup, cooldown, hydrostatic test and low temperature overpressure protection through fifteen effective full power years of reactor operation. The current Technical Specifications cover seven effective full power years of reactor operation scheduled to end July 23, 1985. The February 28, 1985 submittal, noticed April 25, 1985 (50 FR 16002), was a supplemental submittal to a February 14, 1983 submittal, noticed August 23, 1983 (49 FR 38395), for the subject of overpressure protection only.

As a result of the Commission's review and discussions with the licensee, it was determined that revision to the application would be required. Once it was realized that a revision was necessary, submission of a supplemental submittal proceeded on a priority basis. The licensee submitted a proposed revison, dated July 5, 1985, to the amendment application. Th licensee's supplemental was not filed earlier because it was only recently discovered that the changes to the application would be significant. This revision revises the heatup and cooldown curves in the conservative direction.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The proposed revision reflects conservative values of the Reference Nil-Ductility Transition Temperature (RT_{NDT}) for the reactor vessel and provides a margin of safety which complies with the fracture toughness requirements of 10 CFR Part 50 Appendix G.

Therefore, as a result of these considerations the Commission has made a proposed determination that the amendment request involves no significant hazards considerations.

The Commission is seeking public comments on this proposed determination of no significant hazards considerations.

The Commission has determined that failure to act in a timely way would result in the licensee shutting down the plant on July 23, 1985.

Therefore, the Commission has insufficient time to issue its usual 30-day notice of the proposed action for public document.

If the proposed determination becomes final, an opportunity for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve significant hazards consideration, a notice of opportunity for a prior hearing will published in the **Federal Register** and, if a hearing is granted it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be telephoned to Steven A. Varga, Chief of Operating Reactors Branch No. 1, by collect call to 301-492-8035 or submitted in writing to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch. All comments received by July 22, 1985, 5:00 p.m., will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10601.

Dated: at Bethesda, Maryland, this 5th day of July, 1985.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 85-16496 Filed 7-9-85; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Production Planning Advisory Committee; Meeting

AGENCY: Production Planning Advisory Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Forest management plans;
- Production methods scoping session;
- Stock selection—outplant strategies;
- Other; and
- Public comment.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Production Planning Advisory Committee.

DATE: July 15, 1985; 9:30 a.m.

ADDRESS: The meeting will be held at the Federal Building in room 268, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ron Eggers, 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 85-16351 Filed 7-9-85; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-23756; 70-7109]

Jersey Central Power and Light Co.; Proposal To Finance Pollution Control Facilities

July 2, 1985.

Jersey Central Power and Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, a subsidiary of General Public Utilities ("GPU"), a registered holding company, has filed a declaration with the Commission pursuant to sections 6, 7, 9 and 10 of the Public Utility Holding Company Act of 1935

("Act") and Rules 44 and 50(a)(5) thereunder.

JCP&L proposes to issue an aggregate of up to $14,000,000 principal amount of its first mortgage bonds ("New Bonds") to the New Jersey Economic Development Authority ("Authority"). The New Bonds are to be issued under the Mortgage and Deed of Trust of JCP&L. The interest rate, the maturity date, and the redemption or prepayment provisions will correspond to the interest rate, the maturity date, and the redemption or prepayment provisions will respect to pollution control revenue bonds ("Authority Bonds") to be issued by the Authority. The proceeds from the Authority Bonds will finance solid waste control facilities ("Facilities") being constructed in connection with JCP&L's Oyster Creek nuclear generating station.

The maximum principal amount of Authority Bonds is intended to approximate the qualifying cost of the Facilities, (approximately $13,800,000) together with the fees, commission and underwriting expenses.

The proceeds will be borrowed by JCP&L from the Authority pursuant to a Loan Agreement ("Agreement"). The Authority Bonds will be issued under a separate trust indenture ("Indenture") between the Authority and The Chase Manhattan Bank, N.A., as trustee, ("Trustee"), and sold by Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch") at interest rates and prices as may be approved by JCP&L.

Principal and interest on the Authority Bonds will be payable under a Letter of Credit ("Letter of Credit"), Standby Bond Purchase Agreement ("Bond Purchase Agreement"), or payments made by JCP&L on the New Bonds. The credit of the Authority will not be pledged. The Authority Bonds will have a term of not less than 5 years and not more than 30 years, but will be subject to earlier redemption, retirement or repurchase upon the occurrence of certain events, and will provide for an adjustable rate of interest ("Adjustable Rate"), a fixed interest rate ("Fixed Rate") on the election of JCP&L for periods beginning after June 30, 1990, and a Bank Rate.

The Adjustable Rate for the initial five year Rate Period will be determined by jCP&L and Merrill Lynch based upon the current tax-exempt market rate for comparable bonds. Thereafter, for each annual Rate Period commencing July 1, 1990, the Adjusted Rate on the Authority Bonds will not exceed 15% per annum, nor will it be less than 80% or more than 120% of the Adjustable Rate Index. The Adjustable Rate Index will be determined by the Indexing Agent to be appointed by JCP&L and will be based upon one-year yield evaluations at par of not less than ten issuers of securities.

The Indenture will provide that on July 1, 1990 (the end of the initial five year Rate Period or any July 1 thereafter) JCP&L may, on a one time basis, fix the interest rate to be borne by the Authority Bonds until their maturity. The Fixed Interest Rate will be determined in a manner similar to determination of the Adjustable Interest Rate, by reference to a fixed rate index furnished by the Indexing Agent and by the results of remarketing the Authority Bonds upon the commencement of the Fixed Interest Rate (the "Fixed Rate Date"). The Fixed Interest Rate will be established at not less than 80% and not more than 120% of the Fixed Rate Index, but will in no event be greater than 15% per annum.

The holders of the Authority Bonds will have the right, from June 1, 1990 to June 15, 1990 and in the corresponding period in each subsequent year until the Fixed Rate Date, to tender their Authority Bond to the Trustee and have them purchased at a price equal to the principal amount. A Remarketing Agent will be appointed by JCP&L to resell the bonds at a price equal to the stated principal amount and bearing an interest rate no greater than 120% and no less than 80% of the Adjustable Rate. If unsuccessful, the Marine Midland Bank, N.A. ("Bank") has agreed to purchase the Authority Bonds and hold them for possible resale for up to two years pursuant to a Standby Bond Purchase Agreement. JCP&L would be obligated to purchase the Authority Bonds at the expiration of the two-year period or earlier upon the occurrence of certain events, at the unpaid principal amount with accrued interest.

In the event the Bank fails to repurchase the Authority Bonds, the Trustee may draw upon an irrevocable Letter of Credit. JCP&L proposes to enter into a Reimbursement Agreement with the Bank which will provide for JCP&L to reimburse the Bank for moneys borrowed under the Letter of Credit with interest at a rate of 108% of the Bank's prime rate.

Since the interest rate on the New Bonds will be determined by the issuance of the Authority Bonds, not subject to the Act, JCP&L requests an exception from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5).

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 26, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-16395 Filed 7-9-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23759; 70-7106]

Columbia Gas Transmission Corp.; The Columbia Gas System, Inc.; Proposed Issuance and Sale of First Mortgage Bonds by Subsidiary Company to Holding Company and Production Loans by Subsidiary Company From Banks

July 3, 1985.

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, and its subsidiary company, Columbia Gas Transmission Corporation ("Transmission"), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a), 7, 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(5) promulgated thereunder.

By order in this proceeding dated June 7, 1985 (HCAR No. 23724), Transmission was authorized to finance its gas inventory up to $450 million through the issuance and sale to Columbia of a secured note and to engage in a prepayment program of its installment notes held by Columbia. Jurisdiction was reserved over further financing as to which the record was incomplete.

Transmission now proposes to issue and sell, and Columbia proposes to acquire, two series of first mortgage bonds aggregating up to $350 million through December 31, 1986. The short-term bonds (Series A) are designed to

replace the short-term borrowings from the Intrasystem Money Pool and open account advances from Columbia. These bonds must be repaid in no more than one year from the date of their issuance and will bear interest which is equivalent to the composite weighted average effective cost incurred by Columbia in its short-term transactions. The initial series of long-term bonds (Series B) now being proposed will provide long-term funding of Transmission's operations. They will be repaid in fifteen equal annual installments on March 31st of each of the next 15 years, and the interest rate will be the actual cost of money to Columbia with respect to the last long-term debt or preferred stock sold prior to the issuance of said bonds. The portion of the $350 million of first mortgage bonds which will be short-term and the portion which will be long-term will be based on the nature of Transmission's needs, but the aggregate will not exceed $350 million at any one time outstanding. The bonds will be secured by a perfected first security interest in all of Transmission's property with certain limited exceptions. The security interest is subject to certain "Permitted Encumbrances."

Transmission also proposes to borrow from a group of banks pursuant to a Limited Resource Loan Agreement. Bankers Trust Company ("BT Co.") will act as agent for the bank group for which BT Co. will receive an arrangement fee. The loans to Transmission will be secured by a first perfected lien and security interest in Transmission's production properties (the "mortgaged properties") and in the proceeds from production of hydrocarbons from the mortgaged properties pursuant to a Mortgage, Deed of Trust, Assignment, Security Agreement and Financing Statement (the "Mortgage"). The loans will be scheduled to mature on the seventh anniversary of the first interest payment date with scheduled amortization payments beginning two years following the closing. The scheduled minimum amortization generally will be based on anticipated cash flow and except for the guarantees by Columbia noted below, the banks will look solely to the mortgaged properties and the proceeds of production (including proceeds released to Transmission) for repayment of the principal of the loan. Transmission will be entitled to obtain a release under bond of the cash proceeds from production during the first two years if certain coverage ratios are met and thereafter as agreed to by the participating banks. The maximum amount of the loans available to Transmission will be redetermined annually based on a formula which takes into account actual cash flows and anticipated cash flows including proceeds from production released to Transmission. If the maximum loan amount available to Transmission exceeds the amount outstanding, the participating banks may, at their option, agree to defer scheduled amortization payments. Thus, the loans may remain outstanding for more than seven years. At any one time, however, the aggregate amount of the loans will not exceed the lesser of $400 million or the maximum redetermined loan amount as described above. The amount available for borrowing may be limited until Transmission is able to reduce its average gas purchase price through Long-Term Producers Settlements. It is stated that the terms of the loans must be negotiated because of their specialized nature, and an exception from Rule 50 is requested. Transmission may negotiate pending a decision on the request.

The interest rate on the productions loans will be either a fixed rate which will be negotiated with the banks subject to a maximum interest rate or a floating rate based on Transmission's choice of (1) the BT Co. prime rate in effect from time to time for domestic commercial loans, (2) the average Certificate of Deposit rates for selected reference banks, and/or (3) the average interbank Eurodollar market rates for selected reference banks. It is stated that the prime rate pricing option would normally be the most expensive of the variable rate pricing options and that, assuming a prime rate of 9½%, the interest rate on the production loans should not exceed 10%. The fixed rate pricing option will not be exercised if the interest rate is more than 300 basis points over the prime rate. The maximum fixed rate and precise floating interest rate formula and other participating bank compensation (i.e. commitment and participation fees and BT Co.'s arrangement fee) will be filed by amendment.

To maximize the size of the Loans to Transmission, Columbia proposes to provide credit support for the Production Loans pursuant to a Guarantee Agreement under which it will guarantee the payment of interest and principal on the Loans. In addition, Columbia will grant certain convenants for the benefit of participating banks.

The amended application-declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 29, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on he applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-16410 Filed 7-9-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23758; 70-7123]

Middle South Energy, Inc., et al.; Proposal to Issue and Sell $300 Million of First Mortgage Bonds

July 3, 1985.

Middle South Energy, Inc. ("MSE"), P.O. Box 61000, New Orleans, Louisiana 70161, Arkansas Power & Light Company ("AP&L"), P.O. Box 551, Little Rock, Arkansas 72203, Mississippi Power & Light Company ("MP&L"), P.O. Box 1640, Jackson, Mississippi 39205, Louisiana Power & Light Company ("LP&L"), 142 Delaronde Street, New Orleans, Louisiana 70174, New Orleans Public Service Inc., ("NOPSI"), 317 Baronne Street, New Orleans, Louisiana 70112, and their parent Middle South Utilities, Inc. ("MSU"), P.O. Box 61005, New Orleans, Louisiana 70161, a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6, 7, and 12 of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 50(a)(5) thereunder.

The transactions proposed herein relate to the issuance and sale by Middle South Energy, Inc. in one or more series from time to time not later than July 31, 1986 of not to exceed $300 million aggregate principal amount of its First Mortgage Bonds ("Bonds"), by means of negotiated offering. MSE was incorporated under the laws of the State of Arkansas on February 11, 1974 to

construct, finance and own certain base-load generating units for the subsidiaries of Middle South Utilities, Inc. ("Middle South System"). All of MSE's common stock, no par value ("Common Stock"), is owned by Middle South Utilities, Inc. ("MSU").

MSE's only project to date has been the construction and financing of the Grand Gulf Nuclear Electric Generating Station ("Grand Gulf Station"), a two-unit, nuclear-fueled generating station located near Natchez, Mississippi. Unit No. 1 of the Grand Gulf Station ("Grand Gulf was placed in commercial operation on July 1, 1985 at a cost (excluding nuclear fuel) for MSE's 90% interest estimated at $3.2 billion. South Mississippi Electric Power Association, Inc., an association of Mississippi electric power cooperatives, owns the remaining 10%. Construction on Unit No. 2 of the Grand Gulf Station has been reduced to conserve financial resources.

As of May 31, 1985, MSE had $112,198,000 of additional borrowing capacity under its $1.711 billion Second Amended and Restated Bank Loan Agreement, as amended, with Manufacturers Hanover Trust Company and Citibank, N.A., as agents, and a group of domestic banks ("Domestic Bank Loan agreement") and $12,802,000 of additional borrowing capacity under its Loan Agreement, as amended, with Credit Suisse First Boston Limited, as agent, and a group of foreign banks ("Foreign Bank Loan Agreement"). However, the borrowings under the Domestic and Foreign Bank Loan Agreements are required to be repaid or converted to term loans, and no additional borrowings can be made under these agreements after they are converted to term loans. The net proceeds received from the issuance and sale of the Bonds will be used to finance the completion of, and ongoing financing charges incurred in connections with, construction of the Grand Gulf Station and for other corporate purposes.

With the commercial operation of Grand Gulf 1 on July 1, 1985, MSE has begun receiving cash earnings and cash flow from operations. However, MSE will need substantial external financing to refund bank borrowings and meet sinking fund payments on first mortgage bonds issued during the lengthy construction period of the Grand Gulf Station. In addition, MSE anticipates expending significant funds for retrofits of Grand Gulf 1 and for continued, if limited, construction of Unit No. 2 of the Grand Gulf Station in the future. Accordingly, MSE will periodically require authorization to issue and sell a substantial amount of senior debt and, possibly preferred stock over an extended period of time.

The Bonds will be issued and sold under one or more supplemental indentures to MSE's existing Mortgage and Deed Trust, as supplemented. As additional security for its obligations with respect to the Bonds, MSE may be required to enter into one or more assignments, for the benefit of the holders of the Bonds, of its rights under the Availability Agreement, dated as of June 21, 1974, as amended ("Availability Agreement"), pursuant to the terms of an additional Assignment of Availability Agreement, Consent and Agreement ("Assignment"). In such event, AP&L, LP&L, MP&L and NOPSI, parties to the Availability Agreement, will consent to and join in any such Assignment. Furthermore, MSE may be required to enter into one or more assignments, for the benefit of the holders of the Bonds, of its rights under the Capital Funds Agreement, dated as of June 21, 1974 ("Capital Funds Agreement"), pursuant to the terms of an additional Supplementary Capital Funds Agreement and Assignment ("Supplemental Agreement"). In such event, MSU, a party to the Capital Funds Agreement, will consent to and join in the Supplementary Ageement.

For several reasons, MSE does not believe it would be possible to issue and sell the Bonds at competitive bidding as required by Rule 50 under the Act. These include the large size of the issue(s) relative to the market for securities of comparable quality; MSE's lack of an earnings or operating history; the complexity of MSE's present financing arrangements and legal and regulatory proceedings; and the overall risk and uncertainty associated with nuclear plant construction. Any or all of these factors might inhibit, delay or prevent MSE from issuing and selling the Bonds at competitive bidding.

For the foregoing reasons, MSE hereby requests that the Commission grant it an exception from the competitive bidding requirements of Rule 50 under the Act so that MSE may negotiate the terms of the offering(s) of the Bonds. MSE states that such negotiations will provide the flexibility required to determine the appropriate terms for the Bonds in light of MSE's circumstances and the needs of purchasers, and will enhance MSE's ability to obtain operating and construction funds for the Grand Gulf Station in accordance with its financing plans. Subject to obtaining any necessary regulatory approval, MSE will retain an investment banker(s) to assist in structuring the terms of the Bonds, and arranging the sale of the Bonds.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 29, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-16411 Filed 7-9-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22207; File No. SR-AMEX-85-23]

Self-Regulatory Organization's Proposed Rule Change by American Stock Exchange, Inc., Relating to Extension of Trading Privileges of OTP Holders

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 17, 1985, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. is extending the trading privileges of Options Trading Permit ("OTP") holders to include options on NASDAQ/NMS stocks.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

On April 12, 1984, the Board approved the Options Trading Permits Plan ("the Plan") and implementing Constitutional amendments so that up to 108 Options Trading Permit holders would be added to the Exchange Floor. Under the Plan, OTP holders initially have the right to trade as principal in all non-stock options for two years, but can expand their OTP privileges on or after March 21, 1985 to include individual stock options by paying the Exchange a $20,000 privilege fee.

Article IV, Section 1(i) of the Amex Constitution provides that the Plan may limit the classes of options in which OTP holders trade, but also that the Board may remove such limitations in accordance with the Plan. The Plan states that the Board may, upon the unanimous recommendation of the Floor Governors, extend trading privileges in individual stock options to all OTP holders, in which case payment of the $200,000 privilege fee would be waived for those who had not previously paid it.

To face the competitive challenges of multiple trading of NASDAQ options, the Exchange is extending OTP trading privileges, without the imposition of a fee, to include options on MASDAQ/NMS stocks. The Floor Governors have unanimously recommended this extension of trading privileges, which will help to ensure that the Exchange has a sufficient body of registered options traders to support the Amex in meeting the expected intense intermarket competition among the exchanges and the NASD in these options.

(2) Basis

The proposed extension of trading privileges is consistent with Section 6(b) of the Securities Exchange Act of 1934 in general and Section 6(b)(5) in particular in that it will broaden access to the Exchange's market in NASDAQ options and help perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that no burden on competition will be imposed by its extension of trading privileges to include NASDAQ options. On the contrary, the Exchange proposal will enhance competition among registered options traders within its market, and thus increase competition between the Exchange and other markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by July 31, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 2, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-16413 Filed 7-9-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22192; SR-MSRB-85-13]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board, Order Approving Proposed Rule Change

The Municipal Securities Rulemaking Board ("MSRB"), on May 17, 1985, submitted copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the"Act") and Rule 19b-4 thereunder, to incorporate the provision of rule G-10, requiring a municipal securities broker or dealer to designate one or more persons to be responsible for maintaining required records, into Rule G-27, the MSRB's rule on general supervisory responsibilities.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 22057, published in the **Federal Register** (50 FR 21677, May 28, 1985). No comments on the proposed rule change were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

John Wheeler,

Secretary.

July 1, 1985.

[FR Doc. 85-16412 Filed 7-9-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22206; File No. SR-NYSE-85-22]

Self-Regulatory Organizations; the New York Stock Exchange Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

The New York Stock Exchange, Inc. ("NYSE") submitted on June 12, 1985, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Commission Act of 1934 ("Act") and Rule 19b-4 thereunder, to adopt a rule relating to the transfer or lease of options trading rights ("OTRs") and update the list of rules applicable to OTRs.

Currently, Article XI of the NYSE Constitution, governing the transfer and lease of memberships, and Article IX, section 2 of the Constitution, also controlling the lease of memberships, do not apply to OTRs except when a 1366 member[1] transfers or leases an OTR as part of a transfer or lease of his 1366 membership. New Exchange Rule 795 provides that the transfer priorities and leasing requirements currently applicable to 1366 memberships will apply to transfers and leases of OTRs which do not involve a transfer or lease of a 1366 membership ("separated OTRs").

The Exchange proposed that, regarding the disposition of proceeds from the transfer of an OTR, claims arising directly from the closing out of (a) off-floor Exchange contracts and (b) contracts for the purchase or sale of securities that are made subject to the rules of other exchanges, will be added to the priority scheme adopted from Article XI of the NYSE Constitution and made applicable to the transfer of separated OTRs. The proposal also specifically provides that upon payment by a clearing member of an OTR holder of any claim that is allowed priority under Rule 795, the clearing member will be subrogated to the rights of the person to whom the payment was made.

The proposed rule change also updates the list of rules applicable to holders of separated OTRs to include proposed Rule 795, Rules 633 and 794 (other options-related or options-relevant rules adopted since the Exchange designated the applicable rules) and Articles X, section 5 of the NYSE Constitution, a provision to which Rule 795 refers.

[1] The term "1366 member" refers to those Exchange members who have the right to share in any distribution of the assets of the Exchange in the event of any liquidation, dissolution, or winding up of the affairs of the Exchange. *See* Article IX, Sec. 1(a), NYSE Constitution.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days from the date of publication of the submission in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-85-22.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the NYSE.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a self-regulatory organization and in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commission finds good cause approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the priority scheme adopted by the Exchange is substantially similar to the priority schemes of the American Stock Exchange, Inc. ("Amex"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Pacific Stock Exchange, Inc. ("PSE") and the Philadelphia Stock Exchange, Inc. ("Phlx").[2] In addition, the NYSE's proposal to conform its priority scheme to that of the other options exchanges may add to the depth and liquidity of the NYSE's options market and should enable the NYSE to offer traders, and persons with whom they contract, opportunities and benefits comparable to those available on other options exchanges, thereby promoting market competition in option products.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

[2] *See* Article IV, Amex Constitution; CBOE Rule 3.15; Article VII, PSE Constitution; and Article XV, Phlx Constitution.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

Dated: July 1, 1985.

[FR Doc. 85-16414 Filed 7-9-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23757; 70-6985]

Middle South Utilities, Inc., et al.; Proposed Amendments to Domestic and Foreign Bank Loan Agreements

July 3, 1985.

Middle South Utilities, Inc. ("MSU"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, its electric generating subsidiary, Middle South Energy, Inc. ("MSE"), P.O. Box 61000, New Orleans, Louisiana 70161, and MSU's electric utility subsidiaries, Arkansas Power & Light Company, P.O. Box 551, Little Rock, Arkansas 72203, Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174, Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205, and New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112, have filed with this Commission further post-effective amendments to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

By supplemental order in this proceeding dated June 27, 1985 (HCAR No. 23745), this Commission authorized the interim extension of MSE's revolving credit borrowing under its Domestic Bank Loan Agreement and Foreign Bank Loan Agreement to September 30, 1985, notwithstanding the earlier commercial operation of Grand Gulf Unit No. 1. MSE now proposes to effect the conversion of such borrowings to term loans pursuant to a Third Amended and Restated Bank Loan Agreement among MSE, Manufacturers Hanover Trust Company, and Citibank, N.A., as agents, and the banks listed therein ("U.S. Banks") and a Fourth Amendment to Loan Agreement among MSE, Credit Suisse First Boston Limited, as agent, and the banks listed therein, respectively. As of June 27, 1985, MSE had borrowed $1,711 million and $385 million under the Domestic and Foreign Bank Loan Agreements, respectively.

Among the proposed changes in the Domestic Bank Loan Agreement are the following: The maturity date will be February 5, 1989, and MSE will make semi-annual payments of $125 million in

order to reduce the amount of the loan prior to maturity. MSE will be required to prepay the term loan in full upon the occurrence of certain events, including: At June 30, 1986, the operating company subsidiaries of MSU have not obtained, and shall thereafter fail to maintain, acceptable retail rate relief to enable such companies to recover the costs of their obligations to MSE as approved by the Federal Energy Regulatory Commission. Provisions have been added relating to mandatory semi-annual cash flow prepayments and optional prepayments, and restrictions have been placed on dividends and capital expenditures. MSE will pay each Ageny Bank $250,000 as an agency fee on the closing date.

Among the proposed changes in the Foreign Bank Loan Agreement are the following: The maturity date remains February 5, 1989; however, as previously authorized on June 27, 1985, the schedule of payments now provides for semi-annual mandatory prepayments of one-eighth of the principal amount of the loan. Under the proposal, MSE will be required to prepay the term loan in full, if requested by the holders of 60% of the outstanding indebtedness under the Foreign Bank Loan Agreement, upon the occurrence of any of the events listed in the Domestic Bank Loan Agreement. Restrictions on payments of dividends by MSE on its common stock contained in the Domestic Bank Loan Agreement will run to the benefit of the Foreign Banks so long as they remain operative under the Domestic Bank Loan Agreement. MSE will pay the Foreign Bank Loan Agreement Agent $325,000 for its work.

Also, to enable the Domestic Banks ("LOC Banks") who provided a letter of credit in connection with MSE's Series C pollution control revenue bond financing in December 1984 (File No. 70-7026) to maintain their exposures to MSE at the same present relative level as the other banks under the Domestic Bank Loan Agreement, MSE will be required to furnish the LOC Banks with cash collateral for MSE's reimbursement obligations under the December 1, 1984, Reimbursement Agreement after their loans under the Domestic Bank Loan Agreement have been repaid. The cash collateral will equal their relative share of Domestic Bank Loan Agreement payments. If the letter of credit is drawn upon and not repaid during the period ending February 5, 1989, MSE's reimbursement obligation will be satisfied by (i) recourse to the cash collateral and (ii) increasing MSE's obligations under the Domestic Bank Loan Agreement.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 29, 1985, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-16415 Filed 7-9-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23760; 70-7026]

Middle South Utilities, Inc., et al.; Supplemental Notice To Amend Letter of Credit Agreement

July 3, 1985.

Middle South Utilities, Inc. ("MSU") 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, and its wholly-owned subsidiaries Middle South Energy, Inc. ("MSE"), P.O. Box 61000, New Orleans, Louisiana 70161, Arkansas Power & Light Company, P.O. Box 551, Little Rock, Arkansas 72203, Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174, Mississippi Power & Light Company., P.O. Box 1640, Jackson, Mississippi 39205, and New Orleans Public Service Inc., 317 Baronne Street, P.O. Box 60340, New Orleans, Louisiana 70160, have filed a post-effective amendment to their application-declaration subject to Sections 6(a), 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 and 50(a)(5) thereunder.

By orders dated November 23, 1984, December 26 and December 28, 1984 (HCAR Nos. 23495, 23545, and 23555 respectively) the Commission authorized MSE to sell up to $250 million of pollution control facilities at the Grand Gulf Nuclear Generating Plant to Claiborne County, Mississippi and to repurchase such facilities by installment sale contract matching the terms of pollution control revenue bonds ("Series C Bonds") to be issued by the county to finance the pollution control facilities. In order to improve the marketability of the Series C Bonds, MSE arranged for five banks ("LOC Banks") to issue a Letter of Credit ("LOC") to secure payments on the Series C Bonds. The LOC Banks were also parties, along with other banks (collectively, "U.S. Banks"), to MSE's Second Amended and Restated Bank Loan Agreement, as amended ("Domestic Revolver"). In order to induce the LOC Banks to issue the LOC, MSE agreed that the proceeds from the sale of the Series C Bonds, which were placed in an escrow account at the closing ("Escrow"), would be used to repay the indebtedness of MSE to the LOC Banks under the Domestic Revolver so that the aggregate extension of credit by the LOC Banks to MSE would, in effect, not be increased by the issuance of the LOC.

Although their exposure would not increase, the exposure of the LOC Banks would remain fixed after their respective remaining loans to the Company under the Domestic Revolver were repaid, while the exposures of the remaining U.S. Banks would lessen as the loans there under were repaid. Ultimately, at February 5, 1989, the Domestic Revolver would be fully repaid while the LOC Banks would continue to have a sizable exposure on the LOC until it expired in December 1989. To ensure that the combined LOC and Domestic Revolver exposures of the LOC Banks at al times until February 5, 1989 remain proportional to their present percentage share of the commitments and loans under the Domestic Revolver ("Sharing Percentage"), the Company proposes to enter into a First Amendment ("First Amendment") to the Letter of Credit and Reimbursement Agreement, dated as of December 1, 1984, between the Company and the LOC Banks ("Reimbursement Agreement") pursuant to which the Company will agree, among other things, to provide cash collateral to the LOC Banks after their loans under the Domestic Revolver have been repaid. An interest in the collateral will be concurrently granted to the holders of the Series C Bonds. Such collateral will be equal in amount to the respective Sharing Percentage of a LOC Bank of any payment to the U.S. Banks under the Domestic Revolver. If the LOC is drawn upon and not repaid prior to February 5, 1989, the Company's reimbursement obligation will be satisfied by (i)

recourse to the cash collateral, and (ii) increasing the Company's obligations under the Domestic Revolver by the remaining balance. The security interest in this cash collateral account would be governed by a Security Agreement.

To compensate the LOC Banks for the difference between their 1.25% per annum commission (provided for in the Reimbursement Agreement) for undrawn amounts under the LOC and what they would have earned for loans of like amount under the Domestic Revolver, the Company will agree, in the First Amendment, to increase the per annum commission under the Reimbursement Agreement. To the extent LOC commitments are not collateralized by cash as described above, the commission will be 3.50% per annum. To the extent they are collateralized, the commission will be ½% per annum.

As compensation for obtaining consents from the U.S. Banks to the application of the amounts in Escrow to a reduction of the loan of the LOC Banks under the Domestic Revolver, the Company will agree to pay the LOC Banks ratably ½ of 1% of the aggregate available amount under the LOC ($234,582,500) when funds are released from the Escrow. If any of the LOC Banks agree to dissolve the cash collateral arrangement applicable to it described above, prior to receipt of any cash collateral, it will receive a ratable share of an additional ½ of 1% fee.

The application-declaration and any amendments thereto is available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 29, 1985, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-16416 Filed 7-9-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail Freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes August 12, 1985.

ADDRESSES: Comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the application are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9456-N	Dow Corning Corporation Midland, MI	49 CFR 173.245, 173.280	To authorize shipment of various chlorosilanes and trichlorosilanes classed as corrosive materials in DOT Specification MC-330 and MC-331 cargo tanks. (Mode 1.)
9460-N	Tracor MBA, East Camden, AR	49 CFR 172.101	To authorize shipment of zirconium nickel alclo, an initiating explosive, class A contained in 1 pound velostat sealed bags surrounded by wet sawdust overpacked ten to a 5 gallon metal container. (Mode 1.)
9462-N	Aztec Metal Fabricating, Odessa, TX	49 CFR 178.253.1(b)	To manufacture, mark and sell 60 gallon capacity DOT Specification 57 portable tanks with up to 6 tanks mounted on the chassis of a truck for shipment of certain flammable liquids. (Mode 1.)
9463-N	Guzzler Manufacturing, Inc., Birmingham, AL	49 CFR 173.199(a) (17), 173.245(a) (30), (31), 173.346(a) (12), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for full opening rear head for shipment of flammable, corrosive or poison B waste liquids or semi-solids. (Mode 1.)
9464-N	Broco, Inc., Rialto, CA	49 CFR 173.100(ii)	To authorize a Swimmer Recall Device, containing certain hazardous materials to be shipped as an explosive pest control device, class C explosive. (Modes 1, 2, 3, 4.)
9465-N	McDonnell Douglas Corporation, St. Louis, MO	49 CFR 172.202, 172.304, 172.400, 173.87	To authorize certain class B and C explosives in Specification packagings or equivalent, to be shipped over a public road within plant without shipping papers, marking or labeling and in mixed loads (Mode 1.)
9466-N	Union Carbide Corporation Danbury, CT; Union Carbide Agricultural Products Company, Inc., Research Triangle Park, NC.	49 CFR 173.365(a)(6)	To authorize shipment of carbamate pesticide, solid, n.o.s., classed as a poison B in paper bags similar to DOT Specification 2D, overpacked in DOT Specification 12C fiberboard box. (Modes 1, 2, 3.)
9467-N	United	49 CFR 177.834(k)	To authorize flammable solids, oxidizing materials and corrosive liquids to be loaded in up to 65 pounds or 7 gallons capacity excepted from ready access requirement. (Mode 1.)
9468	ABCO Industries, Inc., Roebuck, SC	49 CFR 173.154	To authorize shipment of 50% benzoyl peroxide concentration in water described as organic peroxide solid, n.o.s. classed as organic peroxide packaged in DOT Specification 21P-600 fiber drums. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9469	Mueller Ltd., Packaging Munchenstein, Switzerland, NJ.	49 CFR 178.116-6	To manufacture, mark and sell non-DOT specification metal drums of all 19 gauge construction for shipment of those flammable, poisons or corrosvie materials authorized for shipment in DOT Specification 17E. (Modes 1, 2, 3, 4.)
9474-N	Hamler Industries, Inc., Chicago Heights, IL	49 CFR 173.315	To ship and transport anhydrous ammonia in four non-DOT specification ASME Code cargo tank motor vehicles. (Mode 1.)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 5, 1985.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 85-16399 Filed 7-9-85; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B, notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc. they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes July 26, 1985.

ADDRESSES: Comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
2582-X	Ozark-Mahoning Company, Tulsa, OK. (See Footnote 1.).	2582
2913-X	U.S. Department of Energy, Washington, DC.	2913
4354-X	Vanchem, Inc., Lockport, NY	4354
4354-X	Pennwalt Corporation, Buffalo, NY	4354
4717-X	Norchem, Inc., Omaha, NE	4717
5600-X	Ozark-Mahoning Company, Tulsa, OK. (See Footnote 2.).	5600
5778-X	Liquid Air Corporation, Cambridge, MD	5778
6045-X	Union Carbide Corporation, Danbury, CT. (See Footnote 3.).	6045
6614-X	Esbro Chemical, Redwood City, CA	6614
6672-X	Chandler Evans Inc., West Hartford, CT	6672
6825-X	Richmond Lox Equipment Company, Livermore, CA.	6825
6902-X	Great Lakes Chemical Corp., El Dorado, AR.	6902
6946-X	Badger Welding Supplies, Inc., Madison, WI.	6946
7056-X	Diamond Shamrock Corporation, Irving, TX.	7056
7235-X	Luxfer U.S.A., Ltd., Riverside, CA. (See Footnote 4.).	7235
7274-X	Union Carbide Corporation, Danbury, CT	7274
7282-X	MarChem Corporation, Maryland Heights, MI.	7282
7605-X	U.S. Department of Defense, Falls Church, VA.	7605
7611-X	Richfood, Inc., Richmond, VA	7611
7835-X	Liquid Air Corporation, San Francisco, CA.	7835
7835-X	Liquid Carbonic Industries Corporation, Chicago, IL.	7835
7835-X	Matheson Gas Products, Inc., Secaucus, NJ.	7835
8239-X	Westinghouse Electric Corporation, Horseheads, NY.	8239
8244-X	Halliburton Services, Inc., Duncan, OK	8244
8248-X	AT&T Technologies, Inc., Greensboro, NC.	8248
8585-X	Thermodynamics Corporation, Broken Arrow, OK.	8585
8606-X	Makhteshim Darom (Ramat Hovav) Ltd., Beer Sheva, Israel.	8606
8650-X	Ethyl Corp., Baton Rouge, LA	8650
8685-X	Hercules Incorporated, Wilmington, DE	8685
8691-X	Aluminum Company of America, Pittsburgh, PA.	8691
8692-X	Mitsubishi International Corp., New York, NY.	8692
8693-X	Matheson Gas Products, Inc., Secaucus, NJ.	8693
8716-X	Foote Mineral Company, Exton, PA	8716
8988-X	Schlumberger Well Services, Houston, TX.	8988
8988-X	Dresser Industries, Inc., Houston, TX	8988
8988-X	Schlumberger Offshore Services, Houston, TX.	8988
9025-X	American Greetings Corporation, Cleveland, OH.	9025
9052-X	Clawson Tank Company, Clarkson, MI	9052
9064-X	Optical Fibres, Deeside, Wales	9064
9067-X	Watco Truck Rigging, Inc., Odessa, TX	9067
9074-X	Reuter-Stokes, Inc., Cleveland, OH	9074
9108-X	E.I. du Pont de Nemours & Company, Inc., Wilmington, DE.	9108
9116-X	Hoover Universal, Inc., Beatrice, NE	9116
9117-X	Flexbin Corporation, Houston, TX	9117
9142-X	EVA Eisenbahn-Verkehrsmittel GmbH, Dusseldort, West Germany.	9142

[1] To renew and to authorize certain oxidizers as additional commodities.
[2] To authorize certain oxidizers as additional commodities.
[3] To authorize shipment of carbon bisulfide in DOT Specification MC-312 cargo tanks by unmanned barge with no water spray system mounted on cargo tanks.
[4] To renew and to eliminate the thermal cycling test and the gunfire test.

Application No.	Applicant	Parties to exemption
2709-P	IRECO Incorporated, Salt Lake City, UT	2709
4453-P	ECONEXPRESS Incorporated, Wheaton, IL.	4453
4884-P	Synthatron Corporation, Parsippany, NJ	4884
5206-P	Nelson Brothers, Inc., Parish, AL	5206
5206-P	Explo-Midwest, Inc., Joplin, MO	5206
6610-P	Phillips Petroleum Company, Bartlesville, OK.	6610
7052-P	Monaco Enterprises, Inc., Spokane, WA	7052
7616-P	Denver and Rio Grande Western Railroad Company, Denver, CO.	7616
8344-P	Munson Sporting Goods, Costa Mesa, CA.	8344
8445-P	Wayne State University, Detroit, MI	8445
8451-P	Atlas Powder Company, Dallas, TX	8451
8453-P	Explo-Midwest, Inc., Joplin, MO	8453
8748-P	U.S. Department of Energy, Washington, DC.	8748
8872-P	CIL Inc., Brampton, Ontario, Canada	8872
9074-P	U.S. Department of Energy, Washington, DC.	9074
9110-P	Alby-olin Chlorates Company Inc., Old Greenwich, CT.	9110

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on July 5, 1985.

J.R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 85-16400 Filed 7-9-85; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Waste Cargo Tanks MC 307, 312; Cargo Tanks—85-2

AGENCY: Material Transportation Bureau, Research and Special Programs Administration, Department of Transportation.

ACTION: Exemption related notice.

SUMMARY: The purpose of this notice is to advise interested persons that certain hazardous waste cargo tanks have not been manufactured in accordance with DOT exemption requirements. Specifically, these tanks have not been designed, built, and certified in accordance with section VIII, Division 1 of the American Society of Mechanical Engineers (ASME) Code as required. These hazardous waste tanks may not be used for transportation of any hazardous waste or hazardous material that is required to be carried in specification cargo tanks or cargo tanks used under an exemption.

FOR FURTHER INFORMATION CONTACT: Phillip Olenik, Materials Transportation Bureau, Office of Hazardous Materials Regulation (DMT-22), 400 Seventh Street SW., Washington. D.C. 20590, telephone (202) 755-4906.

SUPPLEMENTARY INFORMATION: Approximately 50 exemptions have been issued by the Office of Hazardous Materials Regulation (OHMR) to allow for the manufacturing of certain non-specification cargo tanks used primarily for the transportation of hazardous waste. These hazardous waste tanks are similar to specification MC-307 and MC-312 cargo tanks with exceptions. Since October, 1981, exemptions issued for manufacture and use of these cargo tanks have contained provisions which have become a minimum standard for this type of unit. Among these provisions is one which specifies:

> The cargo tank must be designed, built, and certified in accordance with Section VIII, Division 1 of the ASME Code* * *

A pressure vessel so constructed will bear the ASME "U" stamp on its manufacturer's plate and an ASME "U-1A" form will have been prepared by the manufacturer and signed by an authorized inspector. The U-1A form provides detailed information about the completed cargo tank.

It has come to our attention that some cargo tanks have not been constructed in accordance with these terms. While a limited number of hazardous waste tanks were "grandfathered" (each exemption will so state if this provision has been made), each tank constructed after October, 1981 must have been designed, built and certified in accordance with the ASME Code.

If cargo tanks are not in conformance with this or any other provision of the exemption or corresponding specification they may not be used to transport hazardous waste or any other hazardous material required to be transported in a specification cargo tank or one which comes under the terms of the exemption. Furthermore, any markings or manufacturer's plates which refer to a DOT exemption or specification number must be removed or obliterated. These tanks may be used to transport non-regulated materials or regulated hazardous materials authorized in non-DOT specification cargo tanks provided they are in conformance with all applicable requirements, including 49 CFR 173.24.

(49 USC 1804(c), 1805(a) and 1808(d)(3))

Issued in Washington, D.C. on July 3, 1985 under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts

Associate Director for Hazardous Materials Regulation Materials Transportation Bureau.

[FR Doc. 85-16372 Filed 7-9-85; 8:45 am]

BILLING CODE 4910-60-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and the Delegation of Authority from the Director, USIA (USIA Delegation Order No. 85-5, June 27, 1985), I hereby determine that the below listed objects in the exhibit, "Pebble Beach Concours d'Elegance," imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. The objects covered by this determination are:

Object	Lender
(a) 41100—Prototype Bugatti Royale Type 41. Bore and Stroke: 125mm × 150mm. Displacement: 14,725 cc. Wheelbase: 180 in. Completed 1927; Present body: coupe chauffeur dit Napoleon.	Musee National, De L'Automobile, Mulhouse, France
(b) 41131—Bugatti Royale, Type 41. Built in 1933.	Musee National, De L'Automobile, Mulhouse, France

These objects are imported pursuant to a loan agreement between the Pebble Beach Foundation of Pebble Beach, CA. and the foreign lender. I also determine that the temporary exhibition or display of the listed exhibit objects on the property of the Pebble Beach Company, Pebble Beach, CA., beginning on or about August 24, 1985, to on or more about August 26, 1985, is in the national interest. Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: July 3, 1985.

C. Normand Poirier,

Acting General Counsel and Congressional Liaison.

[FR Doc. 85-16357 Filed 7-9-85; 8:45: am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 132
Wednesday, July 10, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

INTERNATIONAL TRADE COMMISSION

[USITC SE-85-27]

TIME AND DATE: At 10:00 a.m., Wednesday, July 10, 1985.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and Complaints.
5. Investigation 731-TA-201 [Final] (Egg filler flats from Canada)—briefing and vote.
6. Investigation 303-TA-16 [Preliminary] (Lime oil from Peru)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-16446 Filed 7-8-85; 11:41 am]

BILLING CODE 7020-04-M

2

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

DATE AND TIME: August 19 and 20, 1985.

PLACE: Americana Congress Hotel, Chicago, Illinois 60605.

STATUS:

August 19, 9:00 a.m. to 10:00 a.m.—Closed Section 1703.202 (2) and (6) of the Code of Federal Regulations, 45 CFR Part 1703

August 19, 10:00 a.m. to 5:00 p.m. and August 20, 9:00 a.m. to 5:00 p.m.—Open

MATTERS TO BE DISCUSSED:

Chairman's Report
Approval of April 1985 Minutes
Election, NCLIS Vice Chairman
Executive Director's Report
Progress Report, FY 1985 Programs
Review, FY 1986 Plans
Review, FY 1987 Budget Request
Discussion, NCLIS Information Center
NCLIS Participation in IFLA Plenary Sessions
Tour of IFLA Exhibits
Review, Plans for 1989 National Conference on Library and Information Services
Committee Reports:
- Bicentennial of the Constitution
- Public Affairs
- Personnel
- Program Review

CONTACT: Toni Carbo Bearman, Executive Director, (202) 382-0840.

Toni Carbo Bearman,

Executive Director.

July 1, 1985.

[FR Doc. 85-16430 Filed 7-8-85; 10:25 am]

BILLING CODE 7527-01

Federal Register

Wednesday
July 10, 1985

Part II

Postal Rate Commission

39 CFR Part 3001

Publication of Domestic Mail Classification Schedule; Order of Rulemaking; Final Rule

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM85-1; Order No. 614]

Publication of Domestic Mail Classification Schedule; Order of Rulemaking

June 28, 1985.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: The Commission has decided to make the Domestic Mail Classification Schedule (DMCS) more readily available to interested persons by publishing it as Appendix A to Subpart C of Part 3001 of the Commission's rules of practice and procedure. An explanatory section (39 CFR 3001.68) will also be added. The DMCS is the basic framework of regulations for the domestic mail services provided by the Postal Service.

EFFECTIVE DATE: This rule will become effective July 10, 1985.

ADDRESSES: Correspondence relating to this Notice of Rulemaking should be sent to Charles L. Clapp, Secretary of the Commission, 1333 H Street, NW., Washington, D.C. 20268 (telephone: 202/789-6840).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 1333 H Street, NW., Washington, D.C. 20268 (telephone: 202/789-6820).

SUPPLEMENTARY INFORMATION: On May 28, 1985, the Commission published a Notice of Proposed Rulemaking describing a proposal to publish the text of the DMCS, which is now in effect, in the **Federal Register** and also having it included in the Code of Federal Regulations. *See* 50 FR 21628-29. The text of the DMCS was available for inspection at the Commission offices. Comments were due by June 27, 1985.

National Newspaper Association (NNA) filed comments on June 21, 1985. NNA expressed its support for the Commission's proposal and said the publication of the DMCS was appropriate and helpful.

The Postal Service filed comments on June 27, 1985. The Postal Service questions whether the "editorial notes" should be added and the rates deleted from "any official publication." The Postal Service points out that the DMCS can be changed only by the Governors of the Postal Service acting on a recommended decision of the Commission. The Postal Service proposes to publish the DMCS itself.

The American Postal Workers Union (APWU) says that the Postal Service, rather than the Commission, should publish the DMCS. APWU objects to the Commission's addition of editor's notes, saying they are inappropriate and misleading.

Having considered the filed comments, the Commission has decided to publish the text of the DMCS as an appendix to its rules of practice and procedure found at Title 39 of the Code of Federal Regulations. We appreciate the Postal Service's proposal to publish the DMCS, but we believe it would be better to move forward at this time, since we are able to do so expeditiously. We will, however, explore with the Postal Service the options for joint action on updating the DMCS in the Code of Federal Regulations.

We have decided to retain the "editor's notes" in the Appendix showing the text of the DMCS. These are only guides to help readers who might otherwise find the text confusing. These editor's notes are not part of the DMCS and their presence should not mislead any reader. Similarly, we have decided that it is best not to publish the rates in the appendix. They are readily available and their absence should not cause any confusion.

Ready access to the DMCS by all interested parties should assist the Commission in its duties with regard to the establishment of a fair and equitable classification schedule.

Impact of Proposed Changes

Pursuant to Executive Order 12291, the Commission finds that the proposed rule changes do not constitute a "major rule." The changes do not impose a burden on any persons; they merely provide interested persons a source for ready reference. Further, the changes will not have any adverse effects on competition, employment or the other factors listed in E.O. 12291. The above analysis—that the proposed rule changes do not constitute a major rule for purposes of E.O. 12291—applies with equal force to the Regulatory Flexibility Act.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Postal Service.

List of Proposed Changes

PART 3001—RULES OF PRACTICE AND PROCEDURE

Subpart C—Rules Applicable to Requests for Establishing or Changing the Mail Classification Schedule

1. The authority citation for 39 CFR Part 3001 continues to read as follows:

Authority: 39 U.S.C. 3603, 3622, 3823, 84 Stat. 759-761; (5 U.S.C. 553), 80 Stat. 383, unless otherwise noted.

2. New § 3001.68 is added to subpart C as follows:

§ 3001.68 Text of the Domestic Mail Classification Schedule.

The Domestic Mail Classification Schedule established in accordance with Subchapter II of Chapter 36 of Title 39 of the United States Code appears (with blank rate schedules) as Appendix A to this subpart.

3. The text of the DMCS is contained as Appendix A to Subpart C—Rules Applicable to Requests for Establishing or Changing the Mail Classification Schedule, 39 CFR 3001.61 *et seq.*

By the Commission.

Charles L. Clapp,

Secretary.

Appendix A to Subpart C—Postal Service Rates and Charges

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Rate Schedules

GENERAL DEFINITIONS

As used in this Domestic Mail Classification Schedule, the following terms have the meanings set forth below.

.01 Advertising

Advertising includes all material for the publication of which a valuable consideration is paid, accepted, or promised, that calls attention to something for the purpose of getting people to buy it, sell it, seek it, or support it. If an advertising rate is charged for the publication of reading matter or other material, such material shall be deemed to be advertising. Articles, items, and notices in the form of reading matter inserted in accordance with a custom or understanding that textual matter is to be inserted for the advertiser or his products in the publication in which a display advertisement appears are deemed to be advertising. If a publisher advertises his own services or publications, or any other business of the publisher, whether in the form of display advertising or editorial or reading matter, this is deemed to be advertising.

.02 Aspect Ratio

Aspect ratio is the ratio of width to length.

.03 Bills and Statements of Account

Bills and statements of account are defined as follows:

a. A bill is a request for payment of a definite sum of money claimed to be owing by the addressee either to the sender or to a third party. The mere assertion of an indebtedness in a definite sum combined with a demand for payment is sufficient to make the message a bill.

b. A statement of account is the assertion of the existence of a debt in a definite amount but which does not necessarily contain a request or a demand for payment. The amount may be immediately due or may become due after a certain time or upon demand or billing at a later date.

c. A bill or statement of account must present the particulars of an indebtedness with sufficient definiteness to inform the debtor of the amount he is required to pay to acquit himself of the debt. However, neither a bill nor a statement of account need state the precise amount if it contains sufficient information to enable the debtor to determine the exact amount of the claim asserted.

d. A bill or statement of account is not the less a bill or statement of account merely because the amount claimed is not in fact owing or may not be legally collectible.

.04 Full Rates

Full rates are rates approved by the Governors of the Postal Service in accordance with Title 39 U.S.C., which are not reduced rates as set forth in title 39 U.S.C. 3626.

.05 Girth

Girth is the measurement around a piece of mail at its thickest part.

.06 Invoice

An invoice is a writing showing the nature, quantity, and cost or price of items shipped or sent to a purchaser or consignor.

.07 Permit Imprints

Permit imprints are printed indicia indicating postage has been paid by the sender under the permit number shown.

.08 Phased Rates

Phased rates are the reduced rates which increase annually as provided in 39 U.S.C. 3626(a). The sum of the annual increases equals the difference between the rates which were in effect for a class of mail or kind of mailer at the time of the enactment of the Postal Reorganization Act and either—

a. The full rates, or

b. The preferred rates;

for the class of mail or kind of mailer. The phased rates increase on July 6 of each year.

.09 Preferred Rates

Preferred rates are the reduced rates established pursuant to 39 U.S.C. 3626(a)(1).

.10 Territories and Possessions

For purposes of this Domestic Mail Classification Schedule, the terms territories and possessions include:

Baker Island	Navassa Island
Canton Island	Commonwealth of Puerto Rico
Caroline Islands	Saint Croix Island
Enderbury Island	Saint John Island
Guam	Saint Thomas Island
Howland Island	Samoa (American)
Jarvis Island	Sand Island
Johnston Island	Swain's Island
Kingman Reef	Trust Territory of the Pacific
Manua Island	Virgin Islands (U.S.)
Mariana Islands	Wake Island
Marshall Islands	
Midway Islands	

.11 ZIP Code

The ZIP Code is a numeric code that facilitates the sortation, routing, and delivery of mail.

CLASSIFICATION SCHEDULE 100—FIRST-CLASS MAIL

100.01 Definition

100.010 Any matter eligible for mailing may, at the option of the mailer, be mailed as first-class mail.

100.011 The following must be mailed as First-Class Mail, unless mailed as Express Mail or exempt under title 39 United States Code or except as authorized under sections 200.0421, 300.0451 and 400.0441:

a. Mail sealed against postal inspection as set forth in section 5000 of the General Terms and Conditions;

b. Matter wholly or partially in handwriting or typewriting except as specifically permitted by sections 200.013, 300.010, 300.0101, 400.021, 400.022 and 400.043; and,

c. Bills and statements of account.

100.02 Description of Subclasses

100.020 Regular Mail

Regular First-Class Mail consists of mailable matter posted at First-Class regular rates, weighing 12 ounces or less, and not mailed or eligible for mailing under sections 100.0201, 100.021, 100.0211, 100.022, 100.0221, 100.023, or 100.024.

100.0201 ZIP+4 Rate Category Regular Mail

ZIP+4 rate category regular mail consists of pieces which meet the following eligibility requirements and the preparation requirements in section 100.047:

a. Bear a proper ZIP+4 code.

b. Be presented in mailings of 250 or more pieces; or if presorted, in mailings of 500 or more pieces.

c. Meet machinability criteria as prescribed by the Postal Service.

d. Meet address readability specifications for applicable mail processing equipment as prescribed by the Postal Service.

e. Have postage paid in a manner not requiring cancellation.

100.0202 Presorted Mail

Presorted First-Class Mail is First-Class Mail other than zone rated (priority mail) which is presented in a single mailing of 500 or more pieces, properly prepared and presorted.

100.021 Postal and post cards

a. A postal card is a card with postage imprinted or impressed on it supplied by the Postal Service for the transmission of messages. A post card is a privately printed mailing card for the transmission of messages.

b. Double postal or post cards may be mailed as postal or post cards. A double postal or post card consists of two attached cards, one of which may be detached by the receiver and returned by mail as a single postal or post card.

c. To be eligible to be mailed as a first-single post card, a card may not exceed any of the following dimensions.

i. Length not greater than 6 inches;

ii. Width not greater than 4¼ inches; or,

iii. Thickness not greater than 0.0095 inch and uniform.

100.0211 ZIP+4 rate category post cards

A ZIP+4 rate category post card is a privately printed mailing card for the transmission of messages which meets the eligibility and preparation requirements in sections 100.0211b. 100.043, and 100.047.

a. Double post cards may be mailed as ZIP+4 rate category post cards. A double post card consists of two attached cards, one of which may be detached by the receiver and returned by mail as a single post card.

b. ZIP+4 rate category post cards must:

i. Bear a proper ZIP+4 code.

ii. Be presented in mailings of 250 or more pieces; or, if presorted, in mailings of 500 or more pieces.

iii. Meet machinability criteria as prescribed by the Postal Service but may not exceed any of the following dimensions:

(1) Length not greater than 6 inches;

(2) Width not greater than 4¼ inches; or,

(3) Thickness not greater than 0.0095 inch and uniform.

iv. Meet address readability specifications for applicable mail processing equipment as prescribed by the Postal Service.

v. Have postage paid in a manner not requiring cancellation.

100.023 Zone Rated (Priority) Mail

Zone rated (priority) first-class mail consists of (1) first-class mail weighing more than the maximum weight established for first-class regular mail and (2) other mail matter which, at the option of the mailer, is mailed for expeditious mailing and transportation. Priority mail may weigh up to and including 70 pounds.

100.024 Electronic Computer Originated Mail

Electronic Computer Originated Mail (E–COM) is first-class mail entered into the postal system at designated Serving Post Offices (SPOs) by electronic means via authorized communications common carriers whose facilities are connected to the SPOs. Among such authorized carriers may be one or more carriers acting on behalf of the Postal Service, under contract with it entered into on the basis of demonstrated need and in such manner and under such conditions and terms as to preserve free and open competition in the telecommunications sector of E–COM. At the SPOs the messages are checked for errors while in electronic form, printed, inserted into specially marked envelopes provided by the Postal Service, and entered into the first class mailstream.

E–COM may consist of single or multiple text messages of one or two pages. Each E–COM message will identify, in a form intelligible to the recipient, the communications common carrier over whose facilities such message was entered into the SPO. There is a minimum quantity of 200 messages per transmission.

100.03 Physical Limitations

100.030 First-Class Mail may not exceed 70 pounds or 108 inches in length and girth combined.

100.031 Cards exceeding the maximum post card dimensions set forth in section 100.021c or 100.0211b for ZIP+4 rate category cards may be mailed only under sections 100.020, 100.022, 100.201 and 100.0221 as appropriate.

100.032 First-class mail which weighs one ounce or less is nonstandard mail if:

a. Its aspect ratio does not fall between 1 to 1.3 and 1 to 2.5 inclusive, or

b. If it exceeds any of the following dimensions:

i. 11.5 inches in length,

ii. 6.125 inches in width, or

iii. .25 inch in thickness.

100.04 Preparation of Mail

100.040 Postage must be paid as set forth in section 3000 of the General Terms and Conditions.

100.041 First-class mail mailed under section 100.022 must be presorted in accordance with regulations prescribed by the Postal Service.

100.042 First-class mail mailed under section 100.022 must be prepared as follows:

a. All pieces in a mailing must be presented in a manner specified by the Postal Service that preserves the presort and uniform orientation of the pieces.

b. All pieces in a mailing must bear markings identifying them as presorted first-class mail, as required by the Postal Service.

100.0421 Pieces not within the same postage rate increment may be mailed as presorted mail only when specified methods approved by the Postal Service for ascertaining and verifying postage are followed.

100.043 Postal and post cards, including ZIP+4 rate category post cards, with any of the following four characteristics are not mailable unless prepared as prescribed by the Postal Service:

a. Numbers or letters unrelated to postal purposes appearing on the address side of the card;

b. Punched holes;

c. Vertical tearing guide;

d. An address portion which is smaller than the remainder of the card.

100.044 First-class mail entered under Section 100.024 must be prepared in accordance with such reasonable message format requirements as are published by the Postal Service.

100.045 Nothing contained in Section 100.05 shall be construed as authorizing the Postal Service to offer electronic message transmission service to any location other than SPOs.

100.047 Pieces mailed under sections 100.0201, 100.0211 and 100.0221 must be prepared as follows:

a. All pieces in a mailing must be presented in a manner specified by the Postal Service.

b. All pieces in a mailing must bear markings as required by the Postal Service.

c. Pieces not within the same postage increment may be mailed as ZIP+4 rate category mail only when specific methods approved by the Postal Service for ascertaining and verifying postage are followed.

d. Pieces mailed at presorted ZIP+4 rate category rates must be properly prepared and presorted as prescribed by the Postal Service.

100.05 Mail Deposit

100.050 First-class mail must be deposited at places designated by the Postal Service.

100.051 E–COM will be accepted at the SPOs at times designated by the Postal Service.

100.052 E–COM may be deposited through any communications carrier which conforms to the technical interconnection standards established by the Postal Service.

100.0521 E–COM technical interconnection standards shall not be unduly discriminatory against any carrier able and willing to connect, and shall be designed to permit the simultaneous interfacing of multiple communications carriers with the SPOs. The Postal Service may, to the extent consistent with avoidance of any unreasonable burden upon carriers, require that each carrier employ only one access port as each SPO to which such carrier is connected.

100.0522 The Postal Service may require that each carrier having facilities and authority to render nationwide service and intending to serve under this section connect its facilities to each SPO.

100.06 Service

100.060 First-class mail receives expeditious handling and transportation, except that when first-class mail is attached to or enclosed with mail of another class, the service of that class applies.

100.07 Forwarding and Return

100.070 First-class mail is forwarded without additional charge.

100.071 Zone rated (priority) mail is forwarded without additional charge.

First-class mail that is undeliverable as addressed is returned to the sender, without additional charge.

100.08 Ancillary Services

100.080 First-Class Mail, except E-COM and except as otherwise noted, will receive the following additional services upon payment of the appropriate fees:

	Classification schedule
a. Address correction	SS-1
b. Business reply mail (except ZIP+4 rate category mail)	SS-2
c. Certificates of mailing	SS-4
d. Certified mail	SS-5
e. C.O.D	SS-6
f. Insured mail	SS-9
g. Registered mail (except ZIP+4 rate category mail)	SS-14
h. Special delivery	SS-17
i. Merchandise return	SS-20

100.09 Rates and Fees

100.090 The rates and fees for first-class mail are set forth in the following rate schedules:

	Rate schedule
a. Regular	100
b. Postal and post cards	[1] 101
c. Presorted	[1] 102
d. Zone rated (priority)	103
e. Electronic computer originated mail	104
f. Fees	1000

[1] Editor's Note: These rates can now be found on Rate Schedule 100.

100.091 Postage on first-class mail is computed separately on each piece of mail.

100.10 Authorizations and Licenses

100.100 A presorted mailing fee as set forth in Rate schedule 1000 must be paid once each calendar year at each office of mailing by any person who mails presorted mail, including presorted ZIP+4 rate category mail.

100.101 A permit fee as set forth in Rate schedule 1000 must be paid once each calendar year by any person who mails by electronic computer originated mail.

CLASSIFICATION SCHEDULE 200—SECOND-CLASS MAIL

200.01 Definition

200.010 Second-class mail is mailable matter consisting of newspapers and other periodical publications which meet the qualifications listed in sections 200.0101 through 200.0109, or 200.0110.

200.0101 Second-class matter must be regularly issued at stated intervals at least four times a year, bear a date of issue, and be numbered consecutively.

200.0102 Second-class matter must have a known office of publication. A known office of publication is a public office where business of the publication is transacted during the usual business hours. The office must be maintained where the publication is authorized original second-class entry.

200.0103 Second-class matter must be formed of printed sheets. They may not be reproduced by stencil, mimeograph, or hectograph processes, or reproduced in imitation of typewriting. Reproduction by any other printing process is permissible. Any style of type may be used.

200.0104 Second-class matter must be originated and published for the purpose of disseminating information of a public character, or devoted to literature, the sciences, art, or some special industry.

200.0105 Second-class matter must have a legitimate list of persons who have subscribed by paying or promising to pay at a rate above nominal for copies to be received during a stated time, with such exception, as enumerated in section 200.0110.

a. Nominal rate means:

i. A token subscription price that is so low that it cannot be considered a material consideration;

ii. A reduction to the subscriber, under a premium offer or any other arrangements, of more than 50 percent of the amount charged at the basic annual rate for a subscriber to receive one copy of each issue published during the subscription period. The value of a premium is considered to be its actual cost to the publishers, the recognized retail value, or the represented value, whichever is highest.

200.0106 Except as provided in section 200.0107, second-class matter containing no advertising other than that of the publisher, is exempt from the requirements of sections 200.0104 and 200.0105 if it is:

a. Published by a regularly incorporated institution of learning;

b. Published by a regularly established state institution of learning supported in whole or in part by public taxation;

c. A bulletin issued by a state board of health or a state industrial development agency;

d. A bulletin issued by a state conservation or fish and game agency or department;

e. A bulletin issued by a state board or department of public charities and corrections;

f. Published by a public or nonprofit private elementary or secondary institution of learning or its administrative or governing body;

g. Program announcements or guides published by an educational radio or television agency of a state or political subdivision thereof, or by a nonprofit educational radio or television station;

h. Published by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons;

i. Published by or under the auspices of a trade(s) union;

j. Published by a strictly professional, literary, historical, or scientific society; or,

k. Published by a church or church organization.

200.0107 Second-class matter published by an institution or society identified in sections 200.0106h through k, may contain advertising of other persons, institutions, or concerns, only under the following conditions:

a. The publication must be originated and published to further the objectives and purposes of the society;

b. Circulation must be limited to:

i. Copies mailed to members who pay either as a part of their dues or assessment or otherwise, not less than 50 percent of the regular subscription price;

ii. Other actual subscribers;

iii. Exchanges; and,

iv. 10 percent of the total above as sample copies.

200.0108 Second-class matter issued by state departments of agriculture may not contain advertising and must be published for the purpose of furthering the objects of the departments.

200.0109 Foreign newspapers and other periodicals of the same general character as domestic publications entered as second-class mail may be accepted on application of the publishers thereof or their agents, for transmission through the mail at the same rates as if published in the United States. This section does not authorize the transmission through the mail of a

publication which violates a copyright granted by the United States.

200.011 The term "periodical publications" includes, but is not limited to:

a. Any catalog or other course listing including mail announcements of legal texts which are part of post-bar admission education issued by any institution of higher education or by a nonprofit organization engaged in continuing legal education.

b. Any looseleaf page or report (including any index, instruction for filing, table, or sectional identifier which is an integral part of such report) which is designed as part of a looseleaf reporting service concerning developments in the law or public policy.

200.0110 Notwithstanding section 200.0101 through 200.0109, publications which meet all the following criteria are second-class mailable matter.

a. Must contain at least 24 pages;

b. Must be issued at regular intervals at least four times a year;

c. Must not be owned or controlled by one or more individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them;

d. Must devote at least 25 percent of their pages to nonadvertising and not more than 75 percent to advertisements;

e. May be circulated free or mainly free;

f. Must have a legitimate list of persons who request the publication; 50 percent or more of the copies of the publication must be distributed to persons making such requests. Subscription copies paid for or promised to be paid for including those at or below a nominal rate may be included in the determination of whether the 50 percent request requirement is met. Persons will not be deemed to have requested the publication if their request is included by a premium offer or by receipt of material consideration, provided that mere receipt of the publication is not material consideration. This subsection will not be effective prior to March 20, 1982;[1]

g. Must have a known office of publication. A known office of publication is a public office where business of the publication is transacted during the usual business hours. The office must be maintained where the publication is authorized original second-class entry.

200.012 Publications designed primarily for advertising purposes, free circulation, or circulation at nominal rates (see 200.0105) do not qualify for second-class privileges. This section and its subsections shall not apply to publications qualifying for second-class privileges under § 200.0110.

200.0121 Publications "designed primarily for advertising purposes" means publications which:

a. Have advertising in excess of 75 percent in more than one-half of their issues during any 12-month period;

b. Are owned or controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them;

c. Consist principally of advertising and editorial write-ups of the advertisers;

d. Consist principally of advertising and that have only a token list of subscribers, the circulation being mainly free;

e. Have only a token list of subscribers and that print advertisements free for advertisers who pay for copies to be sent to a list of persons furnished by the advertisers; or

f. Are published under a license from individuals or institutions and that feature other businesses of the licensor.

200.0122 Designed primarily for free circulation is defined as distribution of 50 percent or more of the copies of a publication for free or at a nominal rate. Copies mailed to persons who are not on a legitimate list of subscribers as set forth in sections 200.0105 and 200.0110 are free copies.

200.013 Second-class mail may contain enclosures and supplements as prescribed by the Postal Service. It may not contain writing, printing or sign thereof or therein, in addition to the original print, except as authorized by the Postal Service, or as authorized under section 200.0421.

200.02 Description of Subclasses

200.0201 Regular

Regular second-class mail is all second-class mail except that to which section 200.021 applies.

a. Regular second-class may be mailed only by publishers or registered news agents.

b. Nonsubscriber and nonrequester copies mailed at any time during the calendar year up to 10 percent of the total weight of copies mailed to subscribers and requesters during the calendar year are regular second-class mail provided that the nonsubscriber and nonrequester copies would have been regular second-class mail if mailed to subscribers or requesters. See Section 200.093 for mailing in excess of the 10 percent limitation.

200.021 Preferred. The preferred subclasses, except Science of Agriculture publications, will receive newspaper treatment under the eligibility conditions established by the Postal Service.

200.0211 Within County

Within-county mail is second-class mail, other than matter mailed under section 200.0110, mailed in, and addressed for, delivery within the county where published and originally entered, from either the office of original entry or additional entry.

200.02111 For the purpose of the application of section 200.0211, when a publication has original entry at an independent incorporated city which is situated entirely within a county or which is contiguous to one or more counties in the same state, such incorporated city shall be considered to be within the county with which it is principally contiguous. Where more than one county is involved, the publisher will select the principal county.

200.0212 Nonprofit

Nonprofit mail is second-class mail, other than matter mailed under section 200.0110, entered by authorized nonprofit organizations or associations of the following types:

a. Religious,
b. Educational,
c. Scientific,
d. Philanthropic,
e. Agricultural,
f. Labor,
g. Veterans,
h. Fraternal,

and

i. Associations of rural electric cooperatives,

j. One publication, which contains no advertising published by the official highway or development agency of a state,

k. Program announcements or guides published by an educational radio or television agency of a state or political subdivision thereof or by a nonprofit educational radio or television station.

l. One conservation publication published by an agency of a state which is responsible for management and conservation of the fish or wildlife resources of such state.

200.02121 Nonprofit organizations or associations are organizations or associations not organized for profit, none of the net income of which benefits any private stockholder or individual,

[1] **Editor's Note:** The Postal Service has amended its regulations to include this requirement, effective October 1, 1982. *See* DMM § 422.6.

and which meet the qualifications set forth below for each type of organization or association. The standard of primary purpose applies to organizations listed under section 200.0212 a through f. The standard of primary purpose requires that each type of organization or association be both organized and operated for the primary purpose.

a. Religious. A nonprofit organization whose primary purpose is one of the following:

i. To conduct religious worship;

ii. To support the religious activities of nonprofit organizations whose primary purpose is to conduct religious worship;

iii. To perform instruction in, to disseminate information about, or otherwise to further the teaching of particular religious faiths or tenets.

b. Educational. A nonprofit organization whose primary purpose is one of the following:

i. The instruction or training of the individual for the purpose of improving or developing his capabilities;

ii. The instruction of the public on subjects beneficial to the community.

An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.

c. Scientific. A nonprofit organization whose primary purpose is one of the following:

i. To conduct research in the applied, pure or natural sciences;

ii. To disseminate systematized technical information dealing with applied, pure or natural sciences.

d. Philanthropic. A nonprofit organization primarily organized and operated for purposes beneficial to the public. Philanthropic organizations include, but are not limited to, organizations which are organized for:

i. Relief of the poor and distressed or of the underprivileged;

ii. Advancement of religion;

iii. Advancement of education or science;

iv. Erection or maintenance of public buildings, monuments, or works;

v. Lessening of the burdens of Government;

vi. Promotion of social welfare by organizations designed to accomplish any of the above purposes or;

(a) To lessen neighborhood tensions;

(b) To eliminate prejudice and discrimination;

(c) To defend human and civil rights secured by law; or

(d) To combat community deterioration and juvenile delinquency.

e. Agricultural. A nonprofit organization whose primary purpose is the betterment of the conditions of those engaged in agricultural pursuits, the improvement of the grade of their products, and the development of a higher degree of efficiency in agriculture. The organization may further and advance agricultural interests through educational activities; the holding of agricultural fairs; the collection and dissemination of information concerning cultivation of the soil and its fruits or the harvesting of marine resources; the rearing, feeding, and management of livestock, poultry, and bees, or other activities relating to agricultural interests. The term agricultural nonprofit organization also includes any nonprofit organization whose primary purpose is the collection and dissemination of information or materials relating to agricultural pursuits.

f. Labor. A nonprofit organization whose primary purpose is the betterment of the conditions of workers. Labor organizations include, but are not limited to, organizations in which employees or workmen participate, whose primary purpose is to deal with employers concerning grievances, labor disputes, wages, hours of employment and working conditions.

g. Veterans'. A nonprofit organization of veterans of the armed services of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization.

h. Fraternal. A nonprofit organization which meets all of the following criteria:

i. Has as its primary purpose the fostering of brotherhood and mutual benefits among its members;

ii. Is organized under a lodge or chapter system with a representative form of government;

iii. Follows a ritualistic format; and

iv. Is comprised of members who are elected to membership by vote of the members.

200.0213 Classroom

Classroom mail is second-class mail, other than matter mailed under section 200.0110, consisting of religious, educational, or scientific publications designed specifically for use in school classrooms or religious instruction classes.

200.0214 Science of Agriculture

Science of agriculture mail is second-class mail, other than matter mailed under section 200.0110, consisting of any publication devoted to the science of agriculture if the total number of copies of the publication furnished during any 12-month period to subscribers residing in rural areas amounts to at least 70 percent of the total number of copies distributed by any means for any purpose.

200.0215 Limited Circulation

Limited Circulation mail is second-class mail, other than matter mailed under sections 200.0212, and 200.0213 or 200.0110, consisting of a mailing of fewer than five thousand copies per issue outside the county of publication.

200.0216 Second-class preferred mail (200.021) may be mailed only by publishers or registered news agents.

200.0217 Nonsubscriber copies mailed at any time during the calendar year up to 10 percent of the total weight of copies mailed to subscribers during the calendar year are preferred mail, provided that the nonsubscriber copies would have been preferred mail if mailed to subscribers. See Section 200.093 for mailings in excess of the 10 percent limitation.

For §§ 200.0211, 200.0212, 200.0213, and 200.0215, expedited second-class mail is available without additional charge, but only to publications that issue weekly, or more frequently, and consist of news of general interest.

200.03 Physical Limitations

200.030 There are no maximum size and weight limits for second-class mail.

200.04 Preparation of Mail

200.040 Postage must be paid as set forth in section 3000 of the General Terms and Conditions.

200.041 Second-class mail must be presorted in accordance with regulations prescribed by the Postal Service.

200.042 First- or third-class mail may be attached to or enclosed with second-class mail if additional postage is paid for the attachment or enclosure as if it had been mailed separately. If postage is not paid at the appropriate first- or third-class rate, the combined piece is subject to the next higher rate which can be applied to the attachment or enclosure. When first- or third-class mail is enclosed with or attached to second-class mail, an appropriate marking must identify the presence and class of the enclosure or attachment.

200.0421 First-Class Mail, as defined in section 100.011 (b) and (c), may be attached to or enclosed with second-class mail, with postage paid on the combined piece at the applicable second-class rate. The attachment or enclosure must be incidental to the

piece to which it is attached or with which it is enclosed.

200.0422 First-Class Mail, which is not included under section 200.0421, or third-class mail may be attached to or enclosed with second-class mail if additional postage is paid for the attachment or enclosure as if it had been mailed separately. If postage is not paid at the appropriate First-Class or third-class rate, the combined piece is subject to the next higher rate which can be applied to the attachment or enclosure. When First-Class or third-class mail is enclosed with or attached to second-class mail under this subsection, an appropriate marking must identify the presence and class of the enclosure or attachment.

200.043 Second class mail must be identified as required by the Postal Service.

200.044 Nonsubscriber and nonrequester copies must be identified as required by the Postal Service.

200.045 Information relating to periodical publications must be filed with the Postal Service in accordance with 39 U.S.C. § 3685.

200.05 Mail Deposit

200.050 Second-class mail must be deposited at places designated by the Postal Service.

200.06 [Reserved]

200.07 Forwarding and Return

200.070 Undeliverable-as-addressed second-class mail will be forwarded or returned to the mailer, as prescribed by the Postal Service. Undeliverable-as-addressed combined First- and second-class pieces will be forwarded or returned, as prescribed by the Postal Service. Additional charges when second-class mail is returned will be based on the applicable third- or fourth-class rate.

200.08 ANCILLARY SERVICES

200.080 Second-class mail will receive the following additional service upon payment of the appropriate fee:

	Classification schedule
Special delivery	SS–17

200.09 Rates and Fees

200.090 The rates and fees for second-class mail are set forth as follows:

	Rate schedule
a. Regular	200
b. Within county	201
c. Nonprofit	202
d. Classroom	203
e. Science of agriculture	204
f. Limited circulation	205
g. Science of agriculture limited circulation	206
h. Commingled non-subscriber and nonrequester	207
i. Fees	1000

200.091 For six months after a subscription has expired, second-class mail may be mailed to a former subscriber at the rates that apply to copies mailed to subscribers, if the publisher has attempted during that six months to obtain payment, or a promise to pay, for renewal.

200.092 A publisher may mail one complete copy of each issue to each advertiser in that issue as an advertiser's proof copy at the rates that apply to subscriber and requester copies, whether the advertiser's proof copy is mailed to the advertiser directly or, instead, to an advertising representative or agent of the publication.

200.093 Nonsubscriber and nonrequester copies of any second-class mail mailed at any time during the calender year, in excess of 10 percent of the total weight of copies mailed to subscribers or requesters during the calendar year which are presorted and commingled with subscriber or requester copies are charged the full rates for regular second-class shown in Rate Schedule 200. The 10 percent limitation for a publication shall be determined on the combined total weight of all copies of that publication mailed to subscribers and requesters during the calendar year, subject to section 200.0217.

200.094 Copies of any second-class mail which are destined for delivery within the sectional center area in which they are entered qualify for the applicable SCF discount as set forth in Rate Schedules 200, 202, 203, 204, 205, 206 and 207. The sectional center areas will be prescribed by the Postal Service.

200.10 Authorizations and Licenses

200.100 Prior to mailing at second-class rates publications must be authorized for entry as second-class mail by the Postal Service. Each authorized publication will be granted one original entry office where the office of publication is maintained. Additional entry offices may be granted by the Postal Service upon application. Application for re-entry shall be made whenever there is a change in the publication's title, frequency of issue or office of original entry.

200.101 News agents must register at all post offices at which they mail second-class mail and pay the applicable fee as set forth in Rate Schedule 1000.

200.1011 A news agent is a person or concern engaged in selling two or more second-class publications published by more than one publisher.

200.102 Publications set forth in sections 200.0212, 200.0213 and 200.0214, must obtain the Postal Service's authorization to mail at the rates for such publications.

CLASSIFICATION SCHEDULE 300—THIRD-CLASS MAIL

300.01 Definition

300.010 Third-class mail is mailable matter weighing less than 16 ounces, except:

a. Matter mailed or required to be mailed as first-class mail;

b. Matter entered as second-class mail, except copies sent by a printer to a publisher, and except copies that would have traveled at the former transient rate;

c. Matter mailed under section 400.021 or section 400.022.

300.0101 Circulars and printed matter weighing less than 16 ounces, including printed letters which according to internal evidence are being sent in identical terms to several persons, but which do not have the character of actual or personal correspondence, are third-class mail. Circulars do not lose their character as third-class mail when the date and name of the addressee and of the sender are written thereon, nor by the correction in writing of mere typographical errors. For the purposes of Classification Schedule 300, "printed" does not include reproduction by handwriting or typewriting.

300.02 Description of Subclasses

300.020 Single Piece

Single-piece mail is third-class mail not eligible for mailing under section 300.021 or 300.022.

300.021 Bulk

Bulk rate third-class mail consists of mailings of properly prepared and presorted separately addressed pieces of identical size and weight (except as provided in § 300.047) of third-class mail, in quantities of not less than 50 pounds or of 200 or more pieces.

300.0211 Regular

Regular rate bulk mail is third-class bulk mail which is not eligible for mailing under section 300.0212.

300.0212 Nonprofit

Nonprofit bulk mail is third-class mail mailed by authorized nonprofit organizations or associations of the following types:

a. Religious,
b. Educational,
c. Scientific,
d. Philanthropic,
e. Agricultural,
f. Labor,
g. Veterans',
h. Fraternal,
i. Qualified political committees.

300.02121 Nonprofit organizations or associations are organizations or associations not organized for profit, none of the net income of which benefits any private stockholder or individual, and which meet the qualifications set forth before for each type of organization or association. The standard of primary purpose applies to each type of organization or association, except veterans and fraternal. The standard or primary purpose requires that each type of organization or association be both organized and operated for the primary purpose.

The following are the types of organizations or associations which may qualify as authorized nonprofit organizations or associations.

a. Religious. A nonprofit organization whose primary purpose is one of the following:

i. To conduct religious worship;

ii. To support the religious activities of nonprofit organizations whose primary purpose is to conduct religious worship;

iii. To perform instruction in, to disseminate information about, or otherwise to further the teaching of particular religious faiths or tenets.

b. Educational. A nonprofit organization whose primary purpose is one of the following:

i. The instruction or training of the individual for the purpose of improving or developing his capabilities;

ii. The instruction of the public on subjects beneficial to the community.

An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts to permit an individul or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.

c. Scientific. A nonprofit organization whose primary purpose is one of the following:

i. To conduct research in the applied, pure or natural sciences;

ii. To disseminate systematized technical information dealing with applied, pure or natural sciences.

d. Philanthropic. A nonprofit organization primarily organized and operated for purposes beneficial to the public. Philanthropic organizations include, but are not limited to, organizations which are organized for:

i. Relief of the poor and distressed or of the underprivileged;

ii. Advancement of religion;

iii. Advancement of education or science;

iv. Erection or maintenance of public buildings, monuments, or works;

v. Lessening of the burdens of Government;

vi. Promotion of social welfare by organizations designed to accomplish any of the above purposes or;

(a) To lessen neighborhood tensions;

(b) To eliminate prejudice and discrimination;

(c) To defend human and civil rights secured by law; or

(d) To combat community deterioration and juvenile delinquency.

e. Agricultural. A nonprofit organization whose primary purpose is the betterment of the conditions of those engaged in agricultural pursuits, the improvement of the grade of their products, and the development of a higher degree of efficiency in agriculture. The organization may further and advance agricultural interests through educational activities; the holding of agricultural fairs; the collection and dissemination of information concerning cultivation of the soil and its fruits or the harvesting of marine resources; the rearing, feeding, and management of livestock, poultry, and bees, or other activities relating toagricultural interests. The term agricultural nonprofit organization also includes any nonprofit organization whose primary purpose is the collection and dissemination of information or materials relating to agricultural pursuits.

f. Labor. A nonprofit organization whose primary purpose is the betterment of the conditions of workers. Labor organizations include, but are not limited to, organizations in which employees or workmen participate, whose primary purpose is to deal with employers concerning grievances, labor disputes, wages, hours of employment and working conditions.

g. Veterans'. A nonprofit organization of veterans of the armed services of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization.

h. Fraternal. A nonprofit organization which meets all of the following criteria:

i. Has as its primary purpose the fostering of brotherhood and mutual benefits among its members;

ii. Is organized under a lodge or chapter system with a representative form of government;

iii. Follows a ritualistic format; and

iv. Is comprised of members who are elected to membership by vote of the members.

i. Qualified political committees. The term "qualified political committee" means a national or State committee of a political party, the Republican and Democratic Senatorial Campaign Committees, the Democratic National Congressional Committee, and the National Republican Congressional Committee:

(A) The term "national committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level; and

(B) The term "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level.

300.02122 An organization authorized to mail at the special bulk third-class rates for qualified non-profit organizations may mail only its own matter at these rates. An organization may not delegate or lend the use of its permit to mail at special third-class rates to any other person, organization or association.

300.022 Keys and Identification Devices

Keys and identification devices include keys, identification cards, identification tags, or similar identification devices mailed without cover, and which bear, contain, or have securely attached the name and complete post office address of a person, organization, or concern, with instructions to return to such address and a statement guaranteeing the payment of postage due on delivery.

300.023 Bulk Rate Presort Categories

Bulk rate mail sent under section 300.021 must meet the conditions of sections 300.0231 or 300.0232 to be eligible for the applicable presort level rate.

300.0230 Required Sortation

Mailers must sort third-class bulk mail as prescribed by the Postal Service. The

basic sortation, other than the two described below, pays the "Required Presortation" rate in Rate Schedules 301 and 302.

300.0231 Five Digit Presort Level

Five-digit presort level mailings must contain at least 200 pieces or 50 pounds of five-digit presorted mail prepared in accordance with USPS regulations so as to avoid handling of individual pieces or packages until they reach the five-digit ZIP Code delivery unit.

300.0232 Carrier Route Presort Level

Carrier route presort level mailings must contain at least 200 pieces or 50 pounds of carrier route presorted mail, with at least 10 pieces to each carrier route. The mail must be properly prepared in the manner prescribed by the Postal Service.

300.03—Physical Limitations

300.030

a. There is no maximum size for single-piece third-class mail.

b. Except as provided in § 300.030c, the maximum size for mail qualifying for the carrier route presort level is 13.50 inches in length, 11.50 inches in width, and .75 inch in thickness.

c. Merchandise samples with detached labels may be sent at the carrier route presort rate even though their dimensions may exceed the prescribed maxima, if they meet all other requirements of the carrier route presort level and the detached labels do not exceed those dimensions.

d. For bulk mail not presorted to the carrier route level, there is no size limitation.

300.031 Third-class single-piece mail weighing one ounce or less is nonstandard if:

a. Its aspect ratio does not fall between 1 to 1.3 and 1 to 2.5, inclusive, or

b. It exceeds any of the following:

i. 11.5 inches in length,

ii. 6.125 inches in width, or

iii. .25 inch in thickness.

300.04 Preparation of mail

300.040 Postage must be paid as set forth in section 3000 of the General Terms and Conditions.

300.041 Third-class bulk mail must be presorted as prescribed by the Postal Service.

300.042 Third-class mail must be identifed as required by the Postal Service.

300.043 Third-class mail may have the following written additions placed on the wrapper, on a tag or label attached to the outside of the parcel, or inside the parcel, either attached to the article or loose:

a. Marks, numbers, name, or letters descriptive of contents;

b. *Please Do Not Open Until Christmas,* or words of similar import;

c. Instructions and directions for the use of an article in the package;

d. Manuscript dedication or inscription not in the nature of personal correspondence;

e. Marks to call attention to any word or passage in text;

f. Corrections of typographical errors in:

i. Circulars and printed matter: Handwritten or typewritten changes or additions in the body of a circular are limited to corrections of actual typographical errors.

ii. Proof sheets: Corrections in proof sheets include corrections of typographical and other errors, alterations of text, insertion of new text, marginal instructions to the printer, and rewrites of parts if necessary for correction.

g. Handstamped imprints, except when the added matter is itself personal or converts the original matter to a personal communication;

h. An invoice.

300.044 Third-class mail contain enclosures and attachments as authorized under § 300.0451 or as follows:

a. Books and catalogs mailed at the bulk rates reserved for items in § 300.09bi may have no external attachments. Only the following items may be enclosed loose provided they relate exclusively to the book or catalog they accompany.

i. A single reply envelope or reply post card, or both;

ii. A single order form;

iii. A printed calendar. Circulars fastened securely along the entire bound edge inside the book or catalog by paste, stitches, or staples are not loose enclosures;

iv. If no circular is enclosed, a printed price list listing only articles featured in the catalog and showing only the same prices and discounts as the catalog;

v. An invoice; or

vi. Samples or merchandise attached to pages.

b. Except as provided in § 300.044a, all third-class mail may contain the following enclosures;

i. An invoice;

ii. Manuscripts accompanying related proof sheets.

300.045 First-class mail may be attached to or enclosed in third-class books, catalogs, and merchandise if additional postage is paid for the attachment or enclosure as if it had been mailed separately. If postage is not paid at the appropriate first-class rate, the third-class piece is subject to the higher first-class rate. When first-class mail is enclosed with or attached to third-class mail, an appropriate marking must identify the presence and class of the enclosure or attachment.

300.0451 First-Class Mail, as defined in § 100.011 (b) and (c), may be attached to or enclosed with third-class merchandise, including books but excluding merchandise samples, with postage paid on the combined piece at the applicable third-class rate. The attachment or enclosure must be incidental to the piece to which it is attached or with which it is enclosed.

300.0452 First-Class Mail, which is not included under § 300.0451, may be attached to or enclosed with third-class books, catalogs, and merchandise if additional postage is paid for the attachment or enclosure as if it had been mailed separately. If postage is not paid at the appropriate First-Class rate, the third-class piece is subject to the higher First-Class rate. When First-Class Mail is enclosed with or attached to third-class mail under this subsection, an appropriate marking must identify the presence and class of the enclosure or attachment.

300.046 Mailers of bulk third-class mail must submit appropriate mailing forms.

300.047 Pieces that are not of identical size and weight may be mailed as bulk third-class mail only when specific methods approved by the Postal Service for ascertaining and verifying postage are followed.

300.048 Two or more third-class bulk mailings may be commingled and mailed as bulk third-class mail only when specific methods approved by the Postal Service for ascertaining and verifying postage are followed.

300.05 Mail Deposit

300.050 Third-class mail must be deposited at places designated by the Postal Service.

300.06 Service

300.060 Third-class mail may receive deferred service.

300.07 Forwarding and Return

300.070 Undeliverable-as-addressed third-class mail will be returned on request of the mailer, or forwarded and returned on request of the mailer. Undeliverable-as-addressed combined first-class and third-class pieces will be

returned as prescribed by the Postal Service. The single-piece third-class rate is charged for each piece receiving return only service. Charges for forwarding-and-return service are assessed only on those pieces which cannot be forwarded and are returned. The charge for those returned pieces is the appropriate single-piece third-class rate for the piece plus that rate multiplied by a factor equal to the number of third-class pieces nationwide that are successfully forwarded for every one piece that cannot be forwarded and must be returned.

300.08 Ancillary Services

300.080 Third-class single-piece mail will receive the following services upon payment of the appropriate fees:

	Classification schedule
a. Address correction	SS-1
b. Certificates of mailing	SS-4
c. C.O.D	SS-6
d. Insured mail	SS-9
e. Special delivery	SS-17
f. Special handling	SS-18
g. Merchandise return	SS-20

300.081 Third-class bulk mail will receive the following services upon payment of the appropriate fees:

	Classification schedule
a. Address correction	SS-1
b. Certificates of mailing indicating that a specified number of pieces have been mailed. Certificates of mailing are not available for third-class bulk rate mail mailed under permit imprints	SS-4

300.09 Rates and Fees

300.090 The rates for third-class mail are set forth as follows:

	Rate schedule
a. Single piece	300
b. Bulk regular	301
c. Bulk nonprofit	302
d. Keys and identification devices	303
e. Fees	1000

300.10 Authorizations and Licenses

300.100 A mailing fee as set forth in Rate Schedule 1000 must be paid once each calendar year by mailers of third-class bulk mail.

CLASSIFICATION SCHEDULE 400—FOURTH-CLASS MAIL

400.01 Definition

400.010 Fourth-class mail is mailable matter weighing 16 ounces or more, except:

a. Matter mailed or required to be mailed as first-class mail;

b. Matter entered as second-class mail, except copies sent by a printer to a publisher, and except copies that would have traveled at the former transient rate;

c. Matter entered as controlled circulation mail;

d. That the 16-ounce minimum weight does not apply to matter mailed under sections 400.021 or 400.022.

400.02 Description of Subclasses

400.020 Parcel Post

Parcel post is fourth-class mail not mailed or eligible for mailing under sections 400.021, 400.022, 400.023.

400.0201 Single-piece

Single-piece parcel post mail is fourth-class parcel post mail not eligible for mailing under section 400.0202.

400.0202 Bulk

Bulk parcel post mail is fourth-class parcel post mail consisting of properly prepared and separated single mailings of at least 300 pieces or 200 pounds. Pieces weighing less than 15 pounds and measuring over 84 inches in length and girth combined are not mailable as bulk parcel post. Provision for mailing nonidentical pieces is set forth in section 400.046.

400.0203 Intra-BMC Parcel Post Mail

Parcel post mail is eligible for the intra-BMC rate described in rate schedules 400 and 401 if it originates and destinates in the same BMC or ASF service area, Alaska, Hawaii or Puerto Rico.

400.021 Special

Special mail is fourth-class mail consisting of:

a. Books, including books issued to supplement other books, of at least 8 printed pages, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations, and containing no advertising matter other than incidental announcements of books;

Not more than three of the announcements permitted in this subsection may contain as part of their format a single order form, which may also serve as a post card. The order forms permitted in this subsection are in addition to and not in lieu of order forms which may be enclosed by virtue of any other provision.

b. 16 millimeter or narrower width films which must be positive prints in final form for viewing, and catalogs of such films, of 24 pages or more, at least 22 of which are printed, except when sent to or from commercial theaters;

c. Printed music, whether in bound form or in sheet form;

d. Printed objective test materials and accessories thereto used by or in behalf of educational institutions in the testing of ability, aptitude, achievement, interests and other mental and personal qualities with or without answers, test scores or identifying information recorded thereon in writing or by mark;

e. Sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings;

Not more than three of the announcements permitted in this subsection may contain as part of their format a single order form, which may also serve as a post card. The order forms permitted in this subsection are in addition to and not in lieu of order forms which may be enclosed by virtue of any other provision.

f. Playscripts and manuscripts for books, periodicals and music;

g. Printed educational reference charts, permanently processed for preservation; and

h. Printed educational reference charts, including but not limited to (i) mathematical tables, (ii) botanical tables, (iii) zoological tables, and (iv) maps produced primarily for educational reference purposes. Matter not entitled to be mailed at special fourth-class rates under section 400.021g, shall not be admitted to the special fourth-class category under section 400.021h, until such time as the expiration of rate phasing as now provided pursuant to § 3626 of title 39 United States Codes, for materials enumerated in former § 4554(a) of title 39 United States Code.[2]

i. Looseleaf pages and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, amd medical students.

j. Computer-readable media containing prerecorded information and guides or scripts prepared solely for use with such media.

[2] Editor's Note: Phasing for these materials ended in 1979.

400.0211 Single-piece

Single-piece special mail is special fourth-class mail not mailed under section 400.0212.

400.0212 Special Mail Presort Categories

Special rate mail sent under section 400.021 must meet the conditions of sections 400.0213 or 400.0214 to be eligible for the applicable presort level rate. Provisions for mailing nonidentical pieces are set forth in section 400.046.

400.0213 Level A Presort

Level A presort mailings must contain at least 500 pieces of identical weight presorted to 5-digit destination ZIP codes. The mail must be properly prepared in a manner prescribed by the Postal Service.

400.0214 Level B Presort

Level B presort mailings must contain at least 500 pieces of identical weight presorted to destination Bulk Mail Centers. The mail must be properly prepared in a manner prescribed by the Postal Service.

400.022 Library

a. Matter designated in subection 400.0222, loaned or exchanged (including cooperative processing by libraries) between:

i. Schools or colleges, or universities;

ii. Public libraries, museums and herbaria, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans' or fraternal organizations or associations, or between such organizations and their members, readers or borrowers.

b. Matter designated in subsection 400.0223, mailed to or from schools, colleges, universities, public libraries, museums and herbaria and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans' or fraternal organizations or associations; or

c. Matter designated in subsection 400.0224, mailed from a publisher or a distributor to a school, college, university or public library.

400.0221 Nonprofit organizations or associations are organizations or associations not organized for profit, none of the net income of which benefits any private stockholder or individual, and which meet the qualifications set forth below for each type of organization or association. The standard of primary purpose applies to each type of organization or association, except veterans' and fraternal. The standard of primary purposes requires that each type of organization or association be both organized and operated for the primary purpose.

The following are the types of organizations or associations which may qualify as authorized nonprofit organizations or associations:

a. Religious. A nonprofit organization whose primary purpose is one of the following:

i. To conduct religious worship;

ii. To support the religious activities of nonprofit organizations whose primary purpose is to conduct religious worship;

iii. To perform instruction in, to disseminate information about, or otherwise to further the teaching of particular religious faiths or tenets.

b. Educational. A nonprofit organization whose primary purpose is one of the following:

i. The instruction or training of the individual for the purpose of improving or developing his capabilities;

ii. The instruction of the public on subjects beneficial to the community.

An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts to permit an individual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.

c. Scientific. A nonprofit organization whose primary purpose is one of the following:

i. To conduct research in the applied, pure or natural sciences;

ii. To disseminate systematized technical information dealing with applied, pure or natural sciences.

d. Philanthropic. A nonprofit organization primarily organized and operated for purposes beneficial to the public. Philanthropic organizations include, but are not limited to, organizations which are organized for:

i. Relief of the poor and distressed or of the underprivileged;

ii. Advancement of religion;

iii. Advancement of education or science;

iv. Erection or maintenance of public buildings, monuments, or works;

v. Lessening of the burdens of Government;

vi. Promotion of social welfare by organizations designed to accomplish any of the above purposes or;

(a) To lessen neighborhood tensions;

(b) To eliminate prejudice and discrimination;

(c) To defend human and civil rights secured by law; or

(d) To combat community deterioration and juvenile delinquency.

e. Agricultural. A nonprofit organization whose primary purpose is the betterment of the conditions of those engaged in agricultural pursuits, the improvement of the grade of their products, and the development of a higher degree of efficiency in agriculture. The organization may further and advance agricultural interests through educational activities; the holding of agricultural fairs; the collection and dissemination of information concerning cultivation of the soil and its fruits or the harvesting of marine resources; the rearing, feeding, and management of livestock, poultry, and bees, or other activities relating to agricultural interests. The term agricultural nonprofit organization also includes any nonprofit organization whose primary purpose is the collection and dissemination of information or materials relating to agricultural pursuits.

f. Labor. A nonprofit organization whose primary purpose is the betterment of the conditions of workers. Labor organizations include, but are not limited to, organizations in which employees or workmen participate, whose primary purpose is to deal with employers concerning grievances, labor disputes, wages, hours of employment and working conditions.

g. Veterans'. A nonprofit organization of veterans of the armed services of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization.

h. Fraternal. A nonprofit organization which meets all of the following criteria:

i. Has as its primary purpose the fostering of brotherhood and mutual benefits among its members;

ii. Is organized under a lodge or chapter system with a representative form of government;

iii. Follows a ritualistic format; and

iv. Is comprised of members who are elected to membership by vote of the members.

400.0222 Library mail defined in section 400.022a consists of:

a. Books consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising other than incidental announcements of books;

b. Printed music, whether in bound form or in sheet form;

c. Bound volumes of academic theses in typewritten or other duplicated form;

d. Periodicals, whether bound or unbound;

e. Sound recordings;

f. Other library materials in printed, duplicated or photographic form or in

the form of unpublished manuscripts; and,

g. Museum materials, specimens, collections, teaching aids, printed matter and interpretative materials intended to inform and to further the educational work and interest of museums and herbaria.

400.0223 Library mail defined in section 400.022b consists of:

a. 16-millimeter or narrower width films; filmstrips; transparencies; slides; microfilms; all of which must be positive prints in final form for viewing.

b. Sound recordings.

c. Museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria.

d. Scientific or mathematical kits, instruments or other devices.

e. Catalogs of the materials in section 400.0223a through d and guides or scripts prepared solely for use with such materials.

400.0224 Library mail defined in section 400.022c consists of books, including books to supplement other books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations, and containing no advertising matter other than incidental announcements of books.

400.023 Bound Printed Matter

Bound printed matter mail is fourth-class mail weighing not more than ten pounds, and which:

a. Consists of advertising, promotional, directory, or editorial material, or any combination thereof;

b. Is securely bound by permanent fastenings including, but not limited to, staples, spiral bindings, glue, and stitching; loose leaf binders and similar fastenings are not considered permanent;

c. Consists of sheets of which at least 90 percent are imprinted with letters, characters, figures or images or any combination of these, by any process other than handwriting or typewriting;

d. Does not have the nature of personal correspondence;

e. Is not a book eligible for mailing as fourth-class special mail;

f. Is not a book which would be eligible for mailing as fourth-class special mail but for the inclusion of advertising matter other than incidental announcements of books that either (i) is not permanently bound in the book itself or (ii) does not form an integral part of the book itself;

g. Is not stationery, such as pads of blank printed forms.

400.0231 Single Piece

Single piece bound printed matter mail is fourth-class bond printed matter which is not mailed or not eligible for mailing under section 400.0232.

400.0232 Bulk

Bulk bound printed matter mail is fourth-class bound printed matter mail consisting of properly prepared and presorted mailings of not less than 300 pieces of identical size and weight, each price of which is addressed to a different addressee.

400.0233 Carrier Route Presort Category

Carrier route presort mailings must contain not less than 300 pieces of carrier route presorted mail. The mail must be properly prepared in the manner prescribed by the Postal Service.

400.03 Physical Limitations

400.030 Fourth-class mail may not exceed 70 pounds or 108 inches in length and girth combined.

400.04 Preparation of Mail

400.040 Postage must be paid as set forth in section 3000 of General Terms and Conditions.

400.041 Fourth-class mail mailed under sections 400.0202, 400.0212, 400.022 or 400.0232 must be separated or presorted in accordance with regulations prescribed by the Postal Service.

400.042 Fourth-class mail must be identified as precribed by the Postal Service.

400.043 Fourth-class mail may contain enclosures and attachments as authorized by the Postal Service or as described in section 400.021 a and e or as authorized under section 400.0441.

400.044 First-class mail or third-class mail other than specified in section 400.043 may be attached to or enclosed in fourth-class parcels if additional postage is paid for the attachment or enclosure as if it had been mailed separately. If postage is not paid at the appropriate first-class or third-class rate, the combined piece is subject to the next higher rate which can be applied to the attachment or enclosure. When first-class or third-class mail is attached to or enclosed with fourth-class mail, an appropriate marking must identify the presence and class of the enclosure or attachment.

400.0441 First-Class Mail, as defined in section 100.011(b) and (c), may be attached to or enclosed with fourth-class mail, with postage paid on the combined piece at the applicable fourth-class rate. The attachment or enclosure must be incidental to the piece to which it is attached or with which it is enclosed.

400.0442 First-Class Mail, which is not included under section 400.0441, or third-class mail other than specified in section 400.043 may be attached to or enclosed with fourth-class mail if additional postage is paid for the attachment or enclosure as if it had been mailed separately. If postage is not paid at the appropriate First-Class or third-class rate, the combined piece is subject to the next higher rate which can be applied to the attachment or enclosure. When First-Class or third-class mail is attached to or enclosed with fourth-class mail under this subsection, an appropriate marking must identify the presence and class of the enclosure or attachment.

400.045 Mailers of bulk fourth-class mail must submit appropriate mailing forms.

400.046 Fourth-class pieces which are not identical in size and weight may be mailed in accordance with sections 400.0202 and 400.0212 only when specific methods approved by the Postal Service for ascertaining and verifying postage are followed.

400.047 Fourth-class mail must contain the ZIP Code of the addressee when required by regulations prescribed by the Postal Service.

400.05 Deposit of Mail

400.051 Fourth-class mail must be deposited at places designated by the Postal Service.

400.06 Service

400.060 Fourth-class mail may receive deferred service.

400.07 Forwarding and Return

400.070 Undeliverable-as-addressed fourth-class mail will be forwarded on request of the addressee, returned on request of the mailer, or forwarded and returned on request of the mailer; undeliverable-as-addressed combined first-class and fourth-class pieces, or third-class and fourth-class pieces, will be forwarded, and undeliverable combined first-class and fourth-class pieces, or third-class and fourth-class pieces, will be returned as prescribed by the Postal Service. Additional charges when fourth-class mail is forwarded or returned from one post office to another will be based on the appropriate single-piece fourth-class rate.

400.08 Ancillary Services

400.080 Fourth-class mail will receive the following additional services upon payment of the appropriate fees:

	Classification schedule
a. Address correction	SS-1
b. Certificates of mailing	SS-4
c. C.O.D	SS-6
d. Insured mail	SS-9
e. Insured delivery	SS-17
f. Special handling	SS-18
g. Merchandise return	SS-20

400.081 Insurance, special delivery, special handling and C.O.D. services may not be used selectively for individual pieces mailed under section 400.020, unless the provisions of section 400.046 apply.

400.09 Rates and Fees

400.090 The rates and fees for fourth-class mail are set forth as follows:

	Rate schedule
a. Single-piece parcel post mail	400
b. Bulk parcel post mail	401
c. Single-piece special fourth-class mail	402
d. Special fourth-class presorted mail:	
i. Level A	403
ii. Level B	403
e. Library mail	404
f. Single-piece bound printed matter	405
g. Bulk bound printed matter	406
h. Fees	1000

400.10 Authorizations and Licenses

400.10 A presort mailing fee as set forth in Rate Schedule 1000 must be paid once each calendar year at each office of mailing by or for any person who mails presorted special mail. Any person who engages a business concern or other individuals to mail presorted special mail must pay the fee.

CLASSIFICATION SCHEDULE 500—EXPRESS MAIL

500.01 Definition

500.010 Any matter eligible for mailing may, at the option of the mailer, be mailed as Express Mail.

500.02 Description of Subclasses

500.020 Same Day Airport Service

Same Day Airport service is available between designated airport mail facilities.

500.021 Custom Designed Service

Custom Designed service is available between designated postal facilities or other designated locations for mailable matter tendered in accordance with a service agreement between the Postal Service and the mailer. Service under a service agreement shall be offered in a manner consistent with 39 U.S.C. § 403(c).

500.0211 A service agreement shall set forth the following:

a. The scheduled place for each shipment tendered for service to each specific destination;

b. Scheduled place for claim, or delivery, at destination for each scheduled shipment;

c. Scheduled time of day for tender at origin and for claim or delivery at destination.

500.0212 Pickup at the mailer's premises, and/or delivery at an address other than the destination postal facility is provided only on a scheduled basis pursuant to the terms of a service agreement.

500.022 Next Day Service

Next Day service is available at designated retail postal facilities for overnight service to designated destination facilities or locations for items tendered by the time or times prescribed by the Postal Service.

500.0221 Pickup service is available for Next Day service only on a scheduled basis pursuant to a service agreement between the Postal Service and the mailer. The service agreement shall specify the time, place, day or date, and frequency of such service. Service under a service agreement shall be offered in a manner consistent with 39 U.S.C. 403(c).

500.03 Physical Limitations

500.030 Express Mail may not exceed 70 pounds or 108 inches in length and girth combined.

500.04 Conditions of Service

500.040 Evidence of Mailing

A receipt showing the time and date of mailing will be provided to the mailer upon acceptance of Express Mail by the Postal Service. This receipt serves as evidence of mailing.

500.041 Insurance and Indemnity

Express Mail is insured against loss, damage or rifling at no additional charge. Indemnity will be paid by the Postal Service as follows:

a. For document reconstruction the maximum liability is $50,000 per piece, up to $500,000 per occurrence regardless of the number of claimants, to be paid under terms and conditions prescribed by the Postal Service.

b. For merchandise the maximum liability is $500 to be paid under terms and conditions prescribed by the Postal Service.

c. For mailings valued at $15 or less, for negotiable items, or currency or bullion, the indemnity is $15 to be paid under terms and conditions prescribed by the Postal Service.

500.0411 Indemnity will not be paid by the Postal Service for loss, damage or rifling:

a. Of nonmailable matter;

b. Due to improper packaging;

c. Seizure by any agency of government; or,

d. Due to war, insurrection or civil disturbances.

500.042 Commencement of Service Agreement

Service provided pursuant to a service agreement shall commence not more than 10 days after the signed service agreement is tendered to the Postal Service.

500.043 Termination of Service Agreements

a. Express Mail service provided pursuant to a service agreement may be terminated by the Postal Service upon 10 days prior written notice to the mailer if:

1. Service cannot be provided for reasons beyond the control of the Postal Service or because of changes in Postal Service facilities or operations, or

2. The mailer fails to adhere to the terms of the service agreement or this schedule.

b. The mailer may terminate a service agreement, for any reason, by notice to the Postal Service.

500.044 Insurance Claims and Procedures

Claims for refunds of postage or insurance must be filed within the period of time and under terms and conditions prescribed by the Postal Service.

500.045 The Postal Service will refund the postage for Same Day Airport Express Mail not available for claim by the time specified, unless the delay is caused by:

a. Strikes or work stoppage;

b. Delay or cancellation of flights; or

c. Governmental action beyond the control of Postal Service or air carriers.

500.046 Except where a service agreement provides for claim, or delivery, of Custom Designed Express Mail more than 24 hours after scheduled tender at point of origin, the Postal Service will refund postage for such mail not available for claim, or not delivered, within 24 hours of mailing, unless the item was delayed by strike or work stoppage.

500.047 Unless the item was delayed by strike or work stoppage, the Postal Service will refund postage for Next Day

Express Mail not available for claim or not delivered:

a. By 10 a.m. of the next delivery day in the case of Post Office-to-Post Office service;

b. By 3 p.m. of the next delivery day in the case of Post Office-to-Addressee service.

500.05 Deposit of Mail

500.050 Express Mail must be deposited at places designated by the Postal Service.

500.06 Service

500.060 Express Mail service provides a high speed, high reliability service.

500.0601 Same Day Airport Express Mail will be dispatched on the next available transportation to the destination airport mail facility.

500.0602 Custom Designed Express Mail will be available for claim or delivery as specified in the service agreement.

500.07 Forwarding and Return

500.070 When Express Mail is returned, or forwarded, as prescribed by the Postal Service, there will be no additional charge.

500.08 Rates and Fees

500.080 The rates for Express Mail are set forth in the following rate schedules:

	Rate schedule
a. Same day airport	500
b. Custom designed	501
c. Next day post office-to-post office	502
d. Next day post office-to-addressee	503

500.081 Except as provided in Rate Schedules 501, 502 and 503, postage on Express Mail is charged on each piece. For shipments tendered in Express Mail pouches under a service agreement, each pouch is a piece.

500.082 Express Mail postage rates are based on zones measured by great circle air miles between the airport serving the origin facility and the airport serving the destination facility, as follows:

Zone	Miles	
	Greater than—	Up to and including—
1 and 2	0	150
3	150	300
4	300	600
5	600	1000
6	1000	1400
7	1400	1800
8	1800	2400
9	2400	

500.090 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of applicable fees:

	Classification schedule
a. Address correction	SS-1
b. Return receipts	SS-16

CLASSIFICATION SCHEDULE SS-1—ADDRESS CORRECTION SERVICE

1.01 Definition

1.010 Address correction service is a service which provides the mailer with a method of obtaining the correct address, if available to the Postal Service, of the addressee or the reason for nondelivery.

1.02 Description of Service

1.020 Address correction service is available to mailers of postage prepaid mail of all classes. Second-class and controlled circulation[3] mail will receive address correction service.

1.021 Address correction service is not available for items addressed for delivery by military personnel at any military installation.

1.022 Address correction provides the following service to the mailer:

a. If the correct address is known to the Postal Service, the mailer is notified of both the old and the correct address.

b. If the item mailed cannot be delivered, the mailer will be notified of the reason for nondelivery.

1.03 Requirements of the Mailer

1.030 Mail, other than second class and controlled circulation,[3] sent under this classification schedule, must bear a request for address correction service.

1.04 Fees

1.040 There is no charge for address correction service when the correction is provided incidental to the return of the mail piece to the sender.

1.041 A fee, as set forth in Rate Schedule SS-1, is charged for all other forms of address correction service.

[3] **Editor's Note:** Controlled circulation was merged into second class in Docket No. R80-1.

CLASSIFICATION SCHEDULE SS-2—BUSINESS REPLY MAIL

2.01 Definition

2.010 Business reply mail is a service whereby business reply cards, envelopes, cartons and labels may be distributed by or for a business reply distributor for use by mailers for sending first-class mail without prepayment of postage to an address chosen by the distributor. A distributor is the holder of a business reply license.

2.02 Description of Service

2.020 The distributor guarantees payment on delivery of postage and fees for all returned business reply mail. Any distributor of business reply cards, envelopes, cartons, and labels under one license, for return to several addresses guarantees to pay postage and fees on any returns refused by any such addressee.

2.03 Requirements of the Mailer

2.030 Business reply cards, envelopes, cartons and labels must be preaddressed and bear business reply markings.

2.0301 Handwriting, typewriting or handstamping are not acceptable methods of preaddressing or marking business reply cards, envelopes, cartons and labels.

2.04 Fees

2.040 The fees for business reply mail are set forth in Rate Schedule SS-2.

2.041 To qualify as an active business reply mail advance deposit trust account, the account must be used solely for business reply mail and contain sufficient postage and fees due for returned business reply mail.

2.042 An accounting fee as set forth in Rate Schedule SS-2 must be paid each calendar year or portion for each advance deposit business reply account at each facility where the mail is to be returned.

2.05 Authorizations and Licenses

2.050 In order to distribute business reply cards, envelopes, cartons or labels, the distributor must obtain a license or licenses from the Postal Service and pay the appropriate fee as set forth in Rate Schedule SS-2.

2.0501 Except as provided in section 2.0502, the license to distribute business reply cards, envelopes, cartons or labels must be obtained at each office from which the mail is offered for delivery.

2.0502 If the business reply mail is to be distributed from a central office to be returned to branches or dealers in other cities, one license obtained from the

post office where the central office is located may be used to cover all business reply mail.

2.051 The license to mail business reply mail may be cancelled for failure to pay business reply postage and fees when due, and for distributing business reply cards or envelopes which do not conform to prescribed form, style or size.

CLASSIFICATION SCHEDULE SS–3—CALLER SERVICE

3.01 Definition

3.010 Caller service is a service which permits a customer to obtain his mail addressed to a box number through a call window or loading dock.

3.02 Description of Service

3.020 Caller service uses post office box numbers as the address medium but does not actually use a lockbox.

3.021 Caller service is not available at certain postal facilities.

3.022 Caller service is provided to customers on the basis of mail volume received, and number of lockboxes rented at any one facility.

3.023 A customer may reserve a caller number.

3.024 Caller service cannot be used when the sole purpose is, by subsequently filing change of address orders, to have mail forwarded or transferred to another address by the Postal Service free of charge.

3.03 Fees

3.030 Fees for caller service are set forth in Rate Schedule SS–3.

CLASSIFICATION SCHEDULE SS–4—CERTIFICATE OF MAILING

4.01 Definition

4.010 Certificate of mailing service is a service which furnishes evidence of mailing.

4.02 Description of Service

4.020 Certificate of mailing service is available to mailers of matter sent under the classification schedule to any class of mail.

4.021 A receipt is not obtained upon delivery of the mail to the addressee. No record of mailing is maintained at the post office.

4.022 Additional copies of certificates of mailing may be obtained by the mailer.

4.03 Other Services

4.030 The following services, if applicable to the class of mail, may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. Parcel airlift	SS–13
b. Special delivery	SS–17
c. Special handling	SS–18

4.04 Fees

4.040 The fees for certificate of mailing service are set forth in Rate Schedule SS–4.

CLASSIFICATION SCHEDULE SS–5—CERTIFIED MAIL

5.01 Definition

5.010 Certified mail service is a service that provides a mailing receipt to the sender and a record of delivery at the office of address.

5.02 Description of Service

5.020 Certified mail service is provided for matter mailed under Classification Schedule 100.

5.021 If requested by the mailer, the time of acceptance by the Postal Service will be indicated on the receipt.

5.022 A record of delivery is retained at the office of delivery for a specified period of time.

5.023 If the initial attempt to deliver the mail is not successful, a notice of arrival is left at the mailing address.

5.024 A receipt of mailing may be obtained only if the article is mailed at a post office, branch or station, or given to a rural carrier.

5.025 Additional copies of the original mailing receipt may be obtained by the mailer.

5.03 Deposit of Mail

5.030 Certified mail must be deposited in a manner specified by the Postal Service.

5.04 Other Services

5.040 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. Restricted delivery	SS–15
b. Return receipt	SS–16
c. Special delivery	SS–17

5.05 Fees

5.050 The fees for certified mail service are set forth in Rate Schedule SS–5.

CLASSIFICATION SCHEDULE SS–6—COLLECT ON DELIVERY SERVICE

6.01 Definition

6.010 Collect on Delivery (C.O.D.) service is a service which allows a mailer to mail an article for which he has not been paid and have the price, the cost of postage and fees, and anticipated or past due charges collected by the Postal Service from the addressee when the article is delivered.

6.02 Description of Service

6.020 C.O.D. service is available for collection of $500 or less upon the delivery of postage prepaid mail sent under the following classification schedules:

	Classification schedule
a. First-class mail	100
b. Third class (single piece only)	300
c. Fourth-class mail	400

6.0201 Service under this schedule is *not* available for:

a. Collection agency purposes;

b. Return of merchandise about which some dissatisfaction has arisen, unless the new addressee has consented in advance to such return;

c. Sending only bills or statements of indebtedness, even though the sender may establish that the addressee has agreed to collection in this manner; however, when the legitimate C.O.D. shipment consisting of merchandise or bill of lading, is being mailed, the balance due on a past or anticipated transaction may be included in the charges on a C.O.D. article, provided the addressee has consented in advance to such action;

d. Parcels containing moving-picture films mailed by exhibitors to moving-picture manufacturers, distributors, or exchanges;

e. Goods which have not been ordered by the addressee.

6.021 C.O.D. service provides the mailer with insurance against loss, rifling and damage to the article as well as failure to receive the amount collected from the addressee.

6.022 A receipt is issued to the mailer for each piece of C.O.D. mail. Additional copies of the original mailing receipt may be obtained by the mailer.

6.023 Delivery of C.O.D. mail will be made in a manner specified by the Postal Service. If a delivery to the mailing address is not attempted or if a delivery attempt is unsuccessful, a notice of arrival will be left at the mailing address.

6.024 The mailer may receive a notice of nondelivery if the piece mailed is endorsed appropriately.

6.025 The mailer may designate a new addressee or alter the C.O.D. charges by submitting the appropriate form and by paying the appropriate fee as set forth in Rate Schedule SS–6.

6.026 A claim for complete loss may be filed by the mailer only. A claim for damage or for partial loss may be filed by either the mailer or addressee.

6.027 C.O.D. indemnity claims must be filed within a specified period of time from the date the article was mailed.

6.03 Requirements of the Mailer

6.030 C.O.D. mail must be identified as C.O.D. mail.

6.04 Deposit of Mail

6.040 C.O.D. mail must be deposited in a manner specified by the Postal Service.

6.05 Forwarding and Return

6.050 A mailer of C.O.D. mail guarantees to pay any return postage, unless otherwise specified on the piece mailed.

6.051 For C.O.D. mail sent as third- or fourth-class mail, postage at the applicable rate will be charged to the addressee:

a. When an addressee, entitled to delivery to the mailing address under Postal Service regulations, requests delivery of C.O.D. mail which was refused when first offered for delivery;

b. For each delivery attempt, to an addressee entitled to delivery to the mailing address under Postal Service regulations, after the second such attempt.

6.06 Other Services

6.060 The following services, if applicable to the class of mail, may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fee:

	Classification schedule
a. Registered mail, if sent as first class	SS–14
b. Restricted delivery	SS–15
c. Special delivery	SS–17
d. Special handling	SS–18

6.07 Fees

6.070 Fees for C.O.D. service are set forth in Rate Schedule SS–6.

Editor's Note: Former Classification Schedule SS–7, which provided for a fee for dead mail return service, has been deleted. *See* Docket No. R84–1. For the Postal Service's regulations dealing with dead mail, see DMM § 159.5.

CLASSIFICATION SCHEDULE SS–8—DOMESTIC POSTAL MONEY ORDERS

8.01 Definition

8.010 Money order service is a service that provides the customer with an instrument for payment of a specified sum of money.

8.02 Description of Service

8.020 The maximum value for which a domestic postal money order may be purchased is $500. There is no limit on the number of money orders which may be purchased at one time, except that the Postal Service may impose temporary restrictions.

8.021 A receipt of purchase is provided at no additional cost.

8.022 The Postal Service will replace money orders that are spoiled or incorrectly prepared, regardless of who caused the error, without charge *if replaced on the date originally issued.*

8.0221 If a replacement money order is issued *after the date of original issue* because the original was spoiled or incorrectly prepared, the applicable money order fee may be collected from the customer.

8.023 Inquiries and/or claims may be filed by the purchaser, payee, or endorsee.

8.03 Fees

8.030 The fees for domestic postal money orders are set forth in Rate Schedule SS–8.

CLASSIFICATION SCHEDULE SS–9—INSURED MAIL

9.01 Definition

9.010 Insured mail service is a service that provides the mailer with indemnity for loss of, rifling of, or damage to items sent under this classification schedule.

9.02 Description of Service

9.020 The maximum liability of the Postal Service under this schedule is $500.

9.021 Insured mail service is available for mail sent under the following classification schedules:

	Classification schedule
a. First-class mail, if containing matter which may be mailed as third- or fourth-class mail	100
b. Third class (single piece only)	300
c. Fourth-class	400

9.022 This service is not available for matter offered for sale, addressed to prospective purchasers who have not ordered or authorized their sending. If such matter is received in the mail, payment will not be made for loss, rifling, or damage.

9.023 The mailer is issued a receipt for each item mailed. For items insured for more than $25, a receipt of delivery is obtained by the Postal Service.

9.024 For items insured for more than $25, a notice of arrival is left at the mailing address when the first attempt at delivery is unsuccessful.

9.025 A claim for complete loss may be filed by the mailer only. A claim for damage or for partial loss may be filed by either the mailer or addressee.

9.026 A claim for damage or loss on a parcel sent merchandise return (SS–20) may only be filed by the purchaser of the insurance.

9.027 Indemnity claims for insured mail must be filed within a specified period of time from the date the article was mailed.

9.028 Additional copies of the original mailing receipt may be obtained by the mailer, upon payment of the applicable fee set forth in Rate Schedule SS–9.

9.03 Deposit of Mail.

9.030 Insured mail must be deposited in a manner specified by the Postal Service.

9.04 Forwarding and Return

9.040 By insuring an item, the mailer guarantees forwarding and return postage unless instructions on the piece mailed indicate that it not be forwarded or returned.

9.041 Mail undeliverable as addressed sent under this schedule will be returned to the sender as specified by the sender or by the Postal Service.

9.05 Other Services

9.050 The following services, if applicable to the class of mail, may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. Parcel Airlift	SS–13
b. Restricted delivery (for items insured for more than $25)	SS–15
c. Return receipt (for items insured for more than $25)	SS–16
d. Special delivery	SS–17
e. Special handling	SS–18
f. Merchandise return (shippers only)	SS–20

9.06 Fees

9.060 The fees for insured mail service are set forth in Rate Schedule SS–9.

CLASSIFICATION SCHEDULE SS–10—LOCKBOX SERVICE

10.01 Definition

10.010 Lockbox service is a service which provides the customer with a private, locked receptacle for the receipt of his mail during the hours when the lobby of a postal facility is open.

10.02 Description of Service

10.020 The Postal Service may limit the number of lockboxes occupied by any one customer.

10.021 A lockbox holder may request the Postal Service to deliver all mail properly addressed to him through the lockbox. If the lockbox is located at the post office indicated on the piece, it will be transferred without additional charge, in accordance with existing regulations.

10.022 Lockbox service cannot be used when the sole purpose is, by subsequently filing change of address orders, to have mail forwarded or transferred to another address by the Postal Service free of charge.

10.03 Fees

10.030 Fees for lockbox service are set forth in Rate Schedule SS–10.

10.031 In postal facilities primarily serving academic institutions or the students of such institutions, periods of rental and fees for lockboxes are:

Period for box rentals	Fee
95 days or less	½ semi-annual fee.
96 to 140 days	¾ semi-annual fee.
141 to 190 days	Full semi-annual fee.
191 to 230 days	1¼ semi-annual fee.
231 to 270 days	1½ semi-annual fee.
272 days to full year	Full annual fee.

10.032 No refunds will be made for boxes rented under section 10.031. For purposes of this classification schedule SS–10, the full annual fee is twice the amount of the semi-annual fee.

CLASSIFICATION SCHEDULE SS–11—MAILING LIST SERVICES

11.01 Definition

11.010 Mailing list services include:

a. Correction of mailing lists;

b. Change of address information for election boards and registration commissions;

c. ZIP coding of mailing lists; and

d. Arrangement of address cards in the sequence of delivery.

11.0101 Correction of mailing list service provides current information concerning name and address mailing lists or correct information concerning occupant mailing lists.

11.0102 ZIP coding of mailing lists services is a service identifying ZIP code addresses in areas served by multi-ZIP coded postal facilities.

11.02 Description of Service

11.020 Corrections of mailing list service is available only to the following owners of name and address or occupant mailing lists:

a. Members of Congress;

b. Federal agencies;

c. State government departments;

d. Municipalities;

e. Religious organizations;

f. Fraternal organizations;

g. Recognized charitable organizations;

h. Concerns or persons who solicit business by mail;

11.0201 The following corrections will be made to *name and address lists:*

a. Names to which mail cannot be delivered or forwarded will be deleted;

b. Incorrect house, rural, or post office box numbers will be corrected;

c. When permanent forwarding orders are on file for customers who have moved, new addresses including ZIP codes will be furnished;

d. New names will not be added to the list.

11.0202 The following corrections will be made to occupant lists:

a. Numbers representing incorrect or non-existent street addresses will be deleted;

b. Business or rural route addresses will be distinguished if known;

c. Corrected cards or sheets will be grouped by route;

d. Street address numbers will not be added or changed.

11.0203 Corrected lists will be returned to customers at no additional charge.

11.021 Residential change-of-address information is available only to election boards or registration commissions for obtaining, if known to the Postal Service, the current address of an addressee.

11.022 ZIP coding of mailing list service provides that addresses will be sorted to the finest possible ZIP code sortation.

11.0221 Gummed labels, wrappers, envelopes or postal or post cards indicative of one-time use will not be accepted as mailing lists.

11.023 Sequencing of address cards service provides for the removal of incorrect addresses, notation of missing addresses and addition of missing addresses.

11.03 Requirements of Customer

11.030 A customer desiring correction of a mailing list or arrangement of address cards in sequence of carrier delivery must submit the list or cards as prescribed by regulation.

11.04 Fees

11.040 The fees for mailing list services are set forth in Rate Schedules SS–11a, SS–11b, SS–11c and SS–11d.

CLASSIFICATION SCHEDULE SS–12—ON-SITE METER SETTING

12.01 Definition

12.010 On-site meter setting service is a service whereby the Postal Service will service a postage meter at the mailer's or meter manufacturer's premises.

12.02 Description of Service

12.020 On-site meter setting service is available on a scheduled basis, except that meter setting may be done on an emergency basis for those customers enrolled in the scheduled on-site meter setting program.

12.03 Fees

12.030 The fees for on-site meter setting service are set forth in Rate Schedule SS–12.

CLASSIFICATION SCHEDULE SS–31—PARCEL AIRLIFT (PAL)

13.01 Definition

13.010 Parcel airlift service is a service that provides for air transportation of parcels on a space available basis to or from military post offices outside the contiguous 48 states.

13.02 Description of Service

13.020 Parcel airlift service is available for mail sent under the following classification schedules:

	Classification schedule
a. Third-class mail	300
b. Fourth-class mail	400

13.03 Physical Limitations

13.030 The minimum physical limitations established for the mail sent under the classification schedule for which postage is paid apply to parcel airlift mail. In no instance may the parcel exceed 30 pounds in weight, or 60 inches in length and girth combined.

13.04 Requirements of the Mailer

13.040 Mail sent under this schedule must be endorsed as prescribed by regulation.

13.05 Deposit of Mail

13.050 PAL mail must be deposited in a manner specified by the Postal Service.

13.06 Forwarding and Return

13.060 PAL mail sent for delivery outside the contiguous 48 states is forwarded as set forth in section 1000.03 of the General Terms and Conditions. PAL mail sent for delivery within the contiguous 48 states is forwarded or returned as set forth in sections 300.07 and 400.07 as appropriate.

13.07 Other Services

13.070 The following services, if applicable to the class of mail, may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. Certificate of mailing	SS–4
b. Insured mail	SS–9
c. Restricted delivery (if insured for more than $25)	SS–15
d. Return receipt (if insured for more than $25)	SS–16
e. Special delivery (if mailed for delivery within the 48 contiguous states)	SS–17
f. Special handling	SS–18

13.08 Fees

13.080 The fees for parcel airlift service are set forth in Rate Schedule SS–13.

CLASSIFICATION SCHEDULE SS–14—REGISTERED MAIL

14.01 Definition

14.010 Registered mail is a service which provides added protection to mail sent under this Domestic Mail Classification Schedule and optional indemnity in case of loss or damage.

14.02 Description of Service

14.020 Registered mail service is available to mailers of prepaid mail sent under Classification Schedule 100 except that Registered mail must meet the minimum requirements for length and width regardless of thickness.

14.021 Registered mail service provides optional insurance up to a maximum of $25,000.

14.022 There is no limit on the value of articles sent under this classification schedule.

14.023 Registered mail service is not available for:

a. All delivery points because of the high security required for registered mail; in addition, not all delivery points will be available for Registry and liability is limited in some geographic areas.

b. Mail of any class sent in combination with first-class mail;

c. Two or more articles tied or fastened together, unless the envelopes are enclosed in the same envelope or container.

14.024 The following services are provided as part of registered mail service at no additional cost to the mailer:

a. A receipt;

b. A record of delivery, retained by the Postal Service for a specified period of time;

c. A notice of arrival will be left at the mailing address if the initial delivery attempt is unsuccessful;

d. When registered mail is undeliverable-as-addressed and cannot be forwarded, a notice of nondelivery is provided.

14.025 A claim for complete loss of insured articles may be filed by the mailer only. A claim for damage or for partial loss of insured articles may be filed by either the mailer or addressee.

14.026 Indemnity claims for registered mail on which optional insurance has been elected must be filed within a specified period of time from the date the article was mailed.

14.027 No indemnity is paid on any matter registered free.

14.03 Deposit of Mail

14.030 Registered mail must be deposited in a manner specified by the Postal Service.

14.04 Service

14.040 Registered mail is provided maximum security.

14.05 Forwarding and Return

14.050 Registered mail is forwarded and returned without additional registry charge.

14.06 Other Services

14.060 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of applicable fees:

	Classification schedule
a. Collect on delivery	SS–6
b. Restricted delivery	SS–15
c. Return receipt	SS–16
d. Special delivery	SS–17

14.07 Fees

14.070 The fees for registered mail and related optional indemnity purchase are set forth in Rate Schedule SS–14.

CLASSIFICATION SCHEDULE SS–15—RESTRICTED DELIVERY

15.01 Definition

15.010 Restricted delivery service is a service that provides a means by which a mailer may direct that delivery will be made only to the addressee or to someone authorized by the addressee to receive his mail.

15.02 Description of Service

15.020 This service is available for mail sent under the following classification schedules:

	Classification schedule
a. Certified mail	SS–5
b. C.O.D. mail	SS–6
c. Insured mail if insured for more than $25	SS–9
d. Registered mail	SS–14

15.021 Restricted delivery service is available to the mailer at the time of mailing or after mailing.

15.022 Restricted delivery service is available only to natural persons specified by name.

15.023 A record of delivery will be retained by the Postal Service for a specified period of time.

15.024 Failure to provide restricted delivery service when requested after mailing, due to prior delivery, is not grounds for refund of the fee or communications charges.

15.03 Fees

15.030 The fees for restricted delivery service are set forth in Rate Schedule SS–15.

CLASSIFICATION SCHEDULE SS-16—RETURN RECEIPTS

16.01 Definition

16.010 Return receipt service is a service which provides evidence to the mailer that an article has been received at the delivery address.

16.02 Description of Service

16.020 Return receipt service is available for mail sent under the following classification schedules:

	Classification schedule
a. Certified mail	SS–5
b. C.O.D. mail	SS–6
c. Insured mail if insured for more than $20	SS–9

	Classification schedule
d. Registered mail	SS–14
e. Express mail	SS–16

16.021 Return receipt service is available at the time of mailing or after mailing.

16.0211 Mailers requesting return receipt service at the time of mailing will be provided, as appropriate:

a. The signature of the addressee or his agent and the date delivered, or

b. The signature of the addressee or his agent, the date delivered and the address of delivery.

16.0212 Mailers requesting return receipt service *after mailing* will be provided the date of delivery and the name of the person who signed for the article.

16.022 If the mailer does not receive a return receipt within a specified period of time from the date of mailing, the mailer may request a duplicate return receipt. No fee is charged for a duplicate return receipt.

16.03 Fees

16.030 The fees for return receipt service are set forth in Rate Schedule SS–16.

CLASSIFICATION SCHEDULE SS–17—SPECIAL DELIVERY

17.01 Definition

17.01 Special delivery service is a service that provides for preferential handling in dispatch and transportation, and delivery of mail as soon as practicable after arrival at the addressee's post office.

17.02 Description of Service

17.020 Special delivery service is available for mail sent under the following classification schedules:

	Classification schedule
a. First-class mail	100
b. Second-class mail	200
c. Third-class mail (single piece only)	300
d. Fourth-class mail	400

17.021 Special delivery is made only to addresses where it is known that such delivery can be made.

17.022 Special delivery mail is delivered during prescribed hours in addition to regular carrier delivery hours.

17.023 If delivery cannot be made a notice of arrival is left at the address.

17.03 Requirements of the Mailer

17.030 Mail sent under this classification schedule must be identified as prescribed by regulation.

17.04 Deposit of Mail

17.040 Special delivery mail must be deposited in a manner prescribed by the Postal Service.

17.05 Forwarding and Return

17.050 Special delivery mail which is forwarded or returned does not receive special delivery service unless the special delivery fee has been guaranteed, or if a forwarding order had been given by the addressee at the office of original address in advance of the arrival of the mail.

17.06 Other Services

17.060 The following services, if applicable to the class of mail, may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. Certificate of mailing	SS–4
b. Certified mail	SS–5
c. C.O.D. mail	SS–6
d. Insured mail	SS–9
e. Parcel airlift	SS–13
f. Registered mail	SS–14

17.07 Fees

17.070 The fees for special delivery service are set forth in Rate Schedule SS–17.

CLASSIFICATION SCHEDULE SS–18—SPECIAL HANDLING

18.01 Definition

18.010 Special handling service is a service that provides preferential handling to the extent practicable during dispatch and transportation.

18.02 Description of Service

18.020 Special handling service is available for mail sent under the following classification schedules:

	Classification schedule
a. First-class mail	100
b. Third-class (single piece only)	300
c. Fourth-class mail	400

18.021 Special handling (or special delivery) service is mandatory for matter which requires special attention in handling, transportation and delivery.

18.03 Requirements of the Mailer

18.030 Mail sent under this schedule must be identified as prescribed by regulation.

18.04 Deposit of Mail

18.040 Mail sent under this schedule must be deposited in a manner prescribed by the Postal Service.

18.05 Forwarding and Return

18.050 If undeliverable as addressed, special handling mail that is forwarded to the addressee is given special handling without requiring payment of an additional handling fee. However, additional postage at the regular third- or fourth-class rate is collected on delivery.

18.06 Other Services

18.060 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. C.O.D. mail	SS–6
b. Insured mail	SS–9
c. Parcel airlift	SS–13

18.07 Fees

18.070 The fees for special handling service are set forth in Rate Schedule SS–18.

CLASSIFICATION SCHEDULE SS–19—STAMPED ENVELOPES

19.01 Definition

19.010 Plain stamped envelopes and printed stamped envelopes are envelopes with postage embossed thereon offered for sale by the Postal Service.

19.02 Description of Service

19.020 Stamped envelopes are available for:

a. First-class single-piece mail within the first rate increment.

b. Third-class bulk nonprofit mail mailed at the minimum per-piece rate. Such envelopes may be purchased only by authorized nonprofit organizations or associations.

19.021 Printed stamped envelopes may be obtained by special request.

19.03 Fees

19.030 The fees for stamped envelopes are set forth in Rate Schedule SS–19.

CLASSIFICATION SCHEDULE SS–20—MERCHANDISE RETURN

20.01 Definition

20.010 Merchandise return service provides a method whereby a shipper may authorize its customers to return a parcel with the postage paid by the shipper. A shipper is the holder of a merchandise return permit.

20.02 Description of Service

20.020 Merchandise return service is available to all shippers who obtain the necessary permit and who guarantee payment of postage and fees for all returned parcels.

20.021 Merchandise return service is available for the return of any parcel under the following classification schedules.

	Classification schedule
a. First-class mail	100
b. Third-class mail	300
c. Fourth-class mail	400

20.03 Requirements of the Mailer

20.030 Merchandise return labels must be prepared at the shipper's expense to specifications set forth by the Postal Service.

20.031 The shipper must furnish its customer with an appropriate merchandise return label.

20.04 Other Services

20.040 The following services may be purchased in conjunction with Merchandise Return Service:

	Classification schedule
a. Certificate of mailing	SS–4
b. Insured Mail	SS–9

20.041 Only the shipper may purchase insurance service for the merchandise return parcel by indicating the amount of insurance on the merchandise return label before providing it to the customer. The customer who returns a parcel to the shipper under merchandise return service may not purchase insurance.

20.05 Fees

20.050 The fee for the merchandise return service is set forth in Rate Schedule SS–20. This fee is paid by the shipper.

20.06 Authorizations and Licenses

20.060 A permit fee as set forth in Rate Schedule 1000 must be paid once each calendar year by shippers utilizing merchandise return service.

20.061 The merchandise return permit may be cancelled for failure to maintain sufficient funds in a trust account to cover postage and fees on returned parcels or for distributing merchandise return labels that do not conform to Postal Service specifications.

GENERAL TERMS AND CONDITIONS

1000 Delivery of Mail

1000.01 Delivery Services

1000.010 The Postal Service provides the following modes of delivery:

a. Caller service. The fees for caller service are set forth in Rate Schedule SS–3.[4]

b. Carrier delivery service.

c. General delivery.

d. Lockbox service. The fees for lockbox service are set forth in Rate Schedule SS–10.

1000.02 Conditions of Delivery

1000.020 Except as provided in section 1000.021, mail will be delivered as addressed unless the Postal Service is instructed otherwise by the addressee in writing.

1000.021 The addressee may control delivery of his mail. The addressee may refuse to accept a piece of mail at the time it is offered for delivery or after delivery by returning it unopened to the Postal Service except as provided below. The addressee or his representative may read and copy the name of the sender of registered, insured, certified and C.O.D. mail prior to accepting delivery. Upon signing the delivery receipt the piece may not be returned to the Postal Service without the applicable postage and fees affixed.

1000.022 If a signed receipt is required, mail will be delivered to the addressee (or competent member of his family), to persons who customarily receive his mail or to one authorized in writing to receive the addressee's mail.

1000.023 Mail addressed to several persons may be delivered to any one of them.

1000.0231 When two or more persons make conflicting orders for delivery for the same mail, the mail shall be delivered as determined by the Postal Service.

1000.024 Mail may be delivered to a commercial mail receiving agency on behalf of another person. In consideration of delivery of mail to the commercial agent, the addressee and the agent are considered to agree that:

a. No change of address order will be filed with the post office when the agency relationship is terminated;

b. When remailed by the commercial agency, the mail is subject to payment of new postage.

1000.025 Mail addressed to governmental units, private organizations, corporations, unincorporated firms or partnerships, persons at institutions (including but not limited to hospitals and prisons), or persons in the military is delivered as addressed or to an authorized agent.

1000.026 Mail will be held for a specified period of time at the office of address upon request of the addressee, unless the mail:

a. Has contrary retention instructions;

b. Is perishable; or

c. Is registered, C.O.D., insured, or certified for which the normal retention period expires before the end of the specified holding period.

1000.03 Forwarding and Return

1000.030 Forwarding is the transfer of undeliverable-as-addressed mail to an address other than the one originally placed on the mail piece.

1000.031 Return is the delivery of mail to the sender.

1000.032 The provisions of sections 100.07, 200.07, 250.07, 300.07, 400.07, and 500.07 apply to forwarding and return.

1000.033 All post offices will honor change of address orders for a period of time specified by the Postal Service.

1000.034 When mail is forwarded due to Postal Service adjustments (such as, but not limited to, the discontinuance of the post office of original address, establishment of rural carrier service, conversion to city delivery service from rural, readjustment of delivery districts, or renumbering of houses and renaming of streets), it is forwarded without charge for a period of time specified by the Postal Service.

2000 Preparation of Mail

2000.01 Packaging

2000.010 Mail must be packaged so that:

a. The contents will be protected against deterioration or degradation;

b. The contents will not be likely to damage other mail, Postal Service employees or property, or to become loose in transit;

c. The package surface must be able to retain postage indicia and address markings;

d. It is marked by the mailer with a material which is not readily water soluble nor which can be easily rubbed

[4] **Editor's Note:** These fees can now be found on Rate Schedule SS–10.

off or smeared, and the marking will be sharp and clear.

2000.011 Paper used in the preparation of envelopes may not be of a brilliant color.

2000.012 Envelopes must be prepared with paper strong enough to withstand normal handling.

3000 Postage and Fees

3000.01 Payment of Postage

3000.010 Postage must be fully prepaid on all mail at the time of mailing, except as authorized by law or this Schedule.

3000.0101 Except as authorized by law or this Schedule, mail deposited without prepayment of sufficient postage shall be delivered to the addressee subject to payment of deficient postage, returned to the sender, or otherwise disposed of. Mail deposited without any postage affixed will be returned to the sender without any attempt at delivery.

3000.02 Methods for Paying Postage and Fees

3000.020 Postage for all mail may be prepaid by postage meter, adhesive stamps, or permit imprint, unless otherwise limited by regulation.

3000.021 The following methods of paying postage and fees required prior authorization from the Postal Service:

a. Permit imprint,

b. Postage meter,

c. Precancelled stamps, precancelled envelopes, and mailer's precancelled postmarks.

3000.0211 Fees for authorization to use a permit imprint are set forth in Rate Schedule 1000.

3000.0212 No fee is charged for authorization to use a postage meter. Fees for setting postage meters are set forth in Rate Schedule SS–12.

3000.0213 No fee is charged for authorization to use precancelled stamps, precancelled envelopes or mailer's precancelled postmark.

3000.022 Matter authorized for mailing without prepayment of postage must bear markings identifying the class of mail service. Matter so marked will be billed at the applicable rate of postage set forth in this Schedule. Matter not so marked will be billed at the applicable first-class rate of postage.

3000.023 Fees for special services may be prepaid in any manner appropriate for the class of mail indicated or as otherwise prescribed by regulation.

3000.03 Refund of Postage

3000.030 When postage and special service fees have been paid on mail for which no service is rendered for the postage or fees paid, or collected in excess of the lawful rate, a refund may be made.

3000.0301 There shall be no refund for registered, C.O.D., and insured fees when the article is later withdrawn by the mailer.

3000.031 In cases involving returned articles improperly accepted because of excess size or weight, a refund may be made.

4000 Postal Zones

4000.010 Except as provided in Classification Schedule 500, in the determination of postal zones, the earth is considered to be divided into units of area thirty minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. The distance between these units of area is the basis of the postal zones which are defined as follows:

The local zone applies to mail mailed at any post office for delivery at that office; at any city letter carrier office or at any point within its delivery limits for delivery by carriers from that office; at any office from which a rural route starts for delivery on the same route; and on a rural route for delivery at the office from which the route starts or on any rural route starting from that office.

The first zone includes all territory within the quadrangle of entry in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately 50 miles from the center of a given unit of area. The first zone also applies to mail between two post offices in the same sectional center.

The second zone includes all units of area outside the first zone lying in whole or in part within a radius of approximately 150 miles from the center of a given unit of area.

The third zone includes all units of area outside the second zone lying in whole or in part within a radius of approximately 300 miles from the center of a given unit of area.

The fourth zone includes all units of area outside the third zone lying in whole or in part within a radius approximately 600 miles from the center of a given unit of area.

The fifth zone includes all units of area outside the fourth zone lying in whole or in part within a radius of approximately 1,000 miles from the center of a given unit of area.

The sixth zone includes all units of area outside the fifth zone lying in whole or in part within a radius of approximately 1,400 miles from the center of a given unit of area.

The seventh zone includes all units of area outside the sixth zone lying in whole or in part within a radius of approximately 1,800 miles from the center of a given unit of area.

The eighth zone includes all units of area outside the seventh zone.

4000.011 The distance upon which zones are based shall be measured from the center of the unit of area containing the dispatching sectional center facility or multi-ZIP coded post office not serviced by a sectional center facility. A post office of mailing and a post office of delivery shall have the same zone relationship as their respective sectional center facilities or multi-ZIP coded post offices, but this shall not cause two post offices to be regarded as within the same local zone.

4000.012 Except as provided below, rates according to zone apply for zone-rated mail sent between Postal Service facilities including armed forces post offices, wherever located.

a. The rates of postage for zone-rated mail transported between the United States, the Canal Zone, Puerto Rico or the possessions or territories of the United States, including the Trust Territory of the Pacific Islands, on the one hand, and Army, Air Force and Fleet Post Offices on the other, or among the latter, shall be applicable zone rates for mail between the place of mailing or delivery and the city of the postmaster serving the Army, Air Force or Fleet Post Office concerned, subject to the following exception:

i. The rates of postage for zone-rated mail which is mailed at or addressed to an armed forces post office and which is transported directly to or from armed forces post offices at the expense of the Department of Defense, without transiting any of the 48 contiguous states (including the District of Columbia), shall be the applicable local zone rate; provided, however, that if the distance from the place of mailing to the embarkation point or the distance from the point of debarkation to the place of delivery is greater than the local zone for such mail, postage shall be assessed on the basis of the distance from the place of mailing to the embarkation point or the distance from the point of debarkation to the place of delivery of such mail, as the case may be.

(a) The word "transiting" does not include enroute transfers at coastal gateway cities which are necessary to transport military mail directly between military post offices.

5000 Privacy of Mail

5000.010 Matter not paid as first-class mail or Express Mail rates must be

wrapped or secured in the manner prescribed by the Postal Service so that the contents may be examined. Mailing of sealed items as other than first-class mail or Express Mail is considered consent by the sender to the postal inspection of the contents.

5000.011 Matter mailed as first-class mail or Express Mail shall be treated as mail which is sealed against postal inspection and shall not be opened except as authorized by law.

6000 Mailable Matter

6000.010 Mailable matter is any matter which:

a. Is not mailed in contravention of 39 U.S.C. Chapter 30, or of 17 U.S.C. 109; and

b. While in the custody of the Postal Service is not likely to become damaged itself, to damage other pieces of mail, to cause injury to Postal Service employees or to damage Postal Service property;

c. Is not mailed contrary to any special conditions or limitations placed on transportation or movement of certain articles, when imposed under law by the U.S. Department of the Treasury; U.S. Department of Agriculture; U.S. Department of Commerce; U.S. Department of Health and Human Services, U.S. Department of Transportation; and any other Federal department or agency having legal jurisdiction.

6000.011 Not before November 30, 1978,[5] present regulations on the minimum sizes for mail matter shall be expanded to all classes of mail and types of service, and shall be amended to prohibit (1) all items which are less than .007 inches thick, and (2) all items, other than keys and identification devices, which are .25 inch thick or less and (a) are not rectangular, and/or (b) are less than 3.5 inches in width, and/or (c) are less than 5 inches in length.

RATE SCHEDULES

Calculation of Postage

When a rate schedule contains per piece and per pound rates, the postage shall be the sum of the charges produced by those rates.

When a rate schedule contains a minimum-per-piece rate and a pound rate, the postage shall be the greater of the two.

When the computation of postage yields a fraction of a cent in the charge, the next higher whole cent must be paid.

RATE SCHEDULE 100—FIRST-CLASS MAIL

Mail type	Postage rate unit	Rate—		
		Regular (cents)	Presorted [1] (cents)	
			5-digit	Carrier Route
Letters	First ounce			
	Each add'l ounce [2]			
Cards	Piece			
ZIP + 4 Mail:[3]				
Letters	First ounce			
	Each add'l ounce [2]			
Cards	Piece			
Nonstandard surcharge [4]				

[1] Presorted First-Class Mail must be presented in a single mailing of at least 500 pieces properly prepared and presorted. The 5-digit presort rate applies only to each piece of a group of ten or more pieces destined for the same 5-digit ZIP code or each piece of a group of 50 or more pieces destined for the same 3-digit ZIP code. The lower carrier route rate applies only to mail presorted to carrier route, with a minimum of 10 pieces per route. A mailing fee of $50 must be paid once each calendar year at each office of mailing by any person who mails presorted First-Class Mail. The fee for mailers allows usage of either or both of these rates.

[2] Rate applies through 12 ounces. Heavier pieces are subject to priority mail rates.

[3] ZIP + 4 mail must be properly prepared and submitted in a single mailing of at least 250 pieces, except where the presort minimum of 500 applies. ZIP + 4 rates are not available for carrier route presort mail.

[4] Applies to the first ounce only. Not applicable to ZIP + 4 mail.

RATE SCHEDULE 103—PRIORITY MAIL [1]

Weight not exceeding (pounds)	L.1.2.3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
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16						
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21						
22						
23						

[5] **Editor's Note:** The Postal Service has amended the Domestic Mail Manual to include the following provision:

127 Minimum Sizes

The following minimum size standards apply to all mailable matter:

a. All mailing pieces must be at least .007 of an inch thick.

b. All mailing pieces (other than keys and identification devices mailed pursuant to 611.4) which are ¼ of an inch thick or less must be:

(1) Rectangular in shape,

(2) At least 3½ inches high, and

(3) At least 5 inches long.

Note: Mailing pieces which do not meet these minimum size standards are prohibited from the mails.

RATE SCHEDULE 103—PRIORITY MAIL [1]—Continued

Weight not exceeding (pounds)	L.1.2.3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
24						
25						
26						
27						
28						
29						
30						
31						
32						
33						
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36						
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[1] Exception: Parcels weighing less than 15 pounds, measuring over 84 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

RATE SCHEDULE 104—FIRST CLASS: ELECTRONIC COMPUTER ORIGINATED MAIL

	Cents
First printed page	Through postal fiscal year 1981 [in postal fiscal years 1982, 1983 and 1984].[1]
Second printed page	Through postal fiscal year 1981 [in postal fiscal years 1982, 1983 and 1984].[1]
Mailer must have an advance deposit account.	

[1] The underscored phrases between the brackets have been held invalid. *See Governors* v. *Postal Rate Commission*, 654 F.2d 108 (D.C. Cir. 1981).

RATE SCHEDULE 200—SECOND-CLASS MAIL: REGULAR RATE PUBLICATIONS, OUTSIDE COUNTY

	Postage rate unit	Full rates [1] (cents)
Per pound:		
Nonadvertising portion	Pound	
Advertising portion, zone:		
1 and 2	Pound	
3	Pound	
4	Pound	
5	Pound	
6	Pound	
7	Pound	
8	Pound	
Per piece: Less Editorial factor of content [2]		Per each 1 percent editorial.
A—Prepared [3]	Piece	
B—Presorted to 3-digit city/5-digit	Piece	
C—Carrier route presort	Piece	
SCF discount [4]		

[1] Charges for second-class regular rate mail are computed by adding the appropriate per-piece charge, including editorial factor, to the sum of the nonadvertising portion and the advertising portion charge, as applicable.
[2] For postage calculation, multiply the editorial percent content by and subtract from the applicable piece charge.
[3] Presort to 3-digit (other than 3-digit city), States, Mixed States.
[4] Applies to mail destination in the originating SCF area. The discount is subtracted from the applicable piece charge.

Rate Schedule 201—Second-Class Mail: In-County

	Full rate (cents)
Pound-rate matter:	
Per-pound	
Per-piece:	
Presorted to carrier route	
Not presorted to carrier route	

Rate Schedule 202—Second-Class Mail: Publications of Authorized Nonprofit Organizations, Outside County

	Postage rate unit	Full rate [1] (cents)
Per pound:		
Non-advertising portion	Pound	
Advertising portion,[2] zones:		
1 and 2	Pound	
3	Pound	
4	Pound	
5	Pound	
6	Pound	
7	Pound	
8	Pound	
Per piece:		
Category A: Prepared i.e. presorted to 3-digits (except 3-digit city), States, mixed States		
Category B: Presorted to 3-digit city/5-digit		
Category C: Carrier route presort		
SCF discount [3]		

[1] Charges for second-class nonprofit mail are computed by adding the per-piece charge to the sum of the nonadvertising portion charge and the advertising portion charge, as applicable.
[2] Not applicable to publication containing 10 percent or less advertising content.
[3] Applies to mail destinating in the originating SCF area. The discount is subtracted from the applicable piece charge.

Rate Schedule 203—Second-Class Mail: Classroom Publications, Outside County

	Postage rate unit	Full rate [1] (cents)
Per pound:		
Non-advertising portion	Pound	
Advertising portion, zone:		
1 and 2	Pound	
3	Pound	
4	Pound	
5	Pound	
6	Pound	
7	Pound	
8	Pound	
Per piece	Piece	
SCF discount [2]	Piece	

[1] Charges for classroom publications are computed by adding the per-piece charge to the sum of the nonadvertising portion charge and the advertising portion charge, as applicable.
[2] Applies to mail destinating in the originating SCF area. The discount is subtracted from the applicable piece charge.

Rate Schedule 204—Second-Class Mail: Science of Agriculture

	Postage rate unit	Full rates [1] (cents)
Per pound:		
Nonadvertising portion	Pound	
Advertising portion, zone:		
1 and 2	Pound	
3	Pound	
4	Pound	
5	Pound	
6	Pound	
7	Pound	
8	Pound	
Per piece: Less editorial factor of content [2]		Per each 1 percent editorial
A—Prepared [3]	Piece	
B—Presorted to 3-digit city/5-digit	Piece	
C—Carrier route presort	Piece	
SCF discount [4]		

[1] Charges for second-class Science of Agriculture copies are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion and the advertising portion charge, as applicable.
[2] For postage calculation, multiply the editorial percent content by and subtract from the applicable piece charge
[3] Presorted to 3-digits (except 3-digit city), States, Mixed States.
[4] Applies to mail destinating in the originating SCF area. The discount is subtracted from the applicable piece charge

Rate Schedule 205—Second-Class Mail: Limited Circulation Publications [1]

	Postage rate unit	Full rates [2] (cents)
Per pound:		
Nonadvertising portion	Pound	
Advertising portion, zone:		
1 and 2	Pound	
3	Pound	
4	Pound	
5	Pound	

RATE SCHEDULE 205—SECOND-CLASS MAIL: LIMITED CIRCULATION PUBLICATIONS [1]—Continued

	Postage rate unit	Full rates [2] (cents)
6	Pound	
7	Pound	
8	Pound	
Per piece:		
A—Prepared [3]	Piece	
B—Presorted to 3-digit city/5-digit	Piece	
C—Carrier route presort	Piece	
SCF discount [4]	Piece	

[1] Publication mailing fewer than 5,000 copies per issue outside county of publication.
[2] Charges for second-class Limited Circulation copies are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion and the advertising portion charge, as applicable.
[3] Presorted to 3-digits except 3-digit city, States, Mixed States.
[4] Applies to mail destinating in the originating SCF area. The discount is substracted from the applicable piece charge.

RATE SCHEDULE 206—SECOND-CLASS MAIL: LIMITED CIRCULATION SCIENCE OF AGRICULTURE [1]

	Postage rate unit	Full rates [2] (cents)
Per pound:		
Nonadvertising portion	Pound	
Advertising portion zone:		
1 and 2	Pound	
3	Pound	
4	Pound	
5	Pound	
6	Pound	
7	Pound	
8	Pound	
Per piece:		
A—Prepared [3]	Piece	
B—Presorted to 3-digit city/5-digit	Piece	
C—Carrier route presort	Piece	
SCF discount [4]	Piece	

[1] Science of Agriculture publications mailing fewer than 5,000 copies per issue outside county of publication.
[2] Charges for second-class Limited Circulation Science of Agriculture copies are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion and the advertising portion charge, as applicable.
[3] Presorted to 3-digits (except 3-digit city), States, Mixed States.
[4] Applies to mail destinating in the originating SCF area. The discount is subtracted from the applicable piece charge.

RATE SCHEDULE 207—SECOND-CLASS MAIL: COMMINGLED NONSUBSCRIBER AND NONREQUESTER [1]

	Postage rate unit	Full rates [2](cents)
Per pound:		
Nonadvertising portion	Pound	
Advertising portion, zone:		
1 and 2	Pound	
3	Pound	
4	Pound	
5	Pound	
6	Pound	
7	Pound	
8	Pound	
Per piece: Less editorial factor of content [3]		Per each 1 percent editorial.
A—Prepared [4]	Piece	
B—Presorted to 3-digit city/5-digit	Piece	
C—Carrier route presort	Piece	
SCF discount [5]	Piece	

[1] Includes sample copies in excess of the 10 percent allowance and complimentary copies.
[2] Charges for second-class Non-subscriber and Non-requestor commingled copies are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion and the advertising portion charge, as applicable.
[3] For postage calculation, multiply the editorial percent content by and subtract from the applicable piece charge.
[4] Presorted to 3-digits (except 3-digit city), States, Mixed States.
[5] Applies to mail destinating in the originating SCF area. The discount is subtracted from the applicable piece charge.

RATE SCHEDULE 300—THIRD-CLASS MAIL: SINGLE PIECE

	Full rates [1] (cents)
Single piece:	
One ounce	
Two ounces	
Three ounces	
Four ounces	
Five and six ounces	
Each additional 2 ounces	
Nonstandard surcharge [2]	
Keys and identification devices:	
First 2 ounces	
Each additional 2 ounces	

[1] When the postage rate computed at the single piece third-class rate is higher than the rate prescribed in the corresponding fourth-class category for which the piece qualifies, the applicable lower fourth-class rate is charged.
[2] Applies only to pieces weighing 1 ounce or less.

RATE SCHEDULE 301—THIRD-CLASS MAIL: REGULAR BULK

	Full rates (cents)
Regular bulk: [1]	
Minimum per piece:	
Required presortation	
Presorted to five-digits	
Presorted to carrier route	
Pound rate:	
Carrier route pieces	Per pound.
Required presortation: Per pound plus	Per piece.
Presorted to five-digits: Per pound plus	Per piece.

[1] A fee of must be paid once such calendar year for each bulk mailing permit.

RATE SCHEDULE 302—THIRD-CLASS: NONPROFIT-BULK MAIL

	Full rates (cents)
Nonprofit bulk: [1]	
Minimum per piece:	
Required presortation	
Presorted to five-digits	
Presorted to carrier route	
Pound rate:	
Carrier route pieces	Per pound.
Required presortation: Per pound plus	Per piece.
Presorted to five-digits: Per pound plus	Per piece.

[1] A fee of must be paid once each calendar year for each bulk mailing permit.

RATE SCHEDULE 400—FOURTH-CLASS MAIL: PARCEL POST

Weight in pounds	Local	Zone 1-2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
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59								

RATE SCHEDULE 400—FOURTH-CLASS MAIL: PARCEL POST—Continued

Weight in pounds	Local	Zone 1-2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
60								
61								
62								
63								
64								
65								
66								
67								
68								
69								
70								

For intra-BMC parcels, deduct .
For nonmachinable inter-BMC parcels, add .

RATE SCHEDULE 402—FOURTH-CLASS MAIL: SPECIAL AND LIBRARY RATES

	Full rates (cents)
Special:	
First pound:	
Not presorted	
Presorted to 5-digits [1] [2]	
Presorted to BMC [1] [3]	
Each additional pound through 7 pounds	
Each additional pound over 7 pounds	
Library:	
First pound	
Each additional pound through 7 pounds	
Each additional pound over 7 pounds	

[1] A fee of must be paid once each calendar year for each permit.
[2] For mailings of 500 or more pieces properly prepared and presorted to five-digit destination ZIP Codes. (§ 400.331a(1) of the Classification Schedule effective July 6, 1976).
[3] For mailings of 500 or more pieces properly prepared and presorted to Bulk Mail Centers.

RATE SCHEDULE 405—Fourth-Class Mail: Single Piece Bound Printed Matter [1]

[Dollars]

Rates for Pieces weighing up to (pounds)	Local	Zones 1-2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1.5								
2								
2.5								
3								
3.5								
4								
4.5								
5								
6								
7								
8								
9								
10								
Per piece (dollars)								
Per pound (dollars)								

[1] Includes both catalogs and similar bound printed matter (§ 400.41 of the Classification Schedule effective July 6, 1976).

RATE SCHEDULE 406—FOURTH-CLASS MAIL: BULK BOUND PRINTED MATTER [1]

[Dollars]

Zones	Per-piece	Carrier route [2]	Per pound
Local			
1 and 2			
3			
4			
5			
6			
7			
8			

[1] Includes both catalogs and similar bound printed matter.
[2] Applies to mailings of at least 300 pieces presorted to carrier route as prescribed by the Postal Service.

RATE SCHEDULE 500—EXPRESS MAIL

[Same day airport service]

Pounds	Zones 1 and 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9
1								
2								
3								
4								
5								
6								
7								

RATE SCHEDULE 500—EXPRESS MAIL—Continued

[Same day airport service]

Pounds	Zones 1 and 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
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RATE SCHEDULE 501—EXPRESS MAIL

[Custom designed service]

Pounds	Zone 1-2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								

RATE SCHEDULE 501—EXPRESS MAIL—Continued

[Custom designed service]

Pounds	Zone 1-2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
32								
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63								
64								
65								
66								
67								
68								
69								
70								

Add $ for each custom pickup and delivery stop.

RATE SCHEDULE 502—EXPRESS MAIL

[Next day post office-to-post office service]

Pounds	Zones 1-2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								

RATE SCHEDULE 502—EXPRESS MAIL—Continued

[Next day post office-to-post office service]

Pounds	Zones 1-2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9
31								
32								
33								
34								
35								
36								
37								
38								
39								
40								
41								
42								
43								
44								
45								
46								
47								
48								
49								
50								
51								
52								
53								
54								
55								
56								
57								
58								
59								
60								
61								
62								
63								
64								
65								
66								
67								
68								
69								
70								

Add $ for each pickup stop.

RATE SCHEDULE 503—EXPRESS MAIL

[Next day post office-to-addressee service]

Pounds	Zones 1-2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
32								
33								
34								
35								
36								
37								
38								
39								
40								
41								

RATE SCHEDULE 503—EXPRESS MAIL—Continued

[Next day post office-to-addressee service]

Pounds	Zones 1-2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9
42								
43								
44								
45								
46								
47								
48								
49								
50								
51								
52								
53								
54								
55								
56								
57								
58								
59								
60								
61								
62								
63								
64								
65								
66								
67								
68								
69								
70								

Add $ for each pickup stop.

SCHEDULE SS-1—SPECIAL SERVICES: ADDRESS CORRECTIONS

Description	Fee
Per correction	

SCHEDULE SS-2—BUSINESS REPLY MAIL

Description	Fee
Active business reply advance deposit account: Per piece	
Payment of postage due charges if active business reply mail advance deposit account not used: Per piece	
License to mail business reply mail: Per calendar year	
Accounting fee for active business reply mail advance deposit account: Per calendar year	

SCHEDULE SS-4—SPECIAL SERVICES: CERTIFICATES OF MAILING

Description	Fee (in addition to postage)
Individual pieces:	
Original or duplicate certificate of mailing for individually listed pieces of all classes of ordinary mail	
Firm mailing books	
Bulk pieces:	
Identical pieces of first- and third-class mail paid with ordinary stamps, precancelled stamps or meter stamps:	
Up to 1,000 pieces (1 certificate for total number)	
Each additional 1,000 pieces or fraction	
Duplicate copy	

SCHEDULE SS-5—SPECIAL SERVICES: CERTIFIED MAIL

Description	Fee (in addition to postage)
Per piece	

SCHEDULE SS-6—SPECIAL SERVICES: COLLECT ON DELIVERY

Amount to be collected, or insurance coverage desired	Fee (in addition to postage)
$0.01 to $25	
$25.01 to $50	
$50.01 to $100	
$100.01 to $200	
$200.01 to $300	
$300.01 to $400	
$400.01 to $500	
Notice of nondelivery of C.O.D	
Alteration of C.O.D. charges or designation of new addressee	
Registered C.O.D	

SCHEDULE SS-7—SPECIAL SERVICES: DEAD LETTER RETURN

Description	Fee
Per piece (First-class letters and parcels only)	Fee eliminated.

SCHEDULE SS-8—SPECIAL SERVICES: MONEY ORDERS

Amount	Fee
$0.01 to $25	
$25.01 to $700	
APO-FPO: $0.01 to $700	
Inquiry fee	

SCHEDULE SS-9—SPECIAL SERVICES: INSURED MAIL

Liability	Fee (in addition to postage)
$0.01 to $25	
$25.01 to $50	
$50.01 to $100	
$100.01 to $150	
$150.01 to $200	
$200.01 to $300	
$300.01 to $400	
$400.01 to $500	

SCHEDULES SS-10—SPECIAL SERVICES: LOCKBOX/CALLER SERVICE

[Fee per annual [1] period]

		Cubic inch capacity of lockboxes			
A. Rental rates for lockboxes					
Box size:					
1	To 265	266 [2] to	500 to	1,000 to	2,000 and over
2	....do	....do	....do	....do	Do.
3	....do	....do	....do	....do	Do.
4	....do	....do	....do	....do	Do.
5	....do	....do	....do	....do	Do.
Group I					
Group II					
Group III					

[1] Fees are paid semi-annually.
[2] Minimum size for the number 2 box is 296 cubic inches.

Description	Fee
B. caller service	
For caller service (semi-annual)	
For each reserved	
Call number (annual)	

SCHEDULE SS-11a—SPECIAL SERVICES: ZIP CODING OF MAILING LISTS

Description	Fee
Per thousand addresses	

SCHEDULE SS-11b—SPECIAL SERVICES: CORRECTION OF MAILING LISTS

Description	Fee
Per submitted address	

SCHEDULE SS-11c—ADDRESS CHANGES FOR ELECTION BOARDS AND REGISTRATION COMMISSIONS

Description	Fee
Per change of address	

SCHEDULE SS-11d—MAILING LIST SERVICES

	Fee (cents)
Corrections associated with arrangement of address cards in sequence of carrier delivery:	
Per correction	

When rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

SCHEDULE SS-12—SPECIAL SERVICES: METER SETTING ON SITE

Description	Fee
Meter company adjustments:	
All other meter settings:	
First meter	
By appointment	
Unscheduled request	
Additional meters	

SCHEDULE SS-13—SPECIAL SERVICES: PARCEL AIR LIFT

Description	Fee (in addition to parcel post postage)
Up to 2 pounds	
Over 2 up to 3 pounds	
Over 3 up to 4 pounds	
Over 4 pounds	

SCHEDULE SS-14—SPECIAL SERVICES: REGISTERED MAIL

Value	Fee (in addition to postage)	
	For articles covered by insurance	For articles not covered by insurance
$0.00 to $100		
$100.01 to $500		
$500.01 to $1,000		
$1,000.01 to $2,000		
$2,000.01 to $3,000		
$3,000.01 to $4,000		
$4,000.01 to $5,000		
$5,000.01 to $6,000		
$6,000.01 to $7,000		
$7,000.01 to $8,000		
$8,000.01 to $9,000		
$9,000.01 to $10,000		
$10,000.01 to $11,000		
$11,000.01 to $12,000		
$12,000.01 to $13,000		
$13,000.01 to $14,000		
$14,000.01 to $15,000		
$15,000.01 to $16,000		
$16,000.01 to $17,000		
$17,000.01 to $18,000		
$18,000.01 to $19,000		
$19,000.01 to $20,000		
$20,000.01 to $21,000		
$21,000.01 to $22,000		
$22,000.01 to $23,000		
$23,000.01 to $24,000		
$24,000.01 to $25,000		
$25,000.00 to $1,000,000	$ plus handling charge of $ per $1,000 or fraction over first $25,000.	$ plus handling charge of $ per $1,000 or fraction over first $25,000.
$1,000,000 to $15,000,000	$ plus handling charge of $ per $1,000 or fraction over first $1,000,000.	$ plus handling charge of $ per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be based on consideration of weight, space and value.	

SCHEDULE SS-15—SPECIAL SERVICES: RESTRICTED DELIVERY

Description	Fee (in addition to postage)
Per piece	

SCHEDULE SS-16—SPECIAL SERVICES: RETURN RECEIPTS

Description	Fee (in addition to postage)
Requested at time of mailing:	
Showing to whom (signature) and date delivered	
Showing to whom (signature), date, and address where delivered	
Requested after mailing: Showing to whom and date delivered	

SCHEDULE SS-17—SPECIAL SERVICES: SPECIAL DELIVERY

Class/weight	Fee (in addition to postage)
First-class and priority mail:	
Not more than 2 pounds	
Over 2 but not over 10 pounds	
Over 10 pounds	
All other classes:	
Not more than 2 pounds	
Over 2 but not over 10 pounds	
Over 10 pounds	

SCHEDULE SS-18—SPECIAL SERVICES: SPECIAL HANDLING

Weight	Fee (in addition to postage)
Not more than 10 pounds	
Over 10 pounds	

SCHEDULE SS-19—SPECIAL SERVICES: STAMPED ENVELOPES

Type	Fee
Single sale:	
Regular	
Banded	
Plain:	
No. 6¾ size, box of 500:[1]	
Regular	
Window	
No. 10 size, box of 500:[1]	
Regular	
Window	
Printed:	
No. 6¾ size, box of 500:[1]	
Regular	
Window	
No. 10 size, box of 500:[1]	
Regular	
Window	

[1] Fee for precancelled envelopes is the same.

SCHEDULE SS-20—MERCHANDISE RETURN

Description	Fee
Per transaction	
Shipper must have an advance deposit account	

SCHEDULE 1000—FEES

Description	Dollars
First-class presorted mailing fee	
First-class mailing fee: E-COM annual fee	
Second-class mailing fees:	
A. Original entry	
B. Additional entry (all zones)	
Second-class reentry fee	
Second-class registration for news agents	
Third-class bulk mailing fee	
Fourth-class special mail presorted mailing fee	
Authorization to use permit imprint	
Merchandise return (per facility receiving merchandise return labels)	

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Federal Register

Wednesday
July 10, 1985

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 785, and 827

Surface Coal Mining and Reclamation Operations: Permanent Regulatory Program; Definitions; Requirements for Permits for Special Categories of Mining; Coal Preparation Plants; Performance Standards; Proposed Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 785 and 827

Surface Coal Mining and Reclamation Operations: Permanent Regulatory Program; Definitions; Requirements for Permits for Special Categories of Mining; Coal Preparation Plants: Performance Standards

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) proposes to amend certain portions of its regulations applicable to coal preparation plants and other surface coal mining operations. This action is being taken as a result of, and in compliance with, the District Court for the District of Columbia's July 6, 1984, ruling in *In Re: Permanent Surface Mining Regulation Litigation II.* The proposed regulations would (1) bring additional coal preparation plants and other surface coal mining operations under the permanent program regulations of the Surface Mining Control and Reclamation Act of 1977 (the Act); (2) allow persons operating coal preparation plants not previously subject to OSM rules a certain period of time to obtain the permit required as a result of the Court ruling; and (3) make certain performance standards immediately applicable to such plants or facilities. These are also being adopted on an interim final basis in this issue of the **Federal Register.**

DATES:

Written Comments

OSM will accept written comments on the proposed rule until 5 p.m. eastern time on September 18, 1985.

Public Hearings

Upon request, OSM will hold public hearings on the proposed rule in Washington, D.C.; Denver, Colorado; and Knoxville, Tennessee at 9:30 a.m. local time on September 11, 1985. Upon request, OSM also will hold public hearings in the States of Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, and Washington at times and on dates to be announced prior to the hearings. OSM will accept requests for public hearings until 5:00 p.m. eastern time on August 28, 1985.

ADDRESSES:

Written Comments

Hand-deliver to the Office of Surface Mining, Administrative Record, Room 5315, 1100 L Street NW., Washington, D.C.; or mail to the Office of Surface Mining, Administrative Record, Room 5315L, 1951 Constitution Avenue NW., Washington, D.C. 20240.

Public Hearings

Department of the Interior Auditorium, 18th and C Street NW., Washington, D.C.; Brooks Towers, 2nd Floor Conference Room, 1020 15th Street, Denver, Colorado; and the Hyatt House, 500 Hill Avenue SE., Knoxville, Tennessee. The addresses for any hearings scheduled in the States of Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, and Washington will be announced prior to the hearings.

Requests for Public Hearings

Submit orally or in writing to the person and address specified under **"FOR FURTHER INFORMATION CONTACT."**

FOR FURTHER INFORMATION CONTACT: Raymond Aufmuth, Division of Permit and Environmental Analysis, OSM, Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240; Telephone: (202) 343-1507.

SUPPLEMENTARY INFORMATION:

I. Background

The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act) sets forth general regulatory requirements governing surface coal mining operations and the surface impacts of underground coal mining. OSM has by regulation implemented or clarified many of the general requirements of the Act and set performance standards to be achieved by different operations. See 30 CFR Part 700 *et seq.*

On May 5, 1983, OSM promulgated a final rule intended to clarify the coverage under the Act of offsite coal preparation plants and support facilities. 48 FR 20392 (1983). In order to clarify OSM's jurisdiction, OSM adopted definitions of "coal preparation or coal processing," "coal preparation plants," and "support facilities" and discussed these definitions in the preamble to the final rules. In part, the rules adopted in 1983 included a definition of "coal processing or coal preparation" which required that coal be separated from its impurities. The definition of support facilities included proximity as one factor to be considered.

These definitions and their jurisdictional limitations were challenged in Round I of the *In Re: Permanent Surface Mining Regulation Litigation II,* Civil Action No. 79-1144 (D.D.C. 1984). In a July 6, 1984, opinion in that case, the District Court for the District of Columbia determined that they improperly narrowed the regulatory scope of the Act. Specifically, the Court held that facilities which leach, chemically process, or physically process coal should be regulated as coal preparation plants even if they do not separate coal from its impurities. The Court also held that the Act contemplated a functional test for determining what is a regulated support facility, rather than a limitation which includes an element of proximity. As a result of this ruling, the definitions of "surface coal mining operations," "coal preparation or coal processing," and "coal preparation plant" were remanded to the Secretary. Although the definition of "support facility" was not remanded, the Court's Memorandum Opinion clearly indicated that it also could not stand.

In order to implement the District Court's Order concerning offsite coal preparation plants OSM has decided to adopt an interim final rule, and simultaneously publish the identical rule as a proposal. The interim final rule published in the issue of the **Federal Register** is effective sixty days from today. This notice of proposed rulemaking allows for public comment on the rules before they are adopted in permanent form.

II. Public Commenting Procedures

Written Comments

Written comments submitted on the proposed rule should be specific, should be confined to issues pertinent to the proposed rules, and should explain the reason for any recommended change. Where practicable, commenters should submit five copies of their comments (see **"ADDRESSES"**). Comments received after the close of the comment period (see **"DATES"**) may not be considered or included in the Administrative Record for the final rule.

Public Hearings

OSM will hold public hearings on the proposed rule on request only. The times, dates and addresses scheduled for the hearings at three locations are specified previously in this notice (see **"DATES"** and **"ADDRESSES"**). The times, dates, and addresses for the hearings at

the remaining locations have not yet been scheduled, but will be announced in the **Federal Register** at least 7 days prior to any hearings which are held at these locations.

Any person interested in participating at a hearing at a particular location should inform Raymond Aufmuth (see **"FOR FURTHER INFORMATION CONTACT"**) either orally or in writing of the desired hearing location by 5:00 p.m. eastern time on August 28, 1985. If no one has contacted Mr. Aufmuth to express an interest in participating in a hearing at a given location by that date, the hearing will not be held. If only one person expresses an interest, a public meeting rather than a hearing may be held and results included in the Administrative Record.

If a hearing is held, it will continue until all persons wishing to testify have been heard. To assist the transcriber and ensure an accurate record, OSM requests that persons who testify at a hearing give the transcriber a written copy of their testimony. To assist OSM in preparing appropriate questions, OSM also requests that persons who plan to testify submit to OSM at the address previously specified for the submission of written comments (see **"ADDRESSES"**) an advance copy of their testimony.

III. Discussion of Proposed Rules

A. Amendment to Definition of "Surface Coal Mining Operations"

The statutory authority for the regulation of offsite coal preparation plants or facilities originates from the definition of "surface coal mining operations" in section 701(28)(A) of the Act. In relevant part that definition reads as follows:

> "[S]urface coal mining operations" means—
>
> (A) Activities conducted on the surface of lands in connection with a surface coal mine or subject to the requirements of Section 516 surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting, and *in situ* distillation or retorting, *leaching or other chemical or physical processing,* and the cleaning, concentrating, or other processing or preparation, loading of coal for interstate commerce at or near the mine site . . . [emphasis added].

In implementing its May 5, 1983 regulations concerning offsite coal preparation plants, OSM interpreted the above definition to mean that the activities of "leaching" and "other chemical or physical processing" were limited by the phrase "in situ." 48 FR 20395 (1983). In its decision remanding those regulations, the District Court held that such an interpretation was improper. In particular, the court held that the separation of the phrases by commas limited the modification of "in situ" to "distillation or retorting," and that "chemical or physical processing" were not so limited and thus should be considered as surface coal mining operations regardless of being performed in an "in situ" manner.

OSM's 1983 regulatory definition of "surface coal mining operations" at 30 CFR 700.5 tracked its statutory counterpart very closely. In pertinent part it read as follows:

> "[S]urface coal mining operations" means—
>
> (A) Activities conducted on the surface of lands in connection with a surface coal mine or, subject to the requirements of Section 516 of the Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining; the uses of explosives and blasting;, in situ distillation or retorting, leaching, other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine site . . . . 30 CFR 700.5 (1983).

OSM proposes to revise the 1983 definition in accordance with the Court's interpretation of the statutory definition, as discussed in the preceding paragraph. Specifically, the comma between "distillation" and "retorting" would be replaced by an "or" and a semicolon would be placed after the phrase "in situ distillation or retorting." This change would mean that leaching, chemical and physical processing would no longer need to be performed in situ to be within the ambit of the Act. OSM is proposing no other changes to the definition of surface coal mining operations, and solicits no comments on other aspects of the definition.

B. Amendments to Definitions at § 701.5

1. *Coal preparation.* OSM proposes to revise the 1983 definition of the phrase "coal preparation or coal processing" which was formulated on the basis of OSM's previous interpretation of Section 701(28)(A) of the Act. In accordance with the District Court's decision, OSM would adopt a new definition which would include chemical or physical processing or cleaning, concentrating or other processing or preparation of coal. Facilities not involving the separation of coal from its impurities would be included within this definition.

2. *Coal preparation plant.* OSM proposes to revise the definition of the term "coal preparation plant" to track the new definition of "coal preparation" discussed above.

3. *Support facilities.* The Department is proposing to remove the definition of support facilities for several reasons. First, this is being done to implement the July 6, 1984, District Courts decision in *In Re: Permanent Surface Mining Regulation Litigation II,* No. 79-1144 (D.D.C. 1984). There the Court ruled that the determination of whether a facility was subject to the Act cannot include an element of proximity. The definition of support facilities adopted in 1983 included an element of proximity. Accordingly, OSM is proposing to remove the definition.

OSM has determined that no definition of support facilities is needed. OSM had none from 1977 to 1983. The 1983 definition was an attempt to more precisely define what things are considered to be "resulting from or incident to" a regulated activity. However, after careful reexamination, and in the light of the Court's opinion the Department has determined that there is no need to amplify the language of the Act with respect to the meaning of activities that are "resulting from or incident to" a regulated activity. Furthermore, since support facilities are subject to the same performance standards as the mine they support, removal of the definition would eliminate possible confusion over whether support facilities are subject to different performance standards.

Removal of the definition of "support facilities" does not mean that OSM will decline to regulate these facilities. All facilities which are resulting from or are incident to a regulated activity are regulated surface coal mining operations under the Act. As such, they are subject to the prohibitions of section 522(e) and applicable performance standards.

C. Amendments to 30 CFR § 785.21; Schedule for Permitting Additional Coal Preparation Plants

Section 785.21 establishes the permitting requirements for coal preparation plants. It requires any person who operates or intends to operate a coal preparation plant outside the permit area for a specific mine, other than those located at the site of use, to obtain a permit. To obtain a permit, an applicant must submit a permit

application which demonstrates that the plant will comply with 30 CFR 827 and must describe the construction, operation, maintenance, and planned removal of such facilities.

The coal preparation plants made subject to OSM's regulations by the District Court's July 6, 1984 opinion and by the amendments proposed herein will be required to obtain a permit. However, OSM recognizes that considerable time may be involved in applying for and obtaining a permit. OSM is therefore proposing to amend Section 785.21 by adding new paragraphs (d) amd (e) to set out a reasonable schedule for the permitting of plants which become subject to the Act by virtue of the District Court for the District of Columbia's July 6, 1984, decision.

New paragraph (d)(1) of § 785.21, would require any person who operates, after eight months from the effective date of the interim final rule published on this date, a coal preparation plant which was not subject to the regulations of 30 CFR Chapter VII prior to July 6, 1984, to apply for a permit no later than two months after the effective date of the interim final rule adopted today.

Proposed paragraph (d)(2) contains an important exception to the requirements of paragraph (d)(1). It would provide that those States with State programs that have statutory or regulatory prohibitions precluding the issuance of permits to facilities covered by paragraph (d)(1) shall notify OSM within 60 days of the effective date of the interim final rule that a program change is necessary. These States must then establish a timetable of the actions to be taken in order to adopt appropriate measures and undertake permitting actions for all of the coal preparation plants located within their jurisdiction. This schedule would be required to be submitted to OSM for approval within 90 days of the effective date of the interim final rule. Operators must apply for permits in accordance with that schedule.

Proposed paragraph (e) of § 785.21 provides that any person operating a coal preparation plant made subject to regulation by the July 6, 1984, decision and not subject to prohibition by 30 CFR § 761.11 would be allowed to continue to operate without a permit until eight months from the effective date of the interim final rule. Such persons will be allowed to operate past the eight month deadline if (1) they have timely filed a permit application pursuant to paragraph (d)(1) or purusant to a State imposed schedule specified in paragraph (d)(2); (2) the regulatory authority has yet to issue or deny the permit, and (3) the person complies with the applicable performance standards of § 827.13 of 30 CFR Chapter VII.

OSM is proposing not to employ the ordinary State program review and notification process of 30 CFR 732.17 to ensure that the changes to the definition of the term "surface coal mining operations" and the permitting schedule in § 785.21 would be implemented. Instead, the requirements of § 785.21(d)(2) would supplant the individual state notification procedure. This is being done because of the ease of notifying all States at once in this notice and to allow States the first opportunity to determine whether their programs already allow for implementation of these rules.

Under the approach adopted, States are required to review their own programs and advise OSM if they need to make program amendments to implement these rules. Because the States are in a better position to interpret their own programs, this will avoid possible misunderstandings and unnecessary interpretative problems.

OSM is not proposing to amend the permitting requirements for coal preparation plants subject to the Act prior to the July 6, 1984 opinion. OSM does not solicit comments on any aspect of the permitting requirement for coal preparation plants except those proposed amendments discussed herein.

D. Amendment to Part 827

Part 827 of 30 CFR sets forth the permanent program performance standards for coal preparation plants not within the permit area for a specific mine. Rather than make the permanent program standards immediately applicable to the coal preparation plants made subject to regulation by the District Court's decision, OSM proposes to amend Part 827 so that interim performance standards will apply to such plants until the permanent program permit for such plant is issued. Such a provision is reasonable because the permanent program performance standards are tied to the issuance of a permit. The interim program performance standards are keyed to direct enforcement not based upon the existence of a permit.

In order to avoid the requirements of § 827.12 which specify the permanent program performance standards applicable to coal preparation plants, OSM proposes to amend that section by placing at its beginning the phrase "Except as provided in § 827.13 of this part." OSM also proposes to adopt new § 827.13(a) which applies performance standards to coal preparation plants not subject to regulation prior to July 6, 1984 on the basis of the regulatory program of the State in which they are located. For example, if such a plant is located in a State in which either interim or permanent program performance standards apply by State statute or regulations, the program standards of that State shall apply, as specified by the terms of the State program, and will be enforced by the State. That is, if the State program applies interim standards until a permit is obtained, interim standards would be used. If the State applies permanent standards to these facilities, those standards would be used. If, however, such a plant is located in a State with a State program which must be amended in order to regulate it, the interim program performance standards in Subchapter B of 30 CFR Chapter VII would apply. Such standards would be enforced by the State unless there was some statutory or regulatory bar to such enforcement in which case OSM would enforce the standards. Although States will apply their interim program performance standards, inspection frequency will be as required under the permanent program. Finally, if such a plant is located in State with a Federal program, it would be subject to the interim performance standards in Subchapter B of 30 CFR which would be enforced by OSM.

Paragraph (b) of new § 827.13 would provide that as soon as persons operating coal preparation plants made subject to regulation as of July 6, 1984 obtain a permit, they would become subject to the permanent program performance standards specified in § 827.12.

OSM proposes no changes to the performance standards for coal preparation plants already subject to the Act, and solicits no comments on those standards.

E. Federal Program Changes

Because the Federal Programs for the States without State programs and the Federal Program for Indian lands operate by cross-referencing the permanent program regulations contained in 30 CFR Chapter VII, the proposed rules discussed herein would also become applicable in the Federal Program States and on Indian lands. The Tennessee Federal program already contains provisions implementing the July 6, 1984, District Court Decision. OSM solicits comments on this proposed amendment to other programs.

IV. Procedural Matters

Federal Paperwork Reduction Act

Information collection requirements in § 785.21 were submitted to the Office of Management and Budget in 1983 under 44 U.S.C. 3507 and assigned clearance number 1029–0040 (§ 785.21). This proposed rule contains no information collection requirements that were not covered by the previous approval.

Executive Order 12291

The Department of the Interior (DOI) has examined the proposed rule according to the criteria of Executive Order 12291 (February 17, 1981) and has determined that it is not a major rule and does not require a regulatory impact analysis. This rule would impose only minor costs to the coal industry since relatively few operations will be affected. Likewise, the impact upon the consumers of coal would be negligible.

Regulatory Flexibility Act

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* that the proposed rule would not have a significant economic impact on a substantial number of small entities. This rule would impact a relatively small number of coal operators the majority of which would not be small entities.

National Environmental Policy Act

OSM has determined that this proposed rule is covered adequately by the existing environmental impact statement titled "Final Environmental Impact Statement, OSM EIS–1: Supplement," and that the preparation of any additional environmental documents under section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c), is not required.

List of Subjects

30 CFR Part 700

Coal mining, Environmental protection, Surface coal mining operations.

30 CFR Part 701

Coal mining, Law enforcement, Surface mining, Underground mining.

30 CFR Part 785

Coal mining, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 827

Coal mining, Environmental protection, Surface mining, Underground mining.

Accordingly, 30 CFR Parts 700, 701, 785 and 827 are proposed to be amended as follows:

Dated: June 3, 1985.

J. Steven Griles,

Deputy Assistant Secretary for Land and Minerals Management.

PART 700—GENERAL

1. The authority citation for Part 700 continues to read as follows:

Authority: Secs. 102, 201, 304, 305, 405, 407, 501, 510, 512, 515, 516, 517, 520, 523, 527, 528, 529, 701, 708, 710, 719, Pub. L. 95–87, 91 Stat. 448, 449, 454, 459, 462, 466, 467, 480, 483, 486, 495, 498, 503, 510, 513, 514, 515, 516, 521, 526 (30 U.S.C. 1202, 1211, 1224, 1235, 1237, 1242, 1251, 1260, 1262, 1265, 1266, 1267, 1270, 1273, 1277, 1278, 1279, 1291, 1298, 1309), unless otherwise noted.

2. Section 700.5 is amended by revising paragraph (a) of the definition of "surface coal mining operations" to read as follows:

§ 700.5 Definitions.

* * * * *

Surface coal mining operations means—

(a) Activities conducted on the surface of lands in connection with a surface coal mine or, subject to the requirements of section 516 of the Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining; the use of explosives and blasting; in-situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine site. *Provided,* these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed 16⅔ percent of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to section 512 of the Act; and, *provided further,* that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

* * * * *

PART 701—PERMANENT REGULATORY PROGRAM

3. The authority citation for Part 701 continues to read as follows:

Authority: Secs. 102, 201, 501–529, 701, 702, 705, 708, 710, 711, 713, 714, 715, 716, 717, 719, Pub. L. 95–87, 91 Stat. 448, 449, 467–515, 516, 519, 520, 521, 523, 524, 525, and 526 (30 U.S.C. 1202, 1211, 1251–1279, 1291, 1295, 1298, 1301, 1304, 1305, 1306, 1307, and 1309), unless otherwise noted.

4. Section 701.5 is amended by removing the definition of "coal preparation or coal processing," by adding a definition of "coal preparation," by revising the defintion of "coal preparation plant" by removing the definition of "support facilities" in alphabetical order as follows:

§ 701.5 Definitions.

* * * * *

Coal preparation means chemical or physical processing and the cleaning, concentrating, or other processing or preparation of coal.

Coal preparation plant means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other processing or preparation. It includes facilities associated with coal preparation activities, including, but not limited to the following: loading facilities; storage and stockpile facilities; sheds, shops, and other buildings; water-treatment and water-storage facilities; settling basins and impoundments; and coal processing and other waste disposal areas.

* * * * *

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

5. The authority citation for Part 785 continues to read as follows:

Authority: Secs. 102, 201, 501(b), 503, 504, 506, 507, 508, 509, 510, 511, 513, 514, 516, 517, 519, 527, 529, 701, and 711, Pub. L. 95–87, 91 Stat. 445 (30 U.S.C. 1202, 1211, 1251, 1253, 1254, 1256, 1257, 1258, 1259, 1260, 1261, 1263, 1264, 1265, 1266, 1267, 1269, 1277, 1279, 1291, 1301), unless otherwise noted.

6. Section 785.21 is revised by adding paragraphs (d) and (e) to read as follows:

§ 785.21 Coal preparation plants not located within the permit area of a mine.

* * * * *

(d)(1) Except as provided in paragraph (d)(2) of this section, any person who operates a coal preparation plant beyond May 10, 1985, that was not subject to this chapter before July 6, 1984 shall apply for a permit no later than November 10, 1985.

(2) (i) States with State programs that have a statutory or regulatory bar precluding issuance of permits to facilities covered by paragraph (d)(1) of

this section shall notify OSM not later than November 7, 1985 and shall establish a schedule for actions necessary to allow the permitting of such facilities as soon as practicable. Not later than December 8, 1985 this schedule shall be submitted to OSM for approval.

(ii) Any person who operates a coal preparation plant that was not subject to this chapter before July 6, 1984, in a State which submits a schedule in accordance with paragraph (d)(2)(i) of this section, shall apply for a permit in accordance with the schedule approved by OSM.

(e) Notwithstanding § 773.11 of this chapter and except as prohibited by § 761.11 of this chapter, any person operating a coal preparation plant that was not subject to this chapter before July 6, 1984, may continue to operate without a permit until May 10, 1985, and may continue to operate beyond that date if (1) a permit application has been timely filed under paragraph (d)(1) of this section or under a State imposed schedule specified in paragraph (d)(2) of this section, (2) the regulatory authority has yet to either issue or deny the permit, and (3) the person complies with the applicable performance standards of § 827.13 of this chapter.

PART 827—PERMANENT PROGRAM PERFORMANCE STANDARDS—COAL PREPARATION PLANTS NOT LOCATED WITHIN THE PERMIT AREA OF A MINE

7. The authority citation for Part 827 continues to read as follows:

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

8. The introductory language of § 827.12 is revised to read as follows:

§ 827.12 Coal preparation plants: Performance standards.

Except is provided in § 827.13 of this part, the construction, operation, maintenance, modification, and removal activities at coal preparation plants shall comply with the following:

* * * * *

9. Section 827.13 is added as follows:

§ 827.13 Coal preparation plants: Interim performance standards.

(a) Persons operating coal preparation plants not subject to this chapter before July 6, 1984, shall comply with the applicable interim or permanent program performance standards of the State in which such plants are located, as follows:

(1) If located in a State in which either interim or permanent program performance standards apply to such plants, the program standards of the State program shall apply;

(2) If located in a State with a State program which must be amended in order to regulate such plants, the interim program performance standards in Subchapter B of this chapter shall apply; and

(3) If located in a State with a Federal program, all such plants shall be subject to the interim program performance standards in Subchapter B of this chapter.

(b) After a person described in paragraph (a) of this section obtains a permit to operate a coal preparation plant, the performance standards specified in § 827.12 shall be applicable to the operation of that plant instead of those specified in paragraph (a) of this section.

[FR Doc. 85–16377 Filed 7–9–85; 8:45 am]
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Federal Register

Wednesday
July 10, 1985

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 785, and 827

Surface Coal Mining and Reclamation Operations: Permanent Regulatory Programs; Definitions; Requirements for Permits for Special Categories of Mining; Coal Preparation Plants: Performance Standards; Interim Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 785, and 827

Surface Coal Mining and Reclamation Operations: Permanent Regulatory Programs; Definitions; Requirements for Permits for Special Categories of Mining; Coal Preparation Plants: Performance Standards

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

ACTION: Interim final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is amending certain portions of its regulations applicable to coal preparation plants and other offsite facilities. This action is being taken as a result of, and in compliance with, the District Court for the District of Columbia's July 6, 1984, ruling in *In Re: Permanent Surface Mining Regulation Litigation II.* The revised regulations will (1) bring additional coal preparation plants and other surface coal mining operations under the permanent program regulations of the Surface Mining Control and Reclamation Act of 1977 (the Act); (2) allow persons operating coal preparation plants not previously subject to OSM rules a certain period of time to obtain the permit required as a result of the Court ruling; and (3) make certain performance standards immediately applicable to such plants or facilities. The rules adopted on an interim basis by this action are on this same day being proposed by OSM in this issue of the **Federal Register**, so that public comment may be received and considered before OSM promulgates a final rule concerning the regulation of coal preparation plants.

DATES: This rule is effective on September 9, 1985. Public comments on the corresponding proposed rule should be submitted by September 18, 1985.

FOR FURTHER INFORMATION CONTACT: Raymond Aufmuth, Division of Permit and Environmental Analysis, OSM, Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone: (202) 343-1507.

SUPPLEMENTARY INFORMATION:

I. Background

The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act) sets forth general regulatory requirements governing surface coal mining operations and the surface impacts of underground coal mining. OSM has by regulation implemented or clarified many of the general requirements of the Act and set performance standards to be achieved by different operations. See 30 CFR Part 700 *et seq.*

On May 5, 1983, OSM promulgated a final rule intended to clarify the coverage under the Act of offsite coal preparation plants and support facilities. 48 FR 20392 (1983). In order to clarify OSM's jurisdiction, OSM adopted new definitions of "coal preparation or coal processing," "coal preparation plant," and "support facilities" and provided new preamble discussions of those rules. In part, the rules adopted in 1983 included a definition of "coal processing or coal preparation" which required that coal be separated from its impurities. The definition of support facilities included proximity as one factor to be considered.

These definitions were challenged in Round I of *In Re: Permanent Surface Mining Regulation Litigation II,* Civil Action No. 79-1144 (D.D.C. 1984). In a July 6, 1984, opinion in that case, the District Court for the District of Columbia determined that they improperly narrowed the regulatory scope of the Act. Specifically, the Court held that facilities which in any way leach, chemically process, or physically process coal should be regulated as coal preparation plants even if they do not separate coal from its impurities. The Court also held that the Act contemplated a functional test for determining what is a regulated support facility, rather than a limitation which includes an element of proximity. As a result of this ruling, the definitions of "surface coal mining operations," "coal preparation or coal processing," and "coal preparation plant" were remanded to the Secretary. Although the definition of "support facility" was not remanded, the Court's Memorandum Opinion clearly indicated that it also could not stand.

In order to implement the District Court's Order concerning offsite coal preparation plants OSM has decided to adopt an interim final rule, and simultaneously publish the identical rule as a proposal. Adoption of an interim final rule, without notice and comment, is justified in this instance because of the interpretive nature of the rule. The rule clarifies the effects of the July 1984 court ruling on facilities which leach or chemically or physically process coal or which result from or are incident to a regulated facility, and which do not have an element of proximity. Since the court decision, such facilities have been considered surface coal mining operations under the Act. This interim final rule and the accompanying proposal conform OSM's regulations to the Act and explain the applicability of performance standards, enforcement obligations and permitting requirements. This interim final rule is effective sixty days from today. This will ensure that facilities subject to the Act are promptly regulated. The notice of proposed rulemaking allows for public comment on the rules before they are adopted in permanent form.

II. Public Commenting Procedures

These rules are also being proposed today in this issue of the **Federal Register.** OSM welcomes public comments. Comments should be specific where possible and identify problems, if they exist, and offer potential solutions. The rules represent an attempt to formulate a balanced approach to recognizing on-the-ground realities while conforming to the requirements of law. Public participation in this effort is both essential and appreciated. Public commenting procedures are set out in the proposed rule.

III. Related Issues: Application of Prohibitions in Section 522(e)

As a result of the District Court's decision and this rulemaking, additional coal preparation plants and other surface coal mining operations are recognized as coming within the jurisdiction of the Act. Once within the jurisdictional ambit of the Act, such operations that were not in existence August 3, 1977, and that do not have "valid existing rights" are immediately subject to the prohibitions of section 522(e) of the Act. OSM plans to deal with this situation in the following manner. Surface coal mining operations within the areas subject to the § 522(e) prohibitions will be subject to those prohibitions immediately after the effective date of these rules. These facilities will be subject to enforcement actions by the regulatory authority. If OSM receives an inappropriate response to a "Ten Day Notice," OSM intends to issue a Notice of Violation which will provide an abatement period of approximately 30 days. In that time, an operator must obtain necessary waivers, demonstrate valid existing rights, demonstrate that the operation was existing on the date of enactment or

cease operations and initiate reclamation of the site. Any determination of "valid existing rights" made by OSM will be consistent with the March 22, 1985, District Court ruling in *In Re: Permanent Surface Mining Regulation Litigation II,* No. 79-1144 (D.D.C. 1985).

IV. Discussion of Rules Adopted

A. Amendment to Definition of "Surface Coal Mining Operations"

The statutory authority for the regulation of offsite coal preparation plants originates from the definition of "surface coal mining operations" in section 701(28)(A) of the Act. In relevant part that definition reads as follows:

> "[S]urface coal mining operations" means—
>
> (A) activities conducted on the surface of lands in connection with a surface coal mine or subject to the requirements of Section 516 surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting, and in situ distillation or retorting, *leaching or other chemical or physical processing,* and the cleaning, concentrating, or other processing or preparation, loading of coal for interstate commerce at or near the mine site . . . [emphasis added].

In implementing its May 5, 1983, regulations concerning offsite coal preparation plants, OSM interpreted the above definition to mean that the activities "leaching and other chemical or physical processing" were limited by the phrase "in situ." 48 FR 20395 (1983). In its decision remanding those regulations, the District Court held that such an interpretation was improper. In particular, the Court held that "in situ" modifies only "distillation or retorting," and that "chemical or physical processing" were surface coal mining operations whether performed "in situ" or not.

OSM's 1983 regulatory definition of "surface coal mining operations" at 30 CFR 700.5 tracked its statutory counterpart very closely. In pertinent part it read as follows:

> "[S]urface coal mining operations" means—
>
> (A) Activities conducted on the surface of lands in connection with a surface coal mine or, subject to the requirements of section 516 of the Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining; the uses of explosives and blasting; in situ distillation, retorting, leaching, or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine site . . . . 30 CFR 700.5 (1983).

This interim final rule revises the 1983 definition in accordance with the Court's interpretation of the statutory definition, as discussed in the preceding paragraph. Specifically, the comma between distillation and retorting will be replaced by an "or" and a semicolon will be placed after the phase "in situ distillation or retorting." This change will mean that "leaching, chemical or physical processing" will no longer be limited by the phrase "in situ." Thus, these operations will be regulated wherever they occur.

B. Amendments to Definitions at § 701.5

1. *Coal preparation.* This rule will replace the 1983 definition of the phrase "coal preparation or coal processing" which was formulated on the basis of OSM's previous interpretation of section 701(28)(A) of the Act. Under the 1983 rules "coal preparation or coal processing" meant the "cleaning concentrating, or other processing or preparation of coal in order to separate coal from its impurities." In accordance with the District Court's decision, this rule deletes the definition of "coal processing or preparation." In its place, the Department adopts a new definition of the term "coal preparation." Under the new definition "coal preparation" means the chemical or physical processing and the cleaning, concentrating or other processing or preparation of coal. Facilities which do not separate coal from its impurities will be included in this definition.

2. *Coal preparation plant.* The Department is revising the definition of "coal preparation plant" in order to track the revised definition of coal preparation discussed above.

3. *Support facilities.* The Department is suspending the definition of support facilities for several reasons. First, this is being done to implement the July 6, 1984, District Court decision in *In Re: Permanent Surface Mining Regulation Litigation II,* No. 79-1144 (D.D.C. 1984). There the Court ruled that the determination of whether a facility was subject to the Act cannot include an element of proximity. The definition of support facilities adopted in 1983 included an element of proximity. Accordingly, OSM is suspending the definition.

OSM has determined that no definition of support facilities is needed. OSM had none from 1977 to 1983. The 1983 definition was an attempt to more precisely define what things are considered to be resulting from or incident to the regulated activity. However, after careful reexamination, and in light of the Courts opinion, the department has determined that there is no need to amplify the language in the Act with respect to the meaning of activities that are "resulting from or incident to" a regulated activity. Furthermore, since support facilities are subject to the same performance standards as the mine they support, deletion of the definition eliminates possible confusion over whether support facilities are subject to different performance standards.

Suspension of the definition of "support facilities" does not mean that OSM will decline to regulate these facilities. All facilities which are resulting from or are incident to a regulated activity are regulated surface coal mining operations under the Act. As such, they are subject to the prohibitions of section 522(e) and applicable performance standards.

C. Amendments to 30 CFR 785.21; Schedule for Permitting Coal Preparation Plants

Section 785.21 establishes the permitting requirements for coal preparation plants. It requires any person who operates or intends to operate a coal preparation plant outside the permit area for a specific mine, other than those located at the site of use, to obtain a permit. To obtain a permit, an applicant must submit a permit application which demonstrates that the plant will comply with 30 CFR Part 827 and must describe the construction, operation, maintenance, and planned removal of such facilities.

The coal preparation plants made subject to OSM's regulations by the District Court's July 6, 1984, opinion and by the amendments contained herein will, of course, be required to obtain a permit. However, OSM recognizes that considerable time may be involved in applying for and obtaining a permit. OSM is therefore amending § 785.21 by adding new paragraphs (d) and (e) to set out a reasonable schedule for the permitting of plants which have only recently become subject to regulation under the Act.

New paragraph (d)(1) of § 785.21, requires any persons who plan to operate, after eight months from the

effective date of this rule, a coal preparation plant which was not subject to the regulations of 30 CFR Chapter VII prior to July 6, 1984, to apply for a permit no later than two months after the effective date of this rule.

New paragraph (d)(2) contains an important exception to the requirements of paragraph (d)(1). It provides that those States with State programs that have statutory or regulatory prohibitions precluding the issuance of permits to facilities covered by paragraph (d)(1) shall notify OSM within 60 days of the effective date of this rule that a program change is necessary. These States must then establish a timetable of the action to be taken in order to adopt appropriate measures and undertake permitting actions for all of the coal preparation plants located within their jurisdiction. The schedule is to be submitted to OSM for approval within 90 days of effective date of this rule. Operators must apply for permits in accordance with that schedule.

New paragraph (e) of § 785.21 provides that any person operating a coal preparation plant made subject to regulation by the July 6, 1984, decision and not subject to prohibition by 30 CFR 761.11 will be allowed to continue to operate without a permit until eight months from the effective date of this rule. Such persons will be allowed to operate past the eighth month deadline if (1) they have timely filed a permit application pursuant to paragraph (d)(1) or pursuant to a State imposed schedule specified in paragraph (d)(2); (2) the regulatory authority has yet to issue or deny the permit, and (3) the person complies with the applicable performance standards of § 827.13 of 30 CFR Chapter VII.

OSM has determined not to employ the ordinary State program review and notification process of 30 CFR 732.17 to ensure that the changes to the definition of the term "surface coal mining operations" and the permitting schedule in § 785.21(d)(2) will be most effectively implemented. This is being done because of the ease of notifying all States at once in this notice and to allow States the first opportunity to determine whether their programs already allow for implementation of these rules.

Under the approach adopted, States are required to review their own programs and advise OSM if they need to make program amendments to implement these rules. Because the States are in a better position to interpret their own programs, this will avoid possible misunderstandings and unnecessary interpretative problems.

D. Amendments to Part 827

Part 827 of 30 CFR sets forth the permanent program performance standards for coal preparation plants not within the permit area for a specific mine. Rather than make the permanent program standards immediately applicable to the coal preparation plants made subject to regulation by the District Court's decision, OSM is amending Part 827 so that interim performance standards will apply to such plants until the permanent program permit for such plant is issued. Such a provision is reasonable because the permanent program performance standards are tied to the issuance of a permit. The interim program performance standards are keyed to direct enforcement not based upon the existence of a permit.

In order to avoid the requirements of § 827.12 which specify the permanent program performance standards applicable to coal preparation plants, OSM is amending that section by placing at its beginning the phrase "Except as provided in § 827.13 of this part." OSM is also adopting new § 827.13(a) which applies performance standards to coal preparation plants not subject to regulation prior to July 6, 1984, on the basis of the regulatory program of the State in which they are located. For example, if such a plant is located in a State in which either interim or permanent program performance standards apply by State statute or regulation, the program standards of that State shall apply, as specified by the terms of the State program, and will be enforced by the State. That is, if the State program applies interim standards until a permit is obtained, interim standards will be used. If the State applies permanent program standards to these facilities, those standards would be used. If, however, such a plant is located in a State with a State program which must be amended in order to regulate it, the interim program performance standards in Subchapter B of 30 CFR Chapter VII will apply. Such standards would be enforced by the State unless there was some statutory or regulatory bar to such enforcement in which case OSM would enforce the standards. Although States will apply this interim program performance standard, inspection frequency will be as required under the permanent program. Finally if such a plant is located in a State with a Federal program, it will be subject to the interim performance standards in Subchapter B of 30 CFR which will be enforced by OSM.

Paragraph (b) of new § 827.13 provides that as soon as persons operating coal preparation plants made subject to regulation as of July 6, 1984, obtain a permit, they will become subject to the permanent program performance standards specified in § 827.12.

IV. Procedural Matters

Federal Paperwork Reduction Act

The information collection requirements in § 785.21 were submitted to the Office of Management and Budget in 1983 under 44 U.S.C. 3507 and assigned clearance number 1029–0040 (§ 785.21). This interim final rule contains no information collection requirements that were not covered by the previous approval.

Executive Order 12291

The Department of the Interior (DOI) has examined the interim final rule according to the criteria of Executive Order 12291 (February 17, 1981) and has determined that it is not a major rule and does not require a regulatory impact analysis. This rule will impose only minor costs to the coal industry since relatively few operations will be affected. Likewise, the impact upon the consumers of coal will be negligible.

Regulatory Flexibility Act

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* that the interim final rule will not have a significant economic impact on a substantial number of small entities. This rule will impact a relatively small number of coal operators the majority of which would not be small entities.

National Enviromental Policy Act

OSM has determined that this interim final rule is covered adequately by the existing environmental impact statement titled "Final Environmental Impact Statement, OSM EIS–1: Supplement," and that the preparation of any additional environmental documents under section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c), is not required.

List of Subjects

30 CFR Part 700

Coal mining, Environmental protection, Surface coal mining operations.

30 CFR Part 701

Coal mining, Law enforcement, Surface mining, Underground mining.

30 CFR Part 785

Coal mining, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 827

Coal mining, Environmental protection, Surface mining, Underground mining.

Accordingly, 30 CFR Parts 700, 701, 785, and 827 are amended as follows:

Dated: June 3, 1985.

J. Steven Griles,

Deputy Assistant Secretary for Land and Minerals Management.

1. The authority citation for Part 700 continues to read as follows:

Authority: Secs. 102, 201, 304, 405, 407, 412, 501, 510, 512, 515, 516, 517, 520, 523, 527, 528, 529, 701, 708, 710, 719, Pub. L. 95-87, 91 Stat. 448, 449, 454, 462, 466, 467, 480, 483, 486, 495, 498, 503, 510, 513, 514, 515, 516, 521, 526 (30 U.S.C. 1202, 1211, 1224, 1235, 1237, 1242, 1251, 1260, 1262, 1265, 1266, 1267, 1270, 1273, 1278, 1279, 1291, 1298, 1309), unless otherwise noted.

2. Section 700.5 is amended by revising paragraph (a) of the definition of "surface coal mining operations" to read as follows:

§ 700.5 Definitions.

* * * * *

Surface coal mining operations means—

(a) Activities conducted on the surface of lands in connection with a surface coal mine or, subject to the requirements of section 516 of the Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining; the use of explosives and blasting; in-situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine site. *Provided,* these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed 16⅔ percent of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to section 512 of the act; and *provided further,* that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

* * * * *

PART 701—PERMANENT REGULATORY PROGRAM

3. The authority citation for Part 701 continues to read as follows:

Authority: Secs. 102, 201, 501-529, 701, 705, 708, 710, 711, 713, 714, 715, 716, 717, 719, Pub. L. 95-87, 91 Stat. 448, 449, 467-515, 516, 519, 520, 521, 523, 524, 525; and 526 (30 U.S.C. 1202, 1211, 1251-1279, 1291, 1295, 1298, 1301, 1304, 1305, 1306, 1307, 1309) unless otherwise noted.

4. Section 701.5 is amended by removing the definition of "coal preparation or coal processing," by adding a definition of "coal preparation," by revising the definition of "coal preparation plant" and by suspending the definition of "support facilities", in alphabetical order as follows:

§ 701.5 Definitions.

* * * * *

Coal preparation means chemical or physical processing and the cleaning, concentrating, or other processing or preparation of coal.

Coal preparation plant means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other processing or preparation. It includes facilities associated with coal preparation activities, including, but not limited to the following: loading facilities; storage and stockpile facilities; sheds; shops, and other buildings; water-treatment and water-storage facilities; settling basins and impoundments; and coal processing and other waste disposal areas.

* * * * *

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

5. The authority citation for Part 785 continues to read as follows:

Authority: Secs. 102, 201, 501(b), 503, 504, 506, 507, 508, 509, 510, 511, 513, 514, 516, 517, 519, 527, 529, 701, 710, and 711, Pub. L. 95-87, 91 Stat. 445, 30 U.S.C. 1202, 1211, 1251, 1253, 1254, 1256, 1257, 1258, 1259, 1260, 1261, 1263, 1264, 1265, 1266, 1267, 1269, 1277, 1279, 1291, 1301), unless otherwise noted.

6. Section 785.21 is revised by adding paragraphs (d) and (e) to read as follows:

§ 785.21 Coal preparation plants not located within the permit area of a mine.

* * * * *

(d)(1) Except as provided in paragraph (d)(2) of this section, any person who operates a coal preparation plant beyond May 10, 1985 that was not subject to this chapter before July 6, 1984, shall apply for a permit no later than November 11, 1985.

(2)(i) States with State programs that have a statutory or regulatory bar precluding issuance of permits to facilities covered by paragraph (d)(1) of this section shall notify OSM not later than November 7, 1985 and shall establish a schedule for actions necessary to allow the permitting of such facilities as soon as practicable. Not later than December 9, 1985 this schedule shall be submitted to OSM for approval.

(ii) Any person who operates a coal preparation plant that was not subject to this chapter before July 6, 1984, in a state which submits a schedule in accordance with paragraph (d)(2)(i) of this section shall apply for a permit in accordance with the schedule approved by OSM.

(e) Notwithstanding § 773.11 of this chapter and except as prohibited by § 761.11 of this chapter, any person operating a coal preparation plant that was not subject to this chapter before July 6, 1984, may continue to operate without a permit until May 10, 1985, and may continue to operate beyond that date if (1) a permit application has been timely filed under paragraph (d)(1) of this section or under a State imposed schedule specified in paragraph (d)(2) of this section, (2) the regulatory authority has yet to either issue or deny the permit, and (3) the person complies with the applicable performance standards of Section 827.13 of this chapter.

PART 827—PERMANENT PROGRAM PERFORMANCE STANDARDS—COAL PREPARATION PLANTS NOT LOCATED WITHIN THE PERMIT AREA OF A MINE

7. The authority citation for Part 827 continues to read as follows:

Authority: Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*

8. The introductory language of § 827.12 is revised to read as follows:

§ 827.12 Coal preparation plants: Performance standards.

Except as provided in § 827.13 of this part, the construction, operation, maintenance, modification, reclamation, and removal activities at coal preparation plants shall comply with the following:

* * * * *

9. Section 827.13 is added as follows:

§ 827.13 Coal preparation plants: Interim performance standards.

(a) Persons operating coal preparation plants not subject to this chapter before July 6, 1984, shall comply with the applicable interim or permanent

program performance standards of the State in which such plants are located, as follows:

(1) If located in a State in which either interim or permanent program performance standards apply to such plants, the program standards of the State program shall apply;

(2) If located in a State with a State program which must be amended in order to regulate such plants, the interim program performance standards in Subchapter B of this chapter shall apply; and

(3) If located in a State with a Federal program, all such plants shall be subject to the interim program performance standards in Subchapter B of this chapter.

(b) After a person described in paragraph (a) of this section obtains a permit to operate a coal preparation plant, the performance standards specified in § 827.12 shall be applicable to the operation of that plant instead of those specified in paragraph (a) of this section.

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