List of Subjects in 30 CFR Part 935

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

Dated: June 12, 1985.

Jed D. Christensen,

Acting Director, Office of Surface Mining.

PART 935—OHIO

1. The authority citation for Part 935 continues to read as follows:

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 935.11 is amended by revising paragraph (h)(1) as follows:

§ 935.11 Conditions of State regulatory program approval.

* * * * *

(h) Steps will be taken to terminate the approval found in § 935.10:

(1) Unless Ohio submits to the Secretary by September 30, 1985, a revised program amendment that demonstrates how the alternative bonding system will assure timely reclamation at the site of all operations for which bond has been forfeited.

* * * * *

[FR Doc. 85-14958 Filed 6-20-85; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD8-84-21]

Anchorage Ground, Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the anchorage regulations on the Lower Mississippi River by enlarging the permanent anchorages in the vicinity of Ama, Louisiana, and Kenner, Louisiana. In recent years, the Lower Mississippi River in general, and the New Orleans to Baton Rouge segment in particular, has experienced a considerable increase in commercial development. As a result, anchorages are needed near these areas of commercial development. Enlarging these anchorages will provide needed additional achorage space.

EFFECTIVE DATE: July 22, 1985.

FOR FURTHER INFORMATION CONTACT: LCdr L.L. Hereth, Port Safety Officer, Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117, Tel: (504) 589-7118.

SUPPLEMENTARY INFORMATION:

Discussion of Comments

A total of two comments were received. Both comments were in favor of the amendment and stated that enlarging the two anchorages would "provide increased productivity for the facilities serviced by the two anchorages."

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Orders 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for the conclusion of minimal impact involves the fact that the action is an enlargement of existing anchorages and was requested by facility managers, vessel agents, and local pilot associations.

Since the impact of the regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

PART 110—[AMENDED]

In view of the foregoing, Part 110 of Title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 110 continues to read as set forth below:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g).

2. Section 110.195(a) (17) and (18) are revised to read as follows:

§ 110.195 Mississippi River below Baton Rouge, LA including South and Southwest Passes.

(a) * * *

(17) Kenner Bend Anchorage. An area 0.9 mile in length along the right descending bank of the river, 700 feet wide, extending from mile 114.7 to mile 115.6 above Head of Passes.

(18) Ama Anchorage. An area 1.8 miles in length along the left descending bank of the river, 700 feet wide, extending from mile 115.5 to mile 117.3 above Head of Passes.

Dated: June 7, 1985.

T.T. Matteson,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard District.

[FR Doc. 85-14857 Filed 6-20-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[OMS-FRL 2841-2]

Regulation of Fuels and Fuel Additives; Gasoline Lead Content and Banking of Lead Rights; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This notice corrects minor errors in two final rules regulating the lead content of leaded gasoline, which were published on March 7, 1985 (50 FR 9386) and April 2, 1985 (50 FR 13116).

FOR FURTHER INFORMATION CONTACT: Richard G. Kozlowski, Director, Field Operations and Support Division (EN-397F), EPA, 401 M Street, SW., Washington, D.C. 20460. Telephone (202) 382-2633.

SUPPLEMENTARY INFORMATION: On March 7, 1985, the Agency promulgated revised gasoline lead content standards and related regulatory amendments. 50 FR 9386. On April 2, 1985, EPA promulgated a regulation that allows the banking of lead usage rights in conjunction with the revised gasoline lead content standards. 50 FR 13116.

This notice corrects certain minor errors in those two previous notices. These errors include: Incorrect cross-references in 40 CFR 80.20(d)(1), (e)(2)(i), (e)(2)(ii), (e)(2)(iii)(A) and (e)(2)(iii)(C); omission of words in 40 CFR 80.20(e)(1)(iv), (e)(3)(ii), and (e)(3)(iv)(B); and a spelling error in 40 CFR 80.20(e)(1)(iii).

Dated: May 24, 1985.

Lee M. Thomas,

Administrator.

PART 80—[CORRECTED]

Accordingly, § 80.20 of Title 40 of the Code of Federal Regulations is corrected as follows:

§ 80.20 [Corrected]

On page 9398 (March 7, 1985) 40 CFR 80.20(d)(1), the reference to "paragraph (a)(1)(i), (i)(1)(ii), (c)(1)(i), or (c)(1)(ii) of this section" is corrected to read "paragraph (a)(1)(i), (a)(1)(ii), (c)(1)(i), or (c)(1)(ii) of this section."

On page 13128 (April 2, 1985) 40 CFR 80.20(e)(1)(iii), the word "fo" is corrected to read "of."

On page 13128 (April 2, 1985) In 40 CFR 80.20(e)(1)(iv), the phrase "0.10 gram of lead of such gasoline" is corrected to read "0.10 gram of lead per gallon of such gasoline."

On page 13128 (April 2, 1985) In 40 CFR 80.20(e)(2)(i), (e)(2)(ii), (e)(2)(iii)(A), and (e)(2)(iii)(C), the references to "paragraph (a)(1)(ii) or (c)(1)(ii)" are corrected to read "paragraph (a)(1) or (c)(1)."

On page 13128 (April 2, 1985) 40 CFR 80.20(e)(3)(ii), the phrase "any state gasoline lead content standard" is corrected to read "any applicable state gasoline lead content standards."

On page 13128 (April 2, 1985) 40 CFR 80.20(e)(3)(iv)(B), the phrase "at the close of the calendar quarter which the report is submitted" is corrected to read "at the close of the calendar quarter for which the report is submitted."

[FR Doc. 85-14956 Filed 6-20-85; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 204

Claims Against the Maritime Administration Under the Federal Tort Claims Act

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule establishes a system for processing Federal tort claims involving the Maritime Administration, and provides information to the public on filing such claims. This rule is necessary to provide information on the tort claims processing system so that potential claimants may exercise rights conferred explicitly by statute.

EFFECTIVE DATE: July 22, 1985.

FOR FURTHER INFORMATION CONTACT: Michael J. McMorrow, Office of the Chief Counsel, Maritime Administration, Room 7221, Nassif Building, 7th and D Streets SW., Washington, D.C. 20590, Telephone (202) 426-5715.

SUPPLEMENTARY INFORMATION: The heads of the several operating administrations of the Department of Transportation are delegated, under 49 CFR 1.45(a) (2) and (3), the responsibility of implementing the Federal Tort Claims Act (28 U.S.C. 2671-2680). This final rule prescribes the requirement and procedure for administrative settlement of claims against the United States, involving the Maritime Administration, under the Federal Tort Claims Act, based on death, personal injury, or damage to or loss of property. This supplements the controlling regulations promulgated by the Department of Justice at 28 CFR Part 14. This supplemental rule is necessary to provide information on the tort claims processing system so that potential claimants may exercise rights conferred explicitly by statute. Specifically, it describes claims payable, the procedure for filing tort claims, the statute of limitations, and the method for payment of claims.

Background

The NPRM was published at 49 FR 34368 on August 30, 1984. The Maritime Administration received no comments on it. The only change in this final rule is to serve the public's convenience: The limits of delegated authority in § 204.7 have been inserted in § 204.8.

E.O. 12291, Statutory Requirements and DOT Procedure

This final rule is considered to be non-major under E.O. 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. The rule merely advises the public on agency procedure, supplementing controlling regulations of the Department of Justice (28 CFR Part 14). Accordingly, the Maritime Administration certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule contains an information collection requirement in § 204.8. It has been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 46 CFR Part 204

Claims, Tort claims, Administrative practice and procedure.

Accordingly, a new Part 204 is added to Title 46, Code of Federal Regulations, to read as follows:

PART 204—CLAIMS AGAINST THE MARITIME ADMINISTRATION UNDER THE FEDERAL TORT CLAIMS ACT

Sec.

Authority: 28 U.S.C. 2672; 28 CFR 14.11; 49 CFR 1.45(a) (2) and (3).

§ 204.1 Scope and procedure for filing claims.

This part prescribes the requirements and procedure for administrative settlement of claims against the United States, involving the Maritime Administration, under the Federal Tort Claims Act, based on death, personal injury, or damage to or loss of property. The controlling regulations are promulgated by the Department of Justice at 28 CFR Part 14—Administrative Claims Under Federal Tort Claims Act. These regulations supplement those of the Department of Justice and provide specific guidance regarding claims processing in the Maritime Administration.

§ 204.2 Claims payable.

Claims for death, personal injury, or damage to or loss of real or personal property are payable when the death, injury or damage is caused by a negligent or wrongful act or omission of an employee of the Maritime Administration, while acting within the scope of employment and under circumstances in which the United States, if a private person, would be liable to the claimant under the law of the place where the act or omission occurred.

§ 204.3 Claims not payable.

A claim is not payable under the regulations in this Part 204, if such tort claim is excluded from the scope of the Federal Tort Claims Act, as amended, pursuant to 28 U.S.C. 2680.

§ 204.4 Time limitations on claims.

(a) A claim can be settled only if presented in writing within two years after it accrues.

(b) The two year statute of limitations is not tolled until the Maritime Administration receives from a claimant, or the claimant's duly authorized agent or legal representative, an executed Standard Form 95, "Claims for Damage, Injury, or Death," or written notification of an incident, together with a claim for money damages in a sum certain, for death, personal injury, or damage to or loss of real or personal property. When a claim is received in any office, mail unit, or other Maritime Administration activity which does not have settlement authority over the claim, such office, unit or activity shall transmit it to the official vested with such authority without delay (see § 204.13, this part).

§ 204.5 Notification to claimant of action on claim.

(a) If a claim is approved (either for the amount claimed or less than such full amount), the claimant, prior to the disbursement of an award, shall sign a document releasing the United States, its agents and employees from all further claims relating to the incident giving rise to the approved claim.

(b) If the claim is finally denied, the official vested with such authority shall inform the claimant by certified or registered mail of the final denial of the claim. Notification of final denial shall include a statement that a claimant who does not accept or is dissatisfied with the action may institute suit against the United States not later than six months after the date of mailing of the notice of final denial.

(c) A claimant may regard the failure of the Maritime Administration to make a final disposition of a claim within six months after the date of receipt of the claim by the Maritime Administration as a final denial for the purpose of filing suit.

§ 204.6 Payment of claims.

(a) Once the amount to be paid has been agreed upon, the agency shall attempt to forward a check for such amount to the claimant within thirty days.

(b) If a claimant is represented by an attorney, both the claimant and the claimant's attorney shall be designated as payees on any check delivered to the claimant's attorney.

§ 204.7 Delegation of authority.

(a) Subject to written approval of the Attorney General of the United States of any payment in excess of $25,000, the Chief Counsel of the Maritime Administration is authorized to deny or settle and authorize payment of tort claims in any amount.

(b) The Associate Administrator for Policy and Administration is authorized to deny or settle and authorize payment of all tort claims in an amount not exceeding $10,000, except that the Superintendent, United States Merchant Marine Academy, may deny or settle and authorize payment of tort claims originating from occurrences at the Academy in amounts not exceeding $5,000.

§ 204.8 Where to file claims.

Claims shall be filed with the appropriate official as follows:

(a) Chief Counsel (MAR-220), Maritime Administration, Department of Transportation, Room 7232, Nassif Building, 7th and D Streets SW., Washington, D.C. 20590 (All claims over $10,000)

(b) Associate Administrator for Policy and Administration (MAR-300), Maritime Administration, Department of Transportation, Room 7217, Nassif Building, 7th and D Streets SW., Washington, D.C. 20590 (All claims over $5,000 but not over $10,000 originating at Academy; and all other claims not over $10,000)

(c) Superintendent (MMA-5100), United States Merchant Marine Academy, Maritime Administration, Kings Point, N.Y. 11024 (All claims not over $5,000 originating at Academy)

§ 204.9 Indemnity or contribution.

(a) *Sought by the United States.* If a claim arises under circumstances in which the United States is entitled to indemnity or contribution under a contract or the applicable law governing joint tort-feasors, the Chief Counsel of the Maritime Administration shall notify the third party of the claim and request the third party to honor its obligation to the United States or to accept its share of joint liability. If the issue of third party indemnity or contribution is not satisfactorily adjusted, the underlying claim shall be settled only after consultation with the Department of Justice as provided in 28 CFR 14.7

(b) *Sought from the United States.* Claims for indemnity or contribution from the United States shall be settled under this part only if the incident giving rise to liability and the claim is otherwise cognizable under this part.

§ 204.10 Attorney's fees.

Attorney's fees for any claim settled under this part are limited to not more than twenty percent of the amount paid in settlement.

Dated: June 13, 1985.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Secretary, Maritime Administration.

[FR Doc. 85-14741 Filed 6-20-85; 8:45 am]

BILLING CODE 4910-81-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Ch. 7

[AIDAR Notice 85-7]

Acquisition Regulation Concerning Contract Closeout

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The AID Acquisition Regulation (AIDAR) is being amended to remove AIDAR Appendix E, Contract Closeout Procedures.

EFFECTIVE DATE: June 21, 1985.

FOR FURTHER INFORMATION CONTACT: M/SER/CM/SD/POL, Mr. J.M. Kelly, telephone (703) 235-9107.

SUPPLEMENTARY INFORMATION: AID has determined that the contract closeout procedures in FAR 4.804 provide sufficient guidance, and that the coverage of closeout procedures in AIDAR Appendix E is redundant and unnecessary. Appendix E is therefore being removed; AID will close out its direct contracts in accordance with the procedures of FAR 4.804.

The change being made by this AIDAR Notice will not have any significant impact on AID contractors or the general public. Therefore, the change is not considered "significant" under FAR 1.303(b) or FAR 1.501, and public comments have not been solicited.

This AIDAR Notice is not a major rule and is exempt from Sections 3 and 4 of E.O. 12291 by OMB Bulletin No. 85-7, December 14, 1984.

As required by the Regulatory Flexibility Act, it is hereby certified that AIDAR Notice 85-7 will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 48 CFR Chapter 7

Government procurement.

1. The authority citation for Appendices to Chapter 7 continues to read as follows:

Authority: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, September 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Appendix E—Contract Closeout Procedures

2. Appendix E is removed and reserved.

Dated: June 5, 1985.

John F. Owens,

AID Procurement Executive.

[FR Doc. 85-14918 Filed 6-20-85; 8:45 am]

BILLING CODE 6116-01-M