State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Region II					
New York: Ulster	Hurley, town of	360857B	June 20, 1975, emergency; July 3, 1985, regular; July 3, 1985, suspended.	May 31, 1974 and May 28, 1976	Do.
Region IV					
North Carolina:					
Chowan	Unincorporated areas	370301B	Aug. 25, 1977, emergency; July 3, 1985, regular; July 3, 1985, suspended.	Jan. 27, 1978	Do.
Do	Edenton, town of	370062C	Nov. 14, 1973, emergency; Sept. 15, 1977, regular; July 3, 1985, suspended.	Feb. 15, 1974, Aug. 6, 1976 and Sept. 15, 1977	Do.
Region VI					
Texas: Brazoria	Lake Jackson, city of	485484D	Sept. 25, 1970, emergency; July 7, 1972, regular; July 3, 1985, suspended.	July 7, 1972, July 1, 1974, July 25, 1975 and Mar. 18, 1977.	Do.
Region VII					
Iowa: Black Hawk	Waterloo, city of	190025E	May 7, 1971, emergency; July 3, 1985, regular; July 3, 1985, suspended.	June 28, 1974, Sept. 19, 1975, Sept. 13, 1977, May 6, 1980 and July 5, 1984.	Do.
Missouri:					
Newton	Granby, city of	29063B	Aug. 26, 1975, emergency; Nov. 11, 1975 regular; July 3, 1985, suspended.	Apr. 12, 1974 and Nov. 7, 1975.	Do.
Cass	Peasant Hill, city of	295269B	Apr. 9, 1971, emergency; Apr. 28, 1972, regular; July 3, 1985, suspended.	Sept. 15, 1972, July 1, 1974 and Dec. 26, 1975	Do.
Colorado: Ouray	Unincorporated areas	080136A	July 18, 1975, emergency; July 3, 1985, regular; July 3, 1985, suspended.		Do.
California: Shasta	Redding, city of	060360B	June 18, 1975, emergency; July 3, 1985, regular; July 3, 1985, suspended.	Dec. 20, 1974 and June 21, 1977.	Do.
Region II Minimal Conversions					
New York:					
Columbia	Canaan, town of	361313C	Jan. 27, 1976, emergency; July 3, 1985, regular; July 3, 1985, suspended.	Nov. 1, 1974, May 21, 1976 and July 1, 1977.	Do.
Herkimer	Cold Brook, village of	360298B	Feb. 10, 1976, emergency; July 3, 1985, regular; July 3, 1985, suspended.	Feb. 11, 1977	Do.
Jefferson	LeRay, town of	360341C	June 12, 1975, emergency; July 3, 1985, regular; July 3, 1985, suspended.	June 28, 1974, Dec. 12, 1975 and Oct. 8, 1976.	Do.
Herkimer	Norway, town of	361110B	June 25, 1975, emergency; July 3, 1985, regular; July 3, 1985, suspended.	Nov. 1, 1974 and July 2, 1976	Do.
Jefferson	Rodman, town of	360349B	July 29, 1975, emergency; July 3, 1985, regular; July 3, 1985 suspended.	June 21, 1974 and Dec. 10, 1976.	Do.
Herkimer	Salisbury, town of	360317B	Mar. 16, 1981, emergency; July 3, 1985, regular; July 3, 1985, suspended.	June 7, 1974 and July 16, 1976.	Do.
Lewis	Watson, town of	360377B	May 4, 1976 emergency; July 3, 1985, regular; July 3, 1985, suspended.	Nov. 1, 1974 and July 16, 1976.	Do.
Region III					
Pennsylvania:					
Clarion	Elk, town of	422365A	Feb. 11, 1976, emergency; July 3, 1985, regular; July 3, 1985, suspended.	Jan. 31, 1975	Do.
Clarion	Farmington, township of	422366B	Aug. 21, 1975 emergency; July 3, 1985, regular; July 3, 1985, suspended.	Jan. 17, 1975 and Jan. 25, 1980.	Do.
McKean	Sergeant, township of	422474B	Aug. 5, 1975, emergency; July 3, 1985, regular; July 3, 1985, suspended.	Feb. 14, 1975 and July 4, 1980.	Do.
Crawford	West Fallowfield, township of	422651B	May 23, 1977, emergency; July 3, 1985, regular; July 3, 1985, suspended.	Apr. 21, 1978	Do.

[1] Date certain Federal assistance no longer available in special flood hazard areas.

Code for Reading 4th column:

Emerg.—Emergency
Reg.—Regular
Susp.—Suspension

Issued: June 24, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-15565 Filed 6-28-85; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 64

[Docket No. FEMA 6666]

List of Communities Eligible for the Sale of Flood Insurance; Oklahoma et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, 500 C Street Southwest, Donohoe Building, Room 416, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published. Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

The authority citation for Part 64 continues to read as follows:

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

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of Eligible Communities.

State and county	Location	Community	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Oklahoma: Creek	Unincorporated areas	400490	May 6, 1985, emergency	May 19, 1981.
Arkansas: Lonoke	Lonoke, city of	050341A	May 6, 1985, emergency; May 6, 1985 regular	Mar. 26, 1976 and Mar. 15 1982.
Kansas: Cherokee	Unincorporated areas	200044A	May 10, 1985, emergency	May 10, 1977.
New York: Dutchess	Red Hook, village of, Dutchess County	361614—New	May 10, 1985, emergency; May 10, 1985, regular	NSFHAs.
Missouri:				
Dunklin	Unincorporated areas	290122A	May 15, 1985, emergency	Apr. 19, 1983.
Grundy	do	290150A	do	Dec. 1, 1983.
Livingston	do	290614A	do	Dec 15, 1983.
Oregon: Marion	Keizer, City of [1]	410288	Dec. 10, 1971, emergency; Aug. 15, 1979, regular	May 1, 1985.
Michigan: Oakland	Bingham Farms, Village of	260713A	May 15, 1985, emergency; May 15, 1985, regular	Jan. 3, 1985.
Texas: Travis	Lago Vista, City of [2]	481588—New	Jan. 29, 1976, emergency; Apr. 1, 1982, regular	
Minnesota: Pine	Pine City, City of	270346B	Mar. 26, 1975, emergency; Dec. 1, 1981, regular; Dec. 1, 1981, suspended; May 21, 1985, reinstatement.	Jan. 9, 1974 and June. 18, 1976.
Pennsylvania:				
Butler	Cherry, Township of	422342B	Mar. 7, 1977, emergency; May 1, 1985, regular; May 1, 1985, suspended; May 24, 1985, reinstatement.	Jan. 10, 1975 and Jan. 16, 1981.
Butler	Venango, township of	422359A	June 3, 1977, emergency; May 1, 1985, regular; May 1, 1985, suspended; May 24, 1985, reinstatement.	Jan. 24, 1975.
Colorado: Eagle	Avon, town of	080308—New	May 22, 1985, emergency	
Georgia: Carroll	Unincorporated areas	130464	May 28, 1985, emergency	Aug. 11, 1978.
Arizona: Mohave	Bullhead City, city of [3]	040125—Ndew.	May 6, 1974, emergency; Mar. 15, 1982, regular	
West Virginia: Jackson	Unincorporated areas	540063B	Nov. 25, 1975, emergency; May 1, 1985, regular; May 1, 1985, suspended; May 13, 1985, reinstatement.	Jan. 17, 1975 and Oct. 23, 1981.
New York: Cortland	Cincinnatus, city of	360177B	July 7, 1975, emergency; May 15, 1985, regular; May 15, 1985, suspended; May 22, 1985, reinstatement.	Apr. 5, 1974 and July 17, 1976.
Kentucky: Harrison	Unincorporated areas	210329B	May 31, 1985, emergency; May 31, 1985, regular	Aug. 26, 1977 and Nov. 4, 1981.
North Carolina: Haywood	Waynesville town of	370124B	July 2, 1975, emergency; Jan. 6, 1983, regular; Jan. 6, 1983, suspended; May 29, 1985, reinstatement.	Mar. 8, 1974 and Nov. 29, 1974, Aug. 27, 1976, and Jan. 6, 1983.
Region I				
Massachusetts: Barnstable	Harwich, town of	250008C	May 15, 1985, suspension withdrawn	July 19 1974, Oct. 22, 1976 and Sept. 30, 1980.
Region II				
New Jersey: Morris	Mount Olive, township of	340353B	do	Jan. 18, 1974 and Mar. 19, 1976.
Region III				
Maryland: Talbot	Unincorporated areas	240066A	do	Apr. 25, 1975.
Region V				
Ohio: Logan	do	390772C	do	Feb. 3, 1978 and July 13, 1979.
Region VI				
Louisiana: Vermilion Parish	do	220221D	do	May 31, 1977, May 9, 1978 and Oct. 1, 1983.
Region VIII				
Colorado: Jefferson	Golden, city of	080090A	do	Nov. 5, 1976.
Region II Minimal Conversions				
New York:				
Lewis	Denmark, town of	360363B	May 15, 1985, suspension withdrawn	June 28, 1974 and May 28, 1976.

State and county	Location	Community	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Warren	Hague, town of	360873	do	Nov. 5, 1976, Mar. 10, 1978, Dec. 21, 1979 and Dec. 11, 1981.
Columbia	Hillsdale, town of	361320A	do	Jan. 3, 1975.
Cortland	Marathon, town of	361327B	do	Nov. 29, 1974 and July 2, 1976.
Essex	North Hudson, town of	361391A	do	July 11, 1975.
Cortland	Preble, town of	360185B	do	Feb. 15, 1974 and July 16, 1976.
Tioga	Richford, town of	361216B	do	Dec. 20, 1974 and July 23, 1976.
Essex	Schroon, town of	361158B	do	Do.
Cortland	Scott, town of	361328B	do	Nov 1, 1974 and June 25, 1976.
Do	Solon, town of	361329A	do	Jan. 17, 1975 and July 30, 1976.
Do	Harford, town of	360180	do	June 28, 1974 and May 28, 1976.

[1] City of Keizer is a new community eligible 5-10-85. Was formerly under Marion County, Oregon (#410154).

[2] The City of Lago Vista, (Travis County) is a newly incorporated community eligible 5-23-85 that was participating in the Regular Program as an unincorporated area of Travis County. The City has adopted the County's FIS and FIRM for floodplain management and insurance purposes.

[3] The City of Bullhead City, (Mohave County) is a newly incorporated community eligible 5-28-85 that was participating in the Regular Program as an unincorporated area of Mohave County. The City has adopted the County's Flood Insurance Study and Flood Insurance Rate Map for floodplain management and insurance purposes.

Code for reading 4th Column:

Emerg.—Emergency
Reg.—Regular
Susp.—Suspension
Rein.—Reinstatement

Issued: June 24, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85-15566 Filed 6-28-85; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 153

[CGD 81-078]

Safety Rules for Self-Propelled Vessels Carrying Hazardous Liquids

Correction

In FR Doc. 85-9364 beginning on page 21166 in the issue of Wednesday, May 22, 1985, make the following correction:

§ 153.8 [Corrected]

On page 21171, in the table, first column, in the forty-second line, "Dichloropropene" should have read "Dichloropropane".

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 504

[APD 2800.12 CHGE13]

General Services Administration Acquisition Regulation; Contract Files

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) Chapter 5, is amended to revise Subpart 504.8, Contract Files, to clarify who is responsible for contract files, to add procedures for transferring contract files from one office to another or from one contracting officer to another, to supplement FAR procedures on closing out contract files, and to supplement FAR coverage on the disposal of contract files. The intended effect is to improve the regulatory coverage and to provide uniform procedures for use by GSA contracting activities.

EFFECTIVE DATE: June 18, 1985.

FOR FURTHER INFORMATION CONTACT: L. Gaye Hirz-Kester, Office of GSA Acquisition Policy and Regulations (VP), (202) 523-4763.

SUPPLEMENTARY INFORMATION:

Background

On April 24, 1985, the General Services Administration published in the **Federal Register** (50 FR 16115) GSAR Notice 5-90 inviting comments from interested parties on these proposed changes to the regulation and provided a 30-day comment period. No public comments were received. Comments received from various elements within GSA were analyzed, reconciled, and incorporated, if applicable, into this final rule.

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule has no impact outside the agency. It establishes procedures for transferring files within the agency from one office to another or from one contracting officer to another. Therefore, no regulatory flexibility analysis has been prepared. This rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 504

Government procurement.

1. The authority citation for 48 CFR Part 504 continues to read as follows:

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

2. The table of contents for Part 504 is amended by revising the title of section 504.103 and by adding section 504.804-5 and 504.805 as set forth below:

PART 504—ADMINISTRATIVE MATTERS

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

3. Section 504.800 is revised to read as follows:

504.800 Scope of subpart.

This subpart prescribes requirements for using a standard contract file format for all contracts, except leases of real property, that exceed the small purchase limitation. The application of this subpart to small purchases is optional.

4. Section 504.802 is revised to read as follows:

504.802 Contract files.

(a) *Standardization of files.* Professionalism in acquisition dictates that contract files be complete and able to stand on their own. To achieve this goal and to facilitate processing and administration of contracts at all levels, contract files are to be organized in a standardized manner throughout the agency. Therefore, all contracts over $25,000 must be supported with an official contract file containing all necessary information and documentation in accordance with the requirements outlined in FAR 4.802 and 4.803. The documents shall be organized in accordance with the standard contract file format in GSAR 504.803.

(b) *Responsibility for contract files.* The contracting officer shall be responsible for the official file. All documents pertaining to the contract shall be forwarded by those initiating them to the contracting officer for inclusion in this file. The contracting officer is also responsible for the accountability of contract files transferred to the records center and for knowing the location of the files as provided by the National Archives and Records Administration.

(c) *Transfer of responsibility for contract files.* (1) When responsibility for a contract is transferred from one contracting officer to another, e.g., transfer of assignments or redelegation of contract administration (intraoffice or interoffice), the contracting officer transferring the files shall prepare a detailed listing by file number and/or name to identify the file(s) to be transferred.

(2) If available, duplicates of the files to be transferred must be retained by the contracting officer until acknowledgement of receipt of the transferred files by the contracting officer is received. However, duplicate files should not be created for the transfer.

(3) The original contracting officer transferring the files shall retain one copy of the listing and send a copy of the listing to the successor contracting officer under a separate mailing as advance notice of the files to be transferred.

(4) The files to be transferred to the successor contracting officer must be sent by certified mail, return receipt requested, when appropriate, or by another method so as to obtain a signature of the successor contracting officer for receipt of the contract files that are transferred. The transferred files must be accompanied by two copies of the listing to the successor contracting officer.

(5) The successor contracting officer, who becomes responsible for the files, shall sign one copy of the listing certifying that he/she has received the files listed and return the signed copy to the contracting officer that transmitted the files.

5. Section 504.803 is amended by revising the introductory text of paragraph (a), paragraphs (a)(12), (13), (14), (18), and (24); deleting paragraph (a)(25) and redesignating paragraphs (a)(26) through (a)(30) as (a)(25) through (a)(29) and revising new paragraphs (a)(25) through (a)(29); revising paragraphs (b) and (c); and deleting paragraph (d) as follows:

504.803 Contents of contract files.

(a) The items listed therein shall be placed in the contract file in reverse order; i.e., item (1) should be placed on the bottom of the file, item (2) on top of item (1), etc.

* * * * *

(12) Cost or pricing data. Where the requirement for submission of cost or pricing data is waived, as provided in FAR 15.804-3, the waiver and documentation supporting the waiver should be filed under this tab.

(13) Field pricing report (see FAR 15.805-5 and GSAR 515.805-5). Where the requirement for a field pricing report of a price proposal is waived, as provided in FAR 15.805-5, the waiver and documentation supporting the waiver should be filed under this tab.

(14) Price or cost analysis report prepared under FAR 15.808. Supporting technical analyses, other than those supporting an audit report, should be filed under this tab. The profit or fee analysis required by FAR Subpart 15.9 should be made a part of the price or cost analysis report. In those cases where an independent Government estimate is prepared, it should also be made a part of the price or cost analysis report.

* * * * *

(18) EEO compliance review.

* * * * *

(24) Contractual action. Subcontracting plans that are incorporated in and made a material part of a contract as required by FAR 19.705-5(a)(5) should be filed under this tab. Where an award is to be accomplished by use of the award portion of the SF 33, or similar forms, the contract document should be included in TAB 23.

* * * * *

(25) Evidence of concurrence for legal sufficiency of the appropriate counsel (if applicable).

(26) Any required approvals—GSA Form 1535, Recommendation for Award (if applicable).

(27) GSA Form 2932, Proposed Substantial Contract Award (if applicable).

(28) Standard Form 99, Notice of Award of Contract, (if applicable).

(29) GSA Form 3439, GDA/FPDS Individual Contract Action Report.

(b) The contract file must be numerically tabbed as required by GSAR 504.803(a). Documents within the tab should be filed chronologically with the most recent document on top. If any of the documents are too voluminous to be placed under the applicable tab, they should be included in a separate file and the tab annotated with the location of the file. All of the items described will not always be needed for each contract action. Unneeded items, therefore, will be self deleting. If a tab is not required for a particular action, it should be omitted from that contract file.

(c) An index of the file tabs should be prepared and placed in the file. Items which do not apply should be so marked and if necessary, a brief explanation included. In order to facilitate the preparation of the index, each service/office may prepare a standard contract file checklist based on the requirements of GSAR 504.803(a) appropriate to that particular service/office. The requirements of a particular service/office may make appropriate the inclusion of sub-headings under a tab or, if deemed necessary, additional items.

6. Sections 504.804-5 and 504.805 are added to read as follows:

504.804-5 Detailed procedures for closing out contract files.

When the statement required by FAR 4.804-5(b) is completed, the administrative contracting officer (ACO) shall forward the statement and the contract files to the cognizant procuring contracting officer (PCO). The ACO shall follow the procedures outlined in GSAR 504.802(c) when transferring the files to the PCO.

504.805 Disposal of contract files.

The contracting officers' accountability for contract files shall terminate at the end of their retention period when the notice of disposal is received from the National Archives and Records Administration, and disposal is approved by the contracting officer's immediate suppervisor with the contracting officer's concurrence.

Dated: June 18, 1985.

Richard H. Hopf, III

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 85-15692 Filed 6-28-85; 8:45 am]

BILLING CODE 6820-61-M

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48 CFR Part 533

[Acquisition Circular AC-85-4]

Protests to the General Accounting Office (GAO)

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This Acquisition Circular temporarily amends section 533.104 (b) and (c) of the General Services Administration Acquisition Regulation, to implement Federal Acquisition Circular 84-9 which revised the Federal Acquisition Regulation (FAR) to comply with the "stay" and "damages" provisions of the Competition in Contracting Act of 1984 (CICA). The intended effect is to provide guidance to GSA contracting activities pending a revision to the regulation.

EFFECTIVE DATE: June 21, 1985.

Expiration Date: This Acquisition Circular will expire December 21, 1985, unless canceled earlier or extended.

Comment Date: Comments must be submitted on or before August 30, 1985.

ADDRESS: Comments may be submitted to Ida Ustad, 18th & F Streets, NW., Room 4027, Office of GSA Acquisition Policy and Regulations, Washington, D.C., 20405, (202) 523-4754.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations (VP), (202) 523-4754.

SUPPLEMENTARY INFORMATION: Pursuant to section 22(d) of the Office of Federal Procurement Policy Act, as amended, a determination has been made to waive the requirement for publication of procurement procedures for public comment before the regulation takes effect. The need to comply with the statutory provisions of the CICA regarding "staying" awards or performance and awarding "damages" is an urgent and compelling circumstance that makes advance publication impracticables. The General Services Administration certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). This rule implements the Federal Acquisition Regulations by providing internal agency procedures for making determinations regarding suspending the award or performance of contracts. Accordingly, no regulatory flexibility analysis has been prepared. This rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq.

List of Subjects in 48 CFR Ch. 5

Government procurement.

1. The authority citation for 48 CFR Part 533 continues to read as follows:

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

2. 48 CFR Part 533 is amended by the following acquisition circular.

June 21, 1985.

General Services Administration Acquisition Regulation Acquisition Circular AC-85-4

To: All contracting activities
Subject: Protests to the General Accounting Office (GAO).

1. *Purpose.* This Acquisition Circular temporarily amends Section 533.104 (b) and (c) of the General Services Administration Acquisition Regulation (GSAR), 48 CFR Ch. 5 (APD 2800.12), to implement FAC 84-9 which revised the Federal Acquisition Regulation (FAR) to comply with the "stay" and "damages" provision of the Competition in Contracting Act of 1984 (CICA).

2. *Background.* FAC 84-6, which initially implemented the CICA protest provisions, did not implement the "stay" provisions in 31 U.S.C. 3553 (c) and (d) and the GAO "damages" provision in 31 U.S.C. 3554(c) based on guidance from the Department of Justice and direction from the Office of Management and Budget (OMB). On June 5, 1985, as a result of a decision in *Ameron, Inc.* v. *U.S. Army Corps of Engineers,* Civil No. 85-1064, May 28, 1985, (D.C.N.J.), the Department of Justice advised the responsible Federal agencies to revise FAC-84-6 to comply with the cited provisions pending further appeal. In the referenced case, the district court issued a permanent injunction requiring the defendants, including Defense Secretary Weinberger, to refrain from applying FAC-84-6 or OMB Bulletin No. 85-8 insofar as they conflict with the "stay" provisions and to secure the issuance of regulations which comply with and implement the statutory provision. The Attorney General has decided that the Government will comply with the "damages" provision during the same period even though compliance with that statutory provision is not required by the permanent injunction. Accordingly, FAC 84-9 revised those portions of FAC 84-6 that were inconsistent with the statute.

3. *Effective date.* June 21, 1985.

4. *Expiration date.* This circular expires 6 months after issuance (December 21, 1985) unless cancelled earlier.

5. *Reference to regulation.* Section 533.104 (b) and (c) of the General Services Administration Acquisition Regulation.

6. *Explanation of change.* Section 533.104 is amended to revise paragraph (b) and (c) to read as follows:

533.104 Protests to GAO.

* * * * *

(b) *Protests before award.* In accordance with FAR 33.104(b), the HCA may determine in writing that urgent and compelling circumstances which significantly affect the interests of the United States will not permit awaiting the decision of GAO and award is likely to occur within 30 calendar days. The written determination and findings (D&F) should be prepared by the contracting officer for the signature of the HCA. The D&F must be concurred in by the Regional Counsel (on regional procurements), and the appropriate Assistant General Counsel. After the D&F is approved, it must be returned to the appropriate Assistant General Counsel who will notify GAO of the Agency's findings and intended action before the award is made.

(c) *Protests after award.* The procedure in paragraph (a) apply to the handling of protests after award. If the protest is received within 10 days after award, contract performance shall be suspended in accordance with FAR 33.104(c) unless the HCA determines in writing that contract performance will be in the best interests of the United States or that urgent and compelling circumstances that significantly affect the interests of the United States will not permit waiting for the GAO's decision. The written determination and findings (D&F) should be prepared by the contracting officer for signature of the HCA. The D&F must be concurred in by the Regional Counsel (on regional procurements), and the appropriate Assistant General Counsel. After the D&F is approved, it must be returned to the assistant General Counsel who will notify GAO of the agency's findings and intended action before contract performance is authorized.

Richard H. Hopf, III,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 85-15693 Filed 6-28-85; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Two Kinds of Northern Flying Squirrel

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status for two kinds of northern flying squirrel found in the Appalachian Mountains of North Carolina, Tennessee, Virginia, and West Virginia. Both are evidently very rare and jeopardized by habitat loss, human disturbance, and competition with, and the transfer of a lethal parasite from, the more common southern flying squirrel. This rule implements the protection of the Endangered Species Act of 1973, as amended, for these two kinds of northern flying squirrel.

DATE: The effective date of this rule is July 31, 1985.

ADDRESS: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771 or FTS 235-2771).

SUPPLEMENTARY INFORMATION:

Background

The so-called flying squirrels do not actually fly, but are capable of extensive and maneuverable gliding by means of a furred, sheetlike membrane along the sides of the body, between the fore and hind limbs. There are 35 species, most of them in the forested parts of Eurasia (Nowak and Paradiso 1983). Only two species occur in North America: the southern flying squirrel (*Glaucomys volans*), found in extreme southeastern Canada, the eastern half of the United States, Mexico, and Central America; and the northern flying squirrel (*Glaucomys sabrinus*), found mainly in Canada, Alaska, and the western and northern parts of the conterminous United States (Hall 1981).

Until well into the 20th century, *G. sabrinus* was not known to occur in the eastern United States to the south of New York. Then Miller (1936) described the subspecies *G. s. fuscus*, based on specimens collected in the Appalachian Mountains of eastern West Virginia, and Handley (1953) described *G. s. coloratus*, from specimens taken in the Appalachians of eastern Tennessee and western North Carolina. Subsequently, *G. s. fuscus* was found also in the southwestern part of Virginia (Handley 1980). For purposes of convenience, *G. s. coloratus* may be referred to as the Carolina northern flying squirrel, and *G. s. fuscus* as the Virginia northern flying squirrel.

According to Handley (1953), seven specimens of *G. s. coloratus* averaged 286 millimeters (11¼ inches) in total length and 134 millimeters (5¼ inches) in tail length, and five specimens of *G. s. fuscus* averaged 266 millimeters (10½ inches) in total length and 115 millimeters (4½ inches) in tail length. The coloration of both subspecies is generally brown above and buffy or orange white below. *G. s. coloratus* is the darker of the two, but both are considerably darker than the subspecies of *G. sabrinus* found farther to the north in the eastern U.S.

There has long been recognition that *G. s. coloratus* and *G. s. fuscus* are rare and that their survival might be in jeopardy. Since their original discovery, only about 30 specimens are known to have been collected, dead or alive, and at only about 8 localities. Recent efforts have failed to find these squirrels at most of these same localities. There are numerous actual or potential problems. Both subspecies may have been declining since the Pleistocene, along with the contraction of suitable boreal forest habitat. They now have relictual distributions in widely scattered areas at high elevations. Their decline has probably been accelerated through clearing of forests and other disturbances by people. They apparently are being displaced in at least some areas by the more adaptable and aggressive southern flying squirrel (*G. volans*). In addition, there is growing evidence that the nematode parasite *Strongyloides*, which is carried without obvious harm by *G. volans*, is being transferred to *G. sabrinus* with lethal effect.

Handley (1980) classified *G. s. fuscus* as "endangered" in Virginia. The West Virginia Department of Natural Resources includes this subspecies in its list of animals of special concern, and refers to it as being of "scientific interest." Weigl (1977) classified *G. s. coloratus* as "threatened" in North Carolina. Kennedy and Harvey (1980) indicated that *G. s. coloratus* is considered to be "deemed in need of special management" by the Tennessee Wildlife Resources Agency and to be of "special concern" by the Tennessee Heritage Program. In a report published by the U.S. Forest Service, Lowman (1975) stated that *G. s. coloratus* and *G. s. fuscus* are "threatened" in Virginia, North Carolina, and Tennessee.

In its Review of Vertebrate Wildlife in the **Federal Register** of December 30, 1982 (48 FR 58454-58460), the U.S. Fish and Wildlife Service placed both subspecies in category 2, meaning that a proposal to list as endangered or threatened was possibly appropriate, but that substantial data were not then available to biologically support such a proposal. Subsequently, the Service received a report from Dr. Donald W. Linzey (1983), who had been contracted more than 3 years earlier to investigate the status of the two flying squirrels. The data in Dr. Linzey's report, along with other new information assembled by the Service, showed that a proposal to list both squirrels as endangered was warranted. Such a proposal was published in the **Federal Register** of November 21, 1984 (49 FR 45880-45884).

Summary of Comments and Recommendations

In the proposed rule of November 21, 1984, and associated notifications, all interested parties were requested to submit information that might contribute to development of a final rule. Appropriate State and Federal agencies, county governments, scientific organizations, and other concerned parties were contacted and requested to comment. Newspaper notices, inviting public comment, were published in the *Asheville Citizen Times* on December 15, 1984, the *Elizabethton Star* on December 14, 1984, the *Elkins Inter-Mountain* on December 19, 1984, the *Virginian* on December 15, 1984, and the *Gatlinburg Mountain Press* on December 17, 1984.

Eight responses were received. The Board of Supervisors of Smyth County, Virginia, indicated that it had no comment. The National Park Service, the Tennessee Department of Conservation, the West Virginia Department of Natural Resources, The Nature Conservancy, Professor Lawrence R. Heaney of the University of Michigan, and Professor J. Edward Gates of the University of Maryland expressed support for the proposal. Professor Gates added that he has been carrying out a limited search for *G. sabrinus* in West Virginia. The effort has not been successful so far, but on November 4, 1984, three *G. volans* were captured in one of the nest boxes that had been installed. This event might possibly contribute to the view that *G. volans* is replacing *G. sabrinus* (see factor "E" in the following section).

The only opposing comment was from the Tennessee Wildlife Resources Agency, which indicated that endangered status is not yet justified for *G. sabrinus* in Tennessee, because adequate documentation has not been found to differentiate the subspecies in that State from those in other parts of the nation. In response, the Service would point out that the subspecies found in Tennessee (*G. s. coloratus*) was formally described in a relatively recent publication by a reputable mammalogist (Handley 1953), that his conclusions have been accepted in the standard comprehensive reference on the systematics of North American mammals (Hall 1981), and that no challenge to this situation is known. The Service therefore considers continued recognition of the subspecific distinction of *G. s. coloratus* to be warranted.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Carolina and Virginia northern flying squirrels should be classified as endangered. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (50 CFR Part 424) set forth the procedures for adding species to the Federal lists. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1) of the Act. These factors and their application to the Carolina (*Glaucomys sabrinus coloratus*) and Virginia (*G. s. fuscus*) northern flying squirrels are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* According to Professor Peter D. Weigl of Wake Forest University (1977, and pers. comm., March 2, 1984), *G. s. coloratus* and *G. s. fuscus* occur primarily in the ecotone, or vegetation transition zone, between the coniferous and northern hardwood forests. Both forest types are used in the search for food, while the hardwood areas are needed for nesting sites. As these squirrels are adapted to cold, boreal conditions, their range has probably been contracting since the end of the Pleistocene (Ice Age). They now have a relictual distribution, restricted to isolated areas at high elevations, separated by vast stretches of unsuitable habitat. In these last occupied zones, the squirrels and their habitat may be coming under increasing pressure from human disturbance, such as logging and development of skiing and other recreational facilities. Handley (1980) stated that while the range of *G. s. fuscus* had probably already been fragmented prior to the arrival of European settlers, its decline has undoubtedly been accelerated by the clearing of forests during the past 200 years, and that it must be on the verge of extinction in Virginia. Lowman (1975) considered both subspecies to be threatened "due to reduction of habitat by logging and other land use."

Available evidence indicates that *G. s. coloratus* and *G.s. fuscus* are rare and that their historical decline is continuing. The two subspecies are represented by only 28 specimens in museum collections (Linzey 1983; West Virginia Department of Natural Resources, pers. comm., April 25, 1984). A few other individuals have been captured alive and then released. The museum specimens were taken in seven separate areas of North Carolina (Yancey County), Tennessee (Carter and Sevier Counties) Virginia (Smyth County), and West Virginia (Pocahontas and Randolph Counties). Weigl (1977), in a paper prepared for a symposium in 1975, stated that in the previous 10 years the two subspecies had been captured only in two of these areas—the Roan Mountain vicinity of Carter County, Tennessee, and Whitetop Mountain, Smyth County, Virginia. He noted that 8 weeks of trapping in 1965–1966 in the Mount Mitchell area of Yancy County, North Carolina, the type locality of *G. s. coloratus*, had failed to find a single individual. Weigl (pers. comm., March 2, 1984) added that during the past few years he had failed to find *G. s. coloratus* in the Roan Mountain area.

Linzey (1983) reported the results of a 40-month search for *G.s. coloratus* and *G. s. fuscus* throughout their range. During this investigation, he placed 490 nest boxes at 35 sites in Maryland, North Carolina, Tennessee, Virginia, and West Virginia, including six of the seven areas in which the subspecies had been previously collected. The boxes were checked at regular intervals, and any occupants were captured and indentified. Only three individual northern flying squirrels were found in the course of the study. In April 1981, a pair *G. s. coloratus* was caught in the Mount Mitchell area of North Carolina, and in May 1981 an adult female *G. s. fuscus* was taken in an area of Pocahontas County, West Virginia, from which the subspecies was not previously known. All three individuals were marked and released. This investigation thus showed that both subspecies still exist, but that they are very rare and perhaps no longer present in much of their former range.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* The subject subspecies are not known to be jeopardized by human utilization. Nonetheless, flying squirrels are highly desirable as pets to some persons, and collecting for such purposes is at least a potential threat to the already rare *G. s. coloratus* and *G. s fuscus.*

C. *Disease or predation.* Weigl (pers. Comm., March 2, 1984) suggested that increasing human recreational use of northern flying squirrel habitat might result in predation on *G. s. coloratus and G. s. fuscus* by pets, especially cats.

D. *The inadequacy of existing regulatory mechanisms.* Not now known to be applicable.

E. *Other natural or manmade factors effecting its continued existence.* According to Handley (1980), logging and other clearing activity has not only reduced the original habitat of the northern flying squirrel (*G. sabrinus*), but resulted in an invasion of this zone by the southern flying squirrel (*G. volans*). Regrowth in cleared areas, if any, tended to be deciduous forest favored by *G. volans*, and hence the way was open for the spread of that species.

Weigl (1978) pointed out that originally there was apparently little overlap between the ranges of the two species, with *G. sabrinus* found in the higher elevations of the applications and *G. volans* in the lower. When *G. volans* began to expand into the habitat of *G. sabrinus*, however, it seems to have successfully competed with and displaced the latter species. Weigl's studies of captive animals have demonstrated that *G. volans* though smaller than *G. sabrinus*, is more aggressive, more active in territorial defense, and dominant in competition for nests. When the two species meet in an ecotone between coniferous and deciduous forest, *G. volans* would be expected to force *G. sabrinus* out into the purely coniferous zone, which lacks favorable nesting sites, and thus the breeding level of the latter species would be reduced.

In addition to its success in direct confrontations, *G. volans* has evidently employed a more subtle, but deadly, biological mechanism against *G. sabrinus*. Weigl (1975, and pers. comm., March 2, 1984) maintained captive colonies of the two species in adjacent outdoor aviaries. All the *G. sabrinus* weakened and died within three months, and this mortality was associated with heavy infestations of the nematode parasite *Strongyloides*. All the *G. volans* also carried the parasite, but they remained in apparent good health and continued to breed. Subsequently, *Strongyloides* was found in five wild populations of *G. volans* in North Carolina, but never in wild *G. sabrinus*. Experiments in captivity, however, demonstrated that *Strongyloides* could be transferred from *G. volans* to *G. sabrinus*. Apparently, *G. volans* is the natural host of this parasite and has developed an immunity to its ill effects. Under original conditions, with the two squirrel species occupying largely separate ranges, there would have been little interchange. When contact between the two was increased through habitat disruption, *Strongyloides* could spread to *G. sabrinus*, which lacked any immunity, and thus could serve as a powerful competitive weapon for *G. volans*.

Because of its ability to displace *G. sabrinus* by the means described above, *G. volans* seems to have taken over much of the former's range in the Appalachians. Handley (1980) report that in Virginia *G. volans* now occurs at the tops of the highest mountains and occupies the best remnants of habitat that is suitable for *G. sabrinus*. Weigl (pers. comm., March 2, 1984) stated that he has failed to trap *G. sabrinus* at Roan Mountain, Tennessee, during the past few years, but at the same time has found *G. volans* to be more abundant at higher elevations in this area. As noted above, Linzey (1983) captured only three specimens of *G. sabrinus* during 40 months of study, and yet an effort had been made to place the nest boxes in areas that appeared to have habitat suitable for the species, including most of the localities from which it had previously been recorded. In these same nest boxes, Linzey captured at least 29 individual *G. volans*.

The decision to determine endangered status for the Carolina and Virginia nothern flying squirrels was based on an assessment of the best available scientific information and of past, present, and probable future threats to the species. A decision to take no action would exclude the two flying squirrels from needed protection pursuant to the Endangered Species Act. A decision to determine only threatened status would not adequately express the evident rarity and multiplicity of problems of these animals. Critical habitat is not being designated, for the reasons discussed in the following section.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act, as amended, requires that "critical habitat" be designated, "to the maximum extent prudent and determinable," concurrent with the determination that a species is endangered or threatened. The Service finds that designation of critical habitat for the Carolina and Virginia northern flying squirrels is not prudent at this time. Flying squirrels in general are popular as pets (see, for example, Lowery 1974). Although the two subject subspecies are not now known to be collected for this purpose, publication of a precise critical habitat description and map could expose these rare and vulnerable animals to increased disturbance and taking. Moreover, the nest boxes placed during the recent status survey are still present and being used for study. These boxes are readily visible and flying squirrels may be easily trapped therein during their diurnal period of inactivity. Any publicity regarding the location of these boxes should be avoided.

Available Conservation Measures

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

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal in **Federal Register** of June 29, 1983, 48 FR 29990). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service. No specific Federal activities that may be affected in this regard, with respect to the listing of the Carolina and Virginia northern flying squirrels, are known at this time. Much of the region that these squirrels may inhabit, however, is within national forest land. Therefore, certain actions by the U.S. Forest Service, such as timber sales, establishment of recreation facilities, and spraying of insecticides, may become subject to consultation.

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

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

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National

Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** of October 25, 1983 (48 FR 49244).

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Author

The primary author of this rule is Ronald M. Nowak, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975 or FTS 235–1975).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

PART 17—[AMENDED]

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

1. The authority citation for Part 17 reads as follows:

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

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

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species: Common name	Species: Scientific name	Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Mammals:							
*	*	*	*	*	*	*	
Squirrel, Carolina northern flying	*Glaucomys sabrinus coloratus*	U.S.A. (NC, TN)	Entire	E	188	NA	NA
Squirrel, Virginia northern flying	*Glaucomys sabrinus fuscus*	U.S.A. (VA, WV)	do	E	188	NA	NA
*	*	*	*	*	*	*	

Dated: June 13, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–15733 Filed 6–28–85; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 50, No. 126
Monday, July 1, 1985

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Ch. X

[Docket Nos. AO-160-A62-R02, etc.]

Milk in the Middle Atlantic and Other Marketing Areas; Termination of Proceeding on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	AO Nos.
1004	Middle Atlantic	AO-160-A62-R02.
1001	New England	AO-14-A60.
1002	New York-New Jersey	AO-71-A74-R01
1006	Upper Florida	AO-356-A21.
1007	Georgia	AO-366-A23.
1011	Tennessee Valley	AO-251-A26.
1012	Tampa Bay	AO-347-A24.
1013	Southeastern Florida	AO-286-A31.
1030	Chicago Regional	AO-361-A21.
1032	Southern Illinois	AO-313-A32.
1033	Ohio Valley	AO-166-A53.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A48.
1040	Southern Michigan	AO-225-A36.
1044	Michigan Upper Peninsula	AO-299-A23.
1046	Louisville-Lexington-Evansville.	AO-123-A52.
1049	Indiana	AO-319-A33.
1050	Central Illinois	AO-355-A22.
1064	Greater Kansas City	AO-23-A55.
1065	Nebraska-Western Iowa	AO-86-A42.
1068	Upper Midwest	AO-178-A38.
1075	Black Hills	AO-248-A18.
1076	Eastern South Dakota	AO-260-A28.
1079	Iowa	AO-295-A35.
1093	Alabama-West Florida	AO-386-A2.
1094	New Orleans-Mississippi	AO-103-A43.
1096	Greater Louisiana	AO-257-A31.
1097	Memphis	AO-219-A39.
1098	Nashville	AO-184-A46.
1099	Paducah	AO-183-A38.
1102	Fort Smith	AO-237-A32.
1106	Southwest Plains	AO-210-A44.
1108	Central Arkansas	AO-243-A36.
1120	Lubbock-Plainview	AO-328-A25.
1124	Oregon-Washington	AO-368-A13.
1125	Puget Sound-Inland	AO-226-A30.
1126	Texas	AO-231-A52.
1131	Central Arizona	AO-271-A25.
1132	Texas Panhandle	AO-262-A35.
1134	Western Colorado	AO-301-A18.
1135	Southwestern Idaho-Eastern Oregon.	AO-380-A4
1136	Great Basin	AO-309-A25.
1137	Eastern Colorado	AO-326-A22.
1138	Rio Grande Valley	AO-335-A30.
1139	Lake Mead	AO-374-A9.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action terminates the current proceeding on proposed amendments to provide for a separate classification and price for milk used to produce butter and nonfat dry milk in all 44 Federal milk orders. At the request of producers, a public hearing was held July 25–27, 1984, to consider their proposals. On March 15, 1985, the Department issued its recommendation to deny all proposals. Subsequently, the producers have asked that the proceeding be terminated.

DATE: This withdrawal is effective June 24, 1985.

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued June 22, 1984; published June 27, 1984 (49 FR 26239).

Notice of Rescheduled Hearing: Issued July 3, 1984; published July 6, 1984 (49 FR 27769).

Recommended Decision: Issued March 15, 1985; published March 20, 1985 (50 FR 11171).

Extension of Time for Filing Exceptions: Issued April 4, 1985; published April 9, 1985 (50 FR 13976).

Statement of Consideration

A public hearing was held to consider proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Middle Atlantic and other marketing areas. The hearing was held, pursuant to the provisions of the Agricutural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), at Alexandria, Virginia, on July 25–27, 1984, pursuant to notices issued June 22, 1984 (49 FR 26239) and July 3, 1984 (49 FR 27769).

The hearing was held at the request of the National Milk Producers Federation (NMPF), to consider proposals which would provide for a separate class and price for milk used to make butter and nonfat dry milk. The proposed price for such milk would be either the Minnesota-Wisconsin (M-W) price for manufacturing grade millk, or a butter-nonfat dry milk formula price; whichever was lower. Such milk now is classified and priced under the orders on the same basis as milk used to make hard cheeses and certain other manufactured dairy products.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on March 15, 1985 (50 FR 11171), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Interested persons were afforded an opportunity to file written exceptions thereon by April 19, 1985, which date was extended to May 20, 1985 (50 FR 13976).

The Deputy Administrator recommended that the orders should not be amended to provide a separate classification and price for milk used to produce butter and nonfat dry milk. The denial was based in part on the fact that the record lacked adequate information to demonstrate the need for adopting the proposed amendments in the Federal order markets. Further deficiencies of the record also led to the recommended denial of the proposals because key questions could not be answered. Thus, it was concluded that butter and powder plants should not be provided a lower price under certain specified market conditions.

The proponent, NMPF, filed exceptions to the recommended decision, indicating that the Department failed to give proper consideration and weight to the evidence presented on the need for a separate class and price for milk used in the production of butter and powder. Furthermore, NMPF claimed that because the Department failed to rule in a manner which was both timely and favorable to them, inequitable marketing conditions arose during the months of December through February 1984–85 when the M-W price exceeded a price level for milk that reflected market values for butter and powder.

Although NMPF did not ask for a reversal of the recommended decision, they did ask that the proceeding be terminated. In their request for termination, NMPF stated that the April 1, 1985, changes in the support purchase prices for nonfat dry milk and cheese will undoubtedly impact on the comparative economic positions of cheese plants and butter-powder plants; reducing the ability of cheese plants, especially those making barrel cheese, to pay for milk compared to butter-powder plants. Due to the change in the Price Support Program, NMPF contends that the competitive situation faced by butter-powder has changed since the time of the hearing.

In addition, NMPF expressed the view that a decision that could set precedent should not be made on the basis of a lack of information. They agree with the recommended decision's finding that further information is needed on such items as manufacturing capacity and cooperative operations.

The recommended decision was supported in the comment submitted by the Washington State Dairymen's Federation, which stated that they remain opposed to a separate classification for milk used in butter and powder production. One other supporting comment was received.

On the basis of both the lack of adequate record evidence and the request for termination by the proponents, the proceeding with respect to the July 1984 hearing should be terminated. The NMPF's withdrawal of support for this proceeding means that at this time there is no apparent interest by any party in the establishment of a separate class and price for butter and nonfat dry milk as proposed. Since the recommended decision was to deny the adoption of all proposed amendments, recognition should be given to the proponent's request to halt the proceeding.

Termination Order

In view of the foregoing, it is hereby determined that the aforesaid proceeding with respect to proposed amendments to the tentative marketing agreements and to the orders should be and is hereby terminated.

The authority citation for 7 CFR Chapter X continues to read as follows:

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

Signed at Washington, D.C. on: June 24, 1985.

Alan T. Tracy,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 85-15687 Filed 6-28-85; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 51

United States Standards for Grades of Greenhouse Cucumbers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This action would amend the voluntary U.S. Standards for Grades of Greenhouse Cucumbers. Industry has requested that the standards be amended to bring them in line with current cultural and marketing practices. The Agricultural Marketing Service has the responsibility, in cooperation with industry, to maintain current grade standards.

DATE: Comments must be received on or before July 31, 1985.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2069, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue 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: Kenneth R. Mizelle, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2188.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA Procedures and Executive Order 12291 and has been designated as "nonmajor." It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices for consumers, individual industries, Federal, State and local government agencies or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

The voluntary United States Standards for Grades of Greenhouse Cucumbers became effective in 1934. Cultural and marketing practices have changed to the extent that the current standards no longer provide industry with an up-to-date means of determining quality and negotiating sales. In October of 1983 representatives of the American Greenhouse Vegetable Growers Association (AGVGA) met with officials of the Fresh Products Branch to discuss amending the standards. AGVGA established a Grades and Standards Committee which, in cooperation with program personnel, developed a "Draft" standard incorporating proposed changes which AGVGA distributed to their members for review and comments. Member comments unanimously endorsed the proposed amendment. AGVGA has formally requested that the standards be amended to bring them in line with current cultural and marketing practices.

Accordingly, this proposed amendment would make the following changes and additions:

—Delete maturity requirements from all grades. The current standards require the cucumbers to be sufficiently mature for slicing purposes but not full-grown or ripe. Hybridization has eliminated the need for this requirement.

—Establish a definition for "Injury" by specific defects which would be added to the other requirements of the U.S. Fancy grade.

—"Clean," practically free from dirt or other foreign material, would become the minimum cleanness requirement for all grades. Current U.S. Fancy and U.S. No. 1 grades must be free from "Damage" caused by dirt and U.S. No. 2 free from "Serious Damage."

—U.S. Fancy grade cucumbers would be required to be free from cuts and the U.S. No. 1 and U.S. No. 2 grades be free from unhealed cuts. The current standards require cucumbers to be "free from unhealed cuts" in the U.S. Fancy and U.S. No. 1 grades and the U.S. No. 2 grade free from serious damage by cuts.

—The minimum length, unless otherwise specified, would be not less than 11 inches for all grades. The minimum length in the current standards is 5½ inches for the U.S. Fancy grade and, unless otherwise specified, 5½ inches for the U.S. No. 1 grade.

—The "Standard Pack" section would be redefined to reflect current packing practices.

—Add definitions for "Permanent defects" and "Condition defects."

—The grade standards format would be updated.

List of Subjects in 7 CFR Part 51

Agricultural commodities.

PART 51—[AMENDED]

Accordingly, it is proposed that 7 CFR Part 51 be amended as follows:

1. The authority citation for 7 CFR Part 51 continues to read as follows: