

Federal Register

Tuesday
January 17, 1984

Selected Subjects

- Air Carriers**
Civil Aeronautics Board
- Air Pollution**
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- Animal Drugs**
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- Bakery Products**
Food and Drug Administration
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- Marketing Agreements**
Agricultural Marketing Service
- Milk Marketing Orders**
Agricultural Marketing Service
- Motor Carriers**
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- Postal Service**
Postal Service

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Selected Subjects

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

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Proclamation 5147 of January 13, 1984

The President

National Sanctity of Human Life Day, 1984

By the President of the United States of America

A Proclamation

The values and freedoms we cherish as Americans rest on our fundamental commitment to the sanctity of human life. The first of the "unalienable rights" affirmed by our Declaration of Independence is the right to life itself; a right the Declaration states has been endowed by our Creator on *all* human beings—whether young or old, weak or strong, healthy or handicapped.

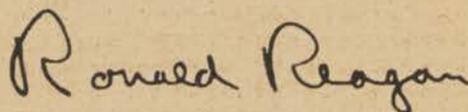
Since 1973, however, more than 15 million unborn children have died in legalized abortions—a tragedy of stunning dimensions that stands in sad contrast to our belief that each life is sacred. These children, over tenfold the number of Americans lost in all our Nation's wars, will never laugh, never sing, never experience the joy of human love; nor will they strive to heal the sick, or feed the poor, or make peace among nations. Abortion has denied them the first and most basic of human rights, and we are infinitely poorer for their loss.

We are poorer not simply for lives not led and for contributions not made, but also for the erosion of our sense of the worth and dignity of every individual. To diminish the value of one category of human life is to diminish us all. Slavery, which treated Blacks as something less than human, to be bought and sold if convenient, cheapened human life and mocked our dedication to the freedom and equality of all men and women. Can we say that abortion—which treats the unborn as something less than human, to be destroyed if convenient—will be less corrosive to the values we hold dear?

We have been given the precious gift of human life, made more precious still by our births in or pilgrimages to a land of freedom. It is fitting, then, on the anniversary of the Supreme Court decision in *Roe v. Wade* that struck down State anti-abortion laws, that we reflect anew on these blessings, and on our corresponding responsibility to guard with care the lives and freedoms of even the weakest of our fellow human beings.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Sunday, January 22, 1984, as National Sanctity of Human Life Day. I call upon the citizens of this blessed land to gather on that day in homes and places of worship to give thanks for the gift of life, and to reaffirm our commitment to the dignity of every human being and the sanctity of each human life.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of January, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.



Presidential Documents

Executive Order 12458 of January 14, 1984

Delegation to the Secretary of State Concerning Foreign Assistance

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and section 301 of Title 3 of the United States Code, and in order to delegate certain functions concerning foreign assistance to the Secretary of State, it is hereby ordered as follows:

Section 1. Section 1-201(a) of Executive Order No. 12163, as amended, is further amended by inserting the following new subparagraphs at the end thereof:

"(23) Section 512 of the Foreign Assistance and Related Programs Appropriations Act, 1982;

"(24) Chapter 8 of Part II of the Act, except that such functions shall be exercised consistent with Section 573(d)(3) thereof;

"(25) The functions vested in the President by Section 101(b) of the Joint Resolution "Making further continuing appropriations for the fiscal year 1984" (Public Law 98-151), insofar as they relate to unnumbered paragraphs concerning El Salvador and Haiti."

Sec. 2. Section 1-301 of Executive Order No. 12163, as amended, is further amended as follows:

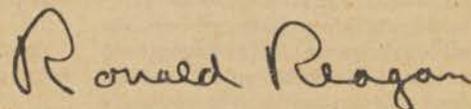
(a) In subsection (a), by striking out "(except chapters 4 and 6 thereof)" and inserting in lieu thereof "(except chapters 4, 6 and 8 thereof)"; and

(b) in subsection (c), by striking out "(except chapters 4 and 6 thereof)" and inserting in lieu thereof "(except chapters 4, 6 and 8 thereof)".

Sec. 3. Section 1-801 of Executive Order No. 12163, as amended, is further amended as follows:

(a) In subsection (b), by striking out "(except chapters 4 and 6 thereof)" and inserting in lieu thereof "(except chapters 4, 6 and 8 thereof)"; and

(b) in subsection (c), by striking out "chapter 6" and inserting in lieu thereof "chapters 6 and 8".



THE WHITE HOUSE,
January 14, 1984.

PROFESSIONAL DOCUMENT

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1st day of January 1901.

Notary Public for the State of New York
[Signature]

I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original of the within and foregoing instrument, as the same appears from the records of my office.

Given under my hand and seal of office, at the City of New York, this 1st day of January, 1901.

[Signature]

Notary Public for the State of New York

[Signature]

Notary Public for the State of New York

Rules and Regulations

Federal Register

Vol. 49, No. 11

Tuesday, January 17, 1984

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 906 and 944

Oranges and Grapefruit Grown in Texas, and Imported Oranges; Relaxation of Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule temporarily relaxes the current minimum grade requirement for Texas oranges and grapefruit, the minimum size requirement for Texas grapefruit, and the minimum grade requirement for imported oranges. Such action relating to Texas oranges and grapefruit is designed to provide an outlet for oranges and grapefruit remaining on the trees which may have been affected by a recent severe freeze in the production area.

DATES: Effective January 12, 1984, through June 30, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been certified a "non-major" rule. 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.

The amendment of the Texas orange and grapefruit regulation is issued under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the

Lower Rio Grande Valley in Texas. The amendment of the orange import regulation is issued under section 8e (7 U.S.C. 608e-1) of the Act. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This final rule is based upon the recommendations and information submitted by the Texas Valley Citrus Committee and upon other available information. It is hereby found that this final rule will tend to effectuate the declared policy of the Act.

This final rule relaxes through June 30, 1984: (1) The current grade requirements for Texas oranges and grapefruit and for imported oranges from U.S. No. 2, to U.S. No. 3 modified to permit additional amounts of dryness or mushy condition, and (2) the current minimum size requirements for Texas grapefruit to pack size 125 with a minimum diameter of 3 $\frac{1}{16}$ inches. The current minimum size for U.S. No. 1 grade or better Texas grapefruit is pack size 112 with a minimum diameter of 3 $\frac{1}{16}$ inches, and for U.S. No. 2 grade the minimum is pack size 96 with a minimum diameter of 3 $\frac{1}{16}$ inches.

This action reflects current crop and marketing conditions and the composition and condition of the remaining supplies for Texas oranges and grapefruit. The Texas Valley Citrus Committee reports that the Texas orange and grapefruit crops have been seriously damaged by recent freezing weather. The committee reports that much of the oranges and grapefruit remaining on the trees will not meet current minimum grade and size requirements, and will likely be abandoned unless current requirements are relaxed. Prompt action is required because the freeze damaged fruit is drying and deteriorating rapidly and will soon become unmarketable, if not harvested and shipped to market soon. A requirement is included to require that the cartons in which such fruit is shipped be marked "Special Grade". This is intended to differentiate such shipments from fruit meeting current minimum grade and size requirements. The grade requirement for imported oranges is being relaxed to conform with the lower grade requirement for Texas oranges, in accordance with the Act.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this final

rule until 30 days after publication in the Federal Register (5 U.S.C. 553) in that the time intervening between the date when information upon which this final rule is based became available and the time when this final rule must become effective in order to effectuate the declared policy of the Act is insufficient. Interested persons were given an opportunity to submit information and views on relaxing the grade and size requirements for Texas oranges and grapefruit at an open meeting, at which the committee recommended the action with no opposing votes. It is necessary to effectuate the declared purposes of the Act to make this final rule effective as specified. This final rule relieves restrictions on the handling of oranges and grapefruit, and handlers have been apprised of such provisions and the effective time.

List of Subjects

7 CFR Part 906

Marketing agreement and orders, Oranges, Grapefruit, Texas.

7 CFR Part 944

Food grades or standards, Imports, Oranges.

PART 906—[AMENDED]

Therefore, § 906.365 is amended by adding a new paragraph (c) to such section, and § 944.312 is amended by adding a new paragraph (g) to such section to read as follows (this final rule expires June 30, 1984, and will not be published in the annual Code of Federal Regulations):

§ 906.365 Texas Orange and Grapefruit Regulation 34.

(c) Notwithstanding the requirements specified for oranges and grapefruit in paragraphs (a) (1) through (4) of this section, during the period (insert date of signature of this final rule), through June 30, 1984, any handler may ship oranges and grapefruit if: (1) Such fruit grades at least U.S. No. 3, except for dryness or mushy condition not exceeding 50 percent of the individual fruit by volume; and (2) such grapefruit are at least pack size 125, except that the minimum diameter limit for such pack size in any lot shall be 3 $\frac{1}{16}$ inches in diameter. Applicable grade and size requirements are defined in 7 CFR

51.620-51.653 and 51.680-51.714. Any container of oranges or grapefruit shipped under this section grading less than U.S. No. 2 shall be stamped with the words "Special Grade" in letters $\frac{3}{4}$ of an inch in height.

§ 944.312 Orange Import Regulation 13.

(g) Notwithstanding the requirements specified for oranges in this section, during the period (insert date of signature of this final rule), through June 30, 1984, any person may import oranges if they grade at least U.S. No. 3, except for dryness of mushy condition not exceeding 50 percent of the individual fruit by volume. Such grade is defined in 7 CFR 51.680-51.714.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 12, 1984.

Russell L. Hawes,

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

[FR Doc. 84-1215 Filed 1-16-84; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 907

[Navel Orange Reg. 589; Navel Orange Reg. 588, Amdt. 1.; Navel Orange Reg. 587, Amdt. 2]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 589 establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period January 20-26, 1984. Regulation 588, Amendment 1, increases the quantity of such oranges that may be shipped during the period January 13-19, 1984, and Regulation 587, Amendment 2, increases the quantity of such oranges that may be shipped during the period January 6-12, 1984. Such action is needed to provide for the orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: This regulation 589 becomes effective January 20, 1984, and the amendments are effective for the periods January 13-19, 1984, and January 6-12, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. 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.

This regulation and amendments are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the Act.

These actions are consistent with the marketing policy for 1983-84. The marketing policy was recommended by the committee following discussion at a public meeting on September 27, 1983. The committee met again publicly on January 10, 1984 at Ventura, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is steady.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information on views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (Navel).

PART 907—[AMENDED]

1. Section 907.889 is added as follows:

§ 907.889 Navel Orange Regulation 589.

The quantities of navel oranges grown in California and Arizona which may be handled during the period January 20, 1984, through January 26, 1984, are established as follows:

- (a) District 1: 1,500,000 cartons;
- (b) District 2: 28 cartons;
- (c) District 3: Unlimited cartons;
- (d) District 4: Unlimited cartons.

2. Section 907.888 Navel Orange Regulation 588, as amended, paragraphs (a) through (d) are hereby revised to read:

§ 907.888 Navel Orange Regulation 588.

- (a) District 1: 1,500,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: Unlimited cartons;
- (d) District 4: Unlimited cartons.

3. Section 907.887 Navel Orange Regulation 587, as amended, paragraphs (a) through (d) are hereby revised to read:

§ 907.887 Navel Orange Regulation 587.

- (a) District 1: 1,400,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: Unlimited cartons;
- (d) District 4: Unlimited cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 11, 1984.

Russell L. Hawes,

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

[FR Doc. 84-1147 Filed 1-16-84; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1033

[Milk Order No. 33]

Milk in the Ohio Valley Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action continues for the months of January through March 1984 the suspension of certain provisions affecting the regulatory status of fluid milk plants under the Ohio Valley Federal milk order. The suspension makes inoperative the requirement that a distributing plant must dispose of not less than 50 percent of its receipts on routes to qualify as a pool plant.

The action was requested by a proprietary handler operating four distributing plants that are fully regulated under the order. This

emergency action is needed to maintain pool status for the handler's distributing plants and to assure producer status for dairy farmers who have been associated with such plants and who have regularly supplied the market's fluid milk needs. It is also needed to accommodate the efficient disposition of the market's reserve milk supplies. The suspension is based on the record of a public hearing, held at Columbus, Ohio, on October 12 and 13, 1983, where this particular pooling requirement was an issue.

EFFECTIVE DATE: January 17, 1984.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued September 26, 1983; published September 29, 1983 (48 FR 44565).

Suspension Order: Issued December 12, 1983; published December 16, 1983 (48 FR 55829).

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. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers who supply milk for the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Ohio Valley marketing area.

It is hereby found and determined that for the months of January through March 1984 the following provisions of the order do not tend to effectuate the declared policy of the Act: § 1033.12, paragraph (a)(2).

Statement of Consideration

This action is based on the record of a public hearing held on October 12 and 13, 1983, at Columbus, Ohio, to consider certain proposed amendments to the Ohio Valley order. It continues through March 1984 a previous suspension that was effective for the month of December 1983 (48 FR 55829). The suspension will

continue for the months of January through March 1984, to make inoperative the requirement that a distributing plant must dispose of not less than 50 percent of its receipts on routes to qualify as a pool plant.

A continuation of the suspension was requested by Beatrice Foods Company (Beatrice), a proprietary handler who operates four pool distributing plants under the order.

The basis for the handler's request is a continuing downward trend in Class I sales of the handler's distributing plants during a period in which producer receipts have been steadily increasing. The handler states that this marketing situation has been compounded by the recent loss of a major Class I customer. Consequently, the handler expects the total route disposition of the four distributing plants during the next few months to fall below the order's total route disposition requirement for pooling distributing plants. Unless the suspension is continued, the handler asserts that it will be necessary to engage in uneconomic movements of milk, such as transferring milk among distributing plants, to meet the order's total route disposition requirement.

At the hearing, a proposed amendment by Beatrice was considered that would reduce the total route disposition requirement by 10 percentage points each month. The proponent testified that the amendment is necessary to accommodate the pooling of all of the milk received at its four distributing plants from producers which historically have been associated with the market. The handler requested that the total route disposition requirement be suspended pending completion of the hearing proceeding.

Whether or not the total route disposition requirement for distributing plants should be reduced on a permanent basis and to what extent, is a matter to be decided after the hearing record and post-hearing briefs have been thoroughly analyzed. However, there is not adequate time to resolve the handler's pooling problem for the months of January through March 1984 through amendatory action.

Continuation of the suspension through March 1984 is the only practical means of providing the immediate relief sought by proponent. Such action is warranted because it will promote orderly marketing pending the final outcome of this issue based on the conclusion of the hearing proceeding.

It is unlikely that this 3-month

suspension of the pooling requirement will have a significant adverse impact on producers or handlers serving the market. However, it will eliminate the possibility of a handler making certain uneconomic adjustments to maintain pool plant status for its distributing plants and producer status for the milk of dairy farmers who have been historically associated with such plants and the market's fluid milk needs. Such action also will facilitate the disposal of the market's reserve milk supplies during this 3-month period. For these reasons, the continuation of the suspension should be and hereby is granted.

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and thirty days' notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who have regularly supplied this market otherwise could be excluded from the marketwide pool;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) The marketing problems that provide the basis for this suspension action were fully reviewed at a public hearing where all interested parties had the opportunity of being heard on this matter.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1033

Milk marketing orders, Milk, Dairy products.

PART 1033—[AMENDED]

§ 1033.12 [Amended]

It is therefore ordered, that the aforesaid provisions in § 1033.12 (a)(2) of the Ohio Valley order are hereby suspended for the months of January through March 1984.

Effective Date: January 17, 1984.
(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Signed at Washington, D.C., on: January 12, 1984.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-1148 Filed 1-16-84; 8:45 am]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[Economic Regs. Amdt. No. 51; Reg. ER-1372]

Uniform System of Accounts and Report for Certified Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that the Officer of Management and Budget (OMB) has approved the extension of the Passenger Origin-Destination reporting requirements as found in Section 19-7 of Part 241 through October 31, 1984, under OMB No. 3024-0017. OMB approval is required under the Paperwork Reduction Act of 1980.

DATES: Adopted: January 11, 1984.

Effective: December 27, 1983.

FOR FURTHER INFORMATION CONTACT:

Jack Calloway, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

List of Subjects in 14 CFR Part 241

Air carriers, Uniform system of accounts and reports.

Accordingly, the Civil Aeronautics Board amends Part 241 of its Economic Regulations (14 CFR Part 241) by adding a sentence at the end of the note at the end of the table of contents to Part 241 to read:

The reporting requirement contained in § 241.19-7 has been approved by the Officer of Management and Budget under number 3024-0017.

This amendment is issued by the undersigned pursuant to delegation of authority from the Board to the Secretary in 14 CFR 385.24(b).

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-1202 Filed 1-16-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 136

[Docket No. 75P-0361]

Standards of Identity for Bakery Products; Stay of Final Decision

AGENCY: Food and Drug Administration.
ACTION: Final rule; stay of final decision following a formal evidentiary public hearing and granting of petitions for reconsideration.

SUMMARY: The Commissioner of Food and Drugs is staying his Final Decision following a formal evidentiary public hearing concerning four amendments to the standards of identity regulations for bakery products. The Commissioner is also granting petitions for reconsideration received on this matter.
DATE: The stay and the granting of the petitions for reconsideration are effective January 17, 1984.

ADDRESS: Petitions for reconsideration may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Theodore E. Herman, Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 9, 1983 (48 FR 51448), the Commissioner of Food and Drugs issued his Final Decision following a formal evidentiary public hearing concerning four amendments to the standards of identity regulations for bakery products. The amendments had previously been stayed pending completion of the hearing and the Commissioner's review. The Commissioner affirmed the holding in the Initial Decision that lecithin should be permitted as an optional ingredient in egg bread as well as in other bakery products; revised a stayed provision in the regulation that would have permitted as an optional ingredient only those spices that do not impart a color simulating that of egg to the finished product, thereby reversing the Initial Decision on this point; deleted a stayed provision in the regulation that would have placed certain restrictions on the addition to bakery products of coloring as such or as part of another ingredient, thereby reversing the Initial Decision on this point; and approved a provision in the regulation requiring a minimum content of 2.56 percent by weight of

whole egg solids [equivalent to one medium-sized egg per pound loaf] to justify the use of the name "egg bread," thereby reversing the holding of the Initial Decision that a minimum content of the yolks of two medium-sized eggs per pound be required.

This Final Decision was effective November 9, 1983. The removal of paragraphs a, b, and c of the stay note at the end of § 136.110 (21 CFR 136.110), the amendment to § 136.110(c)(16), and the removal of § 136.110(c)(17) were to become effective January 9, 1984. The removal of paragraph d of the stay note at the end of § 136.110 and the removal of the stay notes at the end of §§ 136.115 and 136.160 (21 CFR 136.115 and 136.160) were to become effective July 1, 1985. Petitions for reconsideration under 21 CFR 12.139 were to have been submitted by December 9, 1983.

Three petitions for reconsideration were submitted in a timely manner. Two petitions, one from the Tennessee Department of Agriculture, Division of Chemistry, and one from Florida Department of Agriculture and Consumer Services, Division of Foods and Dairies, requested that the Commissioner reconsider the four issues. One petition from the Food and Drug Administration, Bureau of Foods, requested reconsideration of the issues involving restrictions on the use of spices and artificial coloring. The petitions are on file under Docket No. 75P-0361 with the Dockets Management Branch (address above).

Pursuant to 21 CFR 10.33, the Commissioner hereby grants the petitions for reconsideration because it is in the public interest and in the interest of justice. Pursuant to 21 CFR 10.35, the Commissioner hereby orders the stay of his Final Decision and of all amendments ordered by the Final Decision. This stay, which is effective January 17, 1984, is granted because it is in the public interest and in the interest of justice. The Commissioner shall review and rule on the merits of matters raised by the petitions for reconsideration.

List of Subjects in 21 CFR Part 136

Bakery products, Bread, Food standards.

PART 136—BAKERY PRODUCTS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), the removal of paragraphs a.

b, c, and d of the stay note at the end of § 136.110, the amendment to § 136.110(c)(16), the removal of § 136.110(c)(17), and the removal of the stay notes at the end of §§ 136.115 and 136.160 published in the Federal Register of November 9, 1983 (48 FR 51448) are stayed.

Effective date: January 17, 1984.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: January 12, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84-1237 Filed 1-13-84; 10:39 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Fenbendazole Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by American Hoechst Corp., Animal Health Division. The supplement provides for changing the marketing status of fenbendazole suspension from prescription to over-the-counter (OTC).

EFFECTIVE DATE: January 17, 1984.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION:

American Hoechst Corp., Animal Health Division, Route 202-206 North, Somerville, NJ 08876, filed a supplement to its approved NADA 104-494 for fenbendazole suspension 10 percent. The drug is indicated for control of large strongyles, small strongyles, pinworms, and ascarids in horses. It has been restricted to use by or on the order of a licensed veterinarian (i.e., prescription use) since its approval on November 15, 1977 (42 FR 59069). The restriction was imposed because the product label stated "The drug may also be administered by stomach tube" and the laity are not considered qualified to insert a stomach tube safely in horses. The firm has deleted any reference

to administration by stomach tube from the labeling, thereby eliminating the basis for requiring prescription marketing. The remaining directions for dose syringe use can reasonably be followed by the laity. The firm also holds approvals for granule and paste formulations of fenbendazole which are marketed OTC. Accordingly, the supplement is approved and the regulations are amended to reflect the approval.

This is a Category II supplement (42 FR 64367; December 23, 1977) that does not affect the safety or effectiveness of the drug, therefore, a reevaluation of underlying safety and effectiveness data was not required. Approval of this supplement did not require the generation of new safety or effectiveness data, therefore, a freedom of information summary is not required.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.905a by revising paragraph (d)(1)(iii), to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.905a Fenbendazole suspension.

* * * * *

(d) * * *

(1) * * *

(iii) *Limitations.* Administer orally by dose syringe or suitable plastic syringe. Do not use in horses intended for food. Consult a veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

* * * * *

Effective date: January 17, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: January 10, 1984.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 84-1141 Filed 1-16-84; 8:45 am]

BILLING CODE 4160-01-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Service to Italy and Thailand

AGENCY: Postal Service.

ACTION: Final action on International Express Mail Service to Italy and Thailand.

SUMMARY: Pursuant to agreements with the postal administrations of Italy and Thailand, the Postal Service intends to begin International Express Mail Service with Italy and Thailand at postage rates indicated in the tables below. Service is scheduled to begin on February 18, 1984.

EFFECTIVE DATE: February 18, 1984.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlman [202] 245-4414.

SUPPLEMENTARY INFORMATION: By a notice published in the Federal Register on December 12, 1983 (48 FR 55299), the Postal Service announced that it was proposing to begin International Express Mail Service to Italy and Thailand. Comments were invited on published rate tables, which are proposed amendments to the International Mail Manual (incorporated by reference in the Code of Federal Regulations, 39 CFR 10.1), and which are to become effective on the date service begins. No comments were received.

Accordingly, the Postal Service states that it intends to begin International Express Mail Service with Italy and Thailand on February 18, 1984 at the rates indicated in the tables below.

List of Subjects in 39 CFR Part 10

Postal service, Foreign relations.

Italy—International Express Mail

Custom designed service ¹ up to and including		On demand service ² up to and including	
Pounds	Rate	Pounds	Rate
1	\$28.00	1	\$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50

Italy—International Express Mail—Continued

Custom designed service ¹ up to and including		On demand service ² up to and including	
Pounds	Rate	Pounds	Rate
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40
34	150.10	34	142.10
35	153.80	35	145.80
36	157.50	36	149.50
37	161.20	37	153.20
38	164.90	38	156.90
39	168.60	39	160.60
40	172.30	40	164.30
41	176.00	41	168.00
42	179.70	42	171.70
43	183.40	43	175.40
44	187.10	44	179.10

¹ Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

² Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Thailand—International Express Mail

Custom designed service ¹ —Weight not over		On demand service ² —Weight not over	
Pounds	Rate	Pounds	Rate
1	\$29.00	1	\$21.00
2	33.50	2	25.50
3	38.00	3	30.00
4	42.50	4	34.50
5	47.00	5	39.00
6	51.50	6	43.50
7	56.00	7	48.00
8	60.50	8	52.50
9	65.00	9	57.00
10	69.50	10	61.50
11	74.00	11	66.00
12	78.50	12	70.50
13	83.00	13	75.00
14	87.50	14	79.50
15	92.00	15	84.00
16	96.50	16	88.50
17	101.00	17	93.00
18	105.50	18	97.50
19	110.00	19	102.00
20	114.50	20	106.50
21	119.00	21	111.00
22	123.50	22	115.50

¹ Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

² Pickup is available under a Service Agreement for an added charge of \$5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

A transmittal letter making these changes in the pages of the International Mail Manual will be published in the Federal Register as provided in 39 CFR 10.3 and will be transmitted to subscribers automatically.

[39 U.S.C. 401, 404, 407]

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 84-1181 Filed 1-16-84; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AMS-FRL 2506-1]

Antitampering and Anti-Fuel Switching Programs To Reduce In-Use Emissions From Motor Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of Information.

SUMMARY: This Notice announces the availability of an EPA technical report on antitampering and anti-fuel switching programs to reduce in-use emissions from motor vehicles, responds to public comments received on the draft, and presents EPA's policy regarding the application of the report's results in the State Implementation Plan (SIP) process.

EFFECTIVE DATE: Effective January 17, 1984, EPA will begin using the final report to review SIP submissions.

ADDRESS: U.S. Environmental Protection Agency, Office of Mobile Sources (AR-455), 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Alfonse Mannato (EN-397), Field Operations and Support Division, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Telephone: (202) 382-2667.

SUPPLEMENTARY INFORMATION:

I. Background

On June 10, 1983 (48 FR 26840) EPA announced the availability of a draft technical report on antitampering and anti-fuel switching programs to reduce in-use emissions from motor vehicles. The Federal Register notice discussed the process for calculating the emission reduction potential of an antitampering program and invited comments on EPA's methodology and assumptions.

Comments on the draft technical report were received from 27 organizations and one private citizen. The organizations included nine State environmental agencies, four local agencies, six oil companies, one automobile manufacturer, and seven trade or public organizations.

II. Discussion of Issues

The comments will be summarized by category.

A. Assumptions and Methodology

The State of New Jersey and the city of Fort Worth, Texas questioned the adequacy of the EPA Tampering Surveys which were used to establish

the rates of tampering and fuel switching. Their concerns included the voluntary nature of the surveys, the choice of sites, and lack of adequate sample sizes to support the linear regression methodology developed to predict the rate of future tampering and fuel switching. The Motor Vehicle Manufacturers Association (MVMA) pointed out that examination of individual vehicle data by its member companies revealed that some vehicles were coded as tampered although they were not originally certified with the equipment in question. Consequently the tampering rates listed in the draft report would be somewhat overstated. American Motors suggested that the rates should also reflect the high percentage of vehicles which were coded as arguably tampered.

EPA agrees that the partially voluntary nature of the survey will inevitably introduce a bias, but feels that the survey methodology provides the best estimate available of tampering and fuel switching rates. Efforts were made to assure as complete participation as possible, and the 1982 survey used for the report was more successful than previous surveys in obtaining an unbiased sample. Arguably tampered elements were excluded, and only those cases in which the tampering could be easily identified and which should cause substantial increases in emissions were chosen for analysis. The mistakes in identification noted by MVMA were corrected, and are reflected in the rates in the final document.

Two commenters questioned the appropriateness of the regression procedure to predict tampering and fuel switching rates beyond the range of the data. They also stated that the regression should be forced through zero. EPA uses a regression because there is a need for a predictive model in order to estimate the benefits of an antitampering program which would begin at a future date. EPA chose a linear form for the regression because there are no grounds for presuming any other more complicated shape. EPA also feels that forcing the regression through zero does not adequately model the reality that tampering and fuel switching do not begin immediately when the vehicle is delivered to the original purchaser.

The State of Rhode Island and the city of Fort Worth questioned EPA's use of back-to-back Federal Test Procedure results on well-tuned vehicles for determining emission increases from specific disablements and EPA's assumptions regarding the effectiveness

of antitampering inspections where multiple disablements occur. MVMA pointed out that EPA's estimates of the percent of vehicles equipped with specific components were in error, and provided estimates from its member companies. EPA used MVMA's and other information to correct the estimates in the final report. EPA has also somewhat modified the effectiveness calculations for overlapping disablements and feels that the final report represents the best methodology available. EPA recognizes the limitations of back-to-back test data but no better approach is available and EPA believes use of the back-to-back data will lead to appropriate action on individual SIP submittals.

B. Technical Uncertainties

Several commenters pointed out that new vehicle and emission control technology in recent and future model years might change tampering rates due to improvements in driveability and fuel economy. The technical report assumes that tampering and fuel switching behavior will not change. Although this assumption is unproven, the data available now are not adequate to treat 1981 and later vehicles separately. Future versions of the methodology may revise this assumption as more data on these vehicles at higher mileages are available.

Several commenters also pointed out that there are many unanswered questions in other technical areas such as the ability of the Plumbtesmo test for tailpipe lead deposits to accurately identify poisoned catalysts, the emission effects of casual misfueling, the causes of misfueling behavior, the emission effects of PCV and evaporative canister disablement, and the hydrocarbon composition of emission increases from specific disablements. EPA acknowledges that there are many areas of technical uncertainty, and is pursuing investigations to resolve the more important of these issues. In future versions of the methodology, any new information resulting from these investigations will be incorporated.

C. Fuel Station Enforcement Programs

Comments were received from five oil companies and five trade associations objecting to EPA's design of a fuel station enforcement program which would include prosecuting operators of self-service gasoline stations for allowing misfueling on the part of vehicle owners. The commenters cited the expense of relocating leaded fuel pumps to allow observation by cashiers,

the difficulty in identifying vehicles which required unleaded fuel, and the danger to the cashier in challenging vehicle owners who are deliberately misfueling. EPA recognizes the difficulties inherent in enforcing that portion of federal law and regulation which prohibits fuel station owners from introducing or allowing the introduction of leaded fuel into catalyst equipped vehicles. The same problems would exist under a similar State or local prohibition. EPA believes, however, that there is the potential for some control strategy aimed at stopping misfueling at the pump and that, if a workable strategy could be designed, then emission reductions would result. The sizes of the emission reductions would no doubt be sensitive to the specifics of the State or local prohibition, the level and type of surveillance, and the enforcement procedures. In the final report, the single specific emission reduction estimate which appeared in the draft report has been dropped. Areas which wish to pursue the establishment of a fuel station enforcement program are invited to discuss with EPA design criteria and emission reduction potential.

D. Price Equalization Strategies

Most of the same commenters objected to the inclusion of a leaded/unleaded fuel price equalization strategy in the technical document. They objected on the grounds that such a strategy would penalize honest motorists and create market distortions. They also argue that price control strategies do not work and that EPA was seriously overestimating the effect that price equalization would have on fuel switching behavior. EPA recognizes the problems and uncertainties involved in the price equalization approach. The final report no longer contains specific effectiveness estimates for price equalization. Instead, it invites interested States to discuss with EPA the potential effectiveness of their particular proposals to reduce the incentives for tampering and fuel switching or to reduce the availability of aids to tampering and fuel switching such as catalyst substitute devices.

E. Federal Initiatives

All commenters agreed that it was appropriate for States and local areas to establish programs to deter consumer tampering and fuel switching, however, several suggestions were also made for activities at the Federal level which could reduce tampering and fuel switching. It was suggested that the

Federal government should specifically prohibit fuel switching by consumers and should ban the sale of "defeat devices" e.g., catalytic converter test pipes. Such possibilities are under study. It was also suggested that EPA require that fuel filler inlet restrictors be made of stronger materials to make enlargement more difficult, and that EPA require a redesign of underhood emission labels to support antitampering inspection efforts. Both of these elements are being considered, but the rulemaking and manufacturer lead times necessarily would mean that neither of these changes could take effect immediately, and then would only apply to new model year vehicles.

F. Credit for Additional Strategies

Various commenters requested that EPA establish emission reduction credits for additional approaches to tampering deterrence such as enforcement of complaints against garages and service stations, state prohibition of self-service gasoline dispensing, heavy-duty vehicle inspection, mechanic training, and public education activities. While EPA agrees that all of these activities contribute to an antitampering effort, there are little or no data available to estimate the effect that any of these activities would have in the absence of an inspection program or how much additional deterrence they would contribute if implemented. EPA has attempted in this report to estimate credits for those activities which are believed to be most effective in reducing excess mobile source emissions. EPA is willing, however, to work with any state to derive credits for alternative antitampering and antitampering programs which a state may wish to implement.

Two commenters requested that tampering related to NOx emissions be addressed in the report. EPA has not included it in the final document, but will be establishing NOx credits for antitampering programs in the near future.

G. Additional Program Guidance

Several commenters requested that EPA provide specific guidance on inspection procedures, size of penalties, and types of approvable repairs. In addition a request was made for model regulations and enforcement methodologies. EPA intends to continue to support State and local efforts to

establish programs by issuing detailed guidance and by conducting individual workshops. Interested areas should contact their EPA Regional Offices or the information contact listed above for assistance.

H. State Implementation Plan (SIP) Credits for Antitampering Programs

One commenter requested that EPA clarify whether the reductions achieved through an antitampering program could be applied to the minimum emission reduction requirement established for I/M programs. A second commenter suggested that an antitampering effort be allowed to substitute for the required I/M program. A third commenter recommended that EPA increase the I/M requirement to include the addition of emission control device physical inspections. EPA feels that those elements of a program which consist of inspection, repair, and reinspection of individual vehicles may appropriately be applied to the I/M emission reduction requirement. This specifically excludes credits from the fuel station and price equalization concepts from being applied to the I/M requirement. Such credits may be used for other SIP purposes, such as demonstration of future attainment of a National Ambient Air Quality Standard, demonstration of Reasonable Further Progress, and possibly as an offset in a new source permitting program.

A final issue raised by the commenters was the use of local tampering rates and driving conditions (speed, temperature, etc.) in calculating SIP credits. The new EPA computer model for calculating mobile source emission factors (MOBILE 3) will include tampering and fuel switching effects in the base emission factor and will have the capability to estimate the effect of an antitampering program under local rates and conditions. Areas wishing to establish localized credits will need to contact their EPA Regional Office for assistance.

All credits for antitampering and anti-misfueling programs in individual SIP submissions will be proposed for public comment in the SIP approval process.

Dated: December 30, 1983.

Sheldon Meyers,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 84-1145 Filed 1-16-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6498

[A12998, A13014, A13016, A13017, A13360, A13367, A13442, A13452, A17207, A17412]

Arizona; Public Land Order No. 6468: Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in the land description contained in Public Land Order No. 6468 of September 26, 1983.

EFFECTIVE DATE: January 17, 1984.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, (602) 261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The land description in Public Land Order No. 6468 of September 26, 1983, in FR Doc. 83-26576, published at page 44539, in the issue of Thursday, September 29, 1983, is corrected to read as follows:

On page 44539 in the first column, the last line reads sec. 13, lot 1. It should be corrected to read "sec. 13, lot 2."

Dated: January 6, 1984.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 84-1178 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6499

[W-29044]

Wyoming; Public Land Order No. 6388, Correction; Partial Revocation of Reclamation Project Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct an error in the land description contained in Public Land Order No. 6388 of May 16, 1983.

EFFECTIVE DATE: January 17, 1984.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307-772-2089.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The description of a parcel of land in Public Land Order No. 6388 of May 16, 1983, as published in FR Doc. 83-13903 appearing at page 23225 in the issue of Tuesday, May 24, 1983, in the second column under T. 27 N., R. 107 W., line 3, reads sec. 25; it is hereby corrected to read sec. 24.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

January 6, 1984.

[FR Doc. 84-1198 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6500

[W-29542]

Wyoming; Public Land Order No. 6397, Correction; Partial Revocation of Executive Order of May 14, 1915

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct four errors in the land description contained in Public Land Order No. 6397 of June 16, 1983.

EFFECTIVE DATE: January 17, 1984.

FOR FURTHER INFORMATION CONTACT: Scott Gilmer, Wyoming State Office, 307-772-2089.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The descriptions of four parcels of land in Public Land Order No. 6397 of June 16, 1983, as published in FR Doc. 83-17288 appearing at page 29695 in the issue of Tuesday, June 28, 1983, are hereby corrected as follows: In the first column under T. 16 N., R. 107 W., line 1 reads "sec. 2, lots through 7 inclusive, E $\frac{1}{2}$ SW $\frac{1}{4}$," and is corrected to read "sec. 2, lots 5 through 7, inclusive, E $\frac{1}{2}$ SW $\frac{1}{4}$." In the first column under T. 12 N., R. 108 W., line 1 reads "sec. 1, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$," and is corrected to read "sec. 1, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$,"; line 7 reads "sec. 19, lots 1, 8, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$," and is corrected to read "sec. 19, lots 7, 8, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$." In the first column under T. 15 N., R. 108 W., line 1 reads "sec. 10, W $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$," and is corrected to read "sec. 10, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$."

Dated: January 6, 1984.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 84-1177 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 213

[Docket No. RST-3, Notice No. 6]

Track Safety Standards; Commuter Service Amendment

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Final rule.

SUMMARY: FRA is amending the Track Safety Standards to make them applicable to all track that is used to provide commuter or short-haul passenger service in a metropolitan or suburban area. This action is taken in response to a requirement of the Federal Railroad Safety Authorization Act of 1982 (Pub. L. 97-468, 96 Stat. 2579).

EFFECTIVE DATE: This final rule becomes effective February 16, 1984.

FOR FURTHER INFORMATION CONTACT:

Philip Olekszyk, Deputy Associate Administrator for Safety, FRA, Washington, D.C. 20590. Telephone 202-426-0897.

SUPPLEMENTARY INFORMATION: A recent amendment to the Federal Railroad Safety Act of 1970 (Safety Act) (45 U.S.C. 431 *et seq.*) requires that, by January 14, 1984, FRA issue regulations to apply appropriate safety principles to track used for commuter service (Pub. L. 97-468, 96 Stat. 2579).

FRA's current track safety standards (49 CFR Part 213) apply to all standard gage track in the general railroad system of transportation, but exempt track used exclusively for commuter or other short-haul passenger service in a metropolitan or suburban area (49 CFR 213.3). These standards, adopted in 1971, establish minimum requirements for the condition of various components of the track, the relevant geometry parameters for these components, inspection procedures, and mandatory remedial actions.

On September 2, 1983, FRA issued a notice of proposed rulemaking (NPRM) to eliminate that current exclusion insofar as it applies to commuter or short-haul passenger service but to retain the exclusion for track that is used solely for rapid transit service (48 FR 39965). In addition to providing for written comments on the proposal, FR held a public hearing on October 4, 1983, to permit oral comment on the NPRM.

Six commenters responded to the proposed rule. Five expressed support for the proposal. The other commenter did not oppose the proposal, but expressed concern about a longstanding ambiguity over whether its operations

should be classified as a rapid transit operation or a commuter operation. Two of the commenters recommended that FRA make additional changes to the regulation. These additional changes would involve: (i) Increasing the frequency for conducting internal rail flaw detection inspections; (ii) establishment of new rules to protect workmen performing track maintenance functions; and (iii) establishment of a requirement that all track used for commuter service meet the FRA standards for class 4 track contained in this regulation.

Since all of these recommended changes are beyond the scope of the notice of proposed changes issued by FRA, they have not been adopted. FRA will review these suggested changes and may address these issues in a future rulemaking. The ambiguity concerning the status of one commenter involves a number of FRA regulations in addition to the Track Safety Standards. Resolution of that issue must await further analysis by FRA and, in any event, does not affect the adoption of a final rule in this proceeding.

Based on the statutory directive, the available facts, and the comments received in response to the proposal, FRA has decided to adopt the changes as proposed in the NPRM. As confirmed by the two commenters who addressed the issue, adoption of the rule will have a relatively limited impact. First, approximately 4,800 miles of track used for commuter service and 300,000 miles of track used for freight or passenger service are already subject to the standards. Second, those operating over unregulated tracks currently adhere on a voluntary basis to the FRA standards or their own more stringent rules. As a consequence, no significant new or additional costs will be imposed by the adoption of this proposal. Conversely, neither FRA, for the reasons set forth in the NPRM, nor the commenters are able to establish a clear estimate of the safety benefits associated with this rule.

Regulatory Impact

This final rule has been evaluated in accordance with existing regulatory policies. It is neither a "major rule" as defined under Executive Order 12291 nor a significant rule under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The rule contains only a single technical revision to the existing standards and would have an impact only on those entities that operate commuter service over track used exclusively for that purpose.

In general, the rule will not serve to increase the economic burdens of the existing regulation. It is of limited scope

and imposes track standards already generally adhered to by commuter service operators. FRA believes that this provision will result, at most, in only a minor increase in recordkeeping burdens and their associated costs in isolated instances. Since the rule contains only a limited, technically oriented proposal, which is expected to have a minimal impact, FRA has determined that further evaluation is not necessary.

The proposed rule will have a direct impact only on the railroads or commuter agencies that own the 384 miles of track used exclusively for commuter or other short-haul passenger service. It will not place any requirements or burdens on the public. Nor will it increase the budgeted expenditures for track maintenance for the track owners, because they already allocate funding for track maintenance sufficient to meet or exceed these standards. The rule will not have any significant impact on any small entity, since no such entity operates over track used exclusively for commuter or other short-haul passenger service. Based on the facts set forth in this final rule, it is certified that the rule will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Paperwork Reduction Act

The final rule indirectly contains provisions concerning the collection of information that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*, Pub. L. 96-511). These provisions involve the need to record and maintain information concerning inspection activities under the requirements of § 213.7 and § 213.241. These information collection requirements have been submitted to the Office of Management and Budget (OMB). Such requirements apply to all track owners currently subject to the regulation. The expansion of these information collection requirements for the track covered in this proposal will not become effective until approved by OMB. Although FRA specifically solicited comments on the potential paperwork burden imposed by this rule, no comments on this issue were received.

List of Subjects in 49 CFR Part 213

Railroad safety.

In consideration of the foregoing, Part 213, Title 49, Code of Federal Regulations, is amended as set forth below:

The Final Rule

PART 213—[AMENDED]

1. 49 CFR Part 213 is amended by revising § 213.3 to read as follows:

§ 213.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to all standard gage track in the general railroad system of transportation.

(b) This part does not apply to track—
(1) Located inside an installation which is not part of the general railroad system of transportation; or

(2) Used exclusively for rapid transit service in a metropolitan or suburban area.

(Sec. 202, 84 Stat. 971 (45 U.S.C. 431); sec. 1.49(m) of the Regulations of the Secretary of Transportation (49 CFR 1.49(m)))

Issued in Washington, D.C. on January 13, 1984.

John H. Riley,

Administrator.

[FR Doc. 84-1262 Filed 1-16-84; 8:45 am]

BILLING CODE 4910-06-M

49 CFR Part 232

[Docket No. PB-6, Notice No. 3]

Railroad Power Brakes and Drawbars: Technical Amendment

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Technical amendment.

SUMMARY: This technical amendment revises section 232.17(b) to reference standard S-045 from the Manual of Standards and Recommended Practices of the Association of American Railroads (AAR). This action is taken by FRA as a result of action by AAR to move the passenger car periodic brake repair intervals from the AAR Code of Rules for cars in interchange to the Manual of Standards and Recommended Practices.

EFFECTIVE DATE: January 17, 1984.

FOR FURTHER INFORMATION CONTACT:

Philip Olekszyk, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590; telephone (202) 426-0897.

SUPPLEMENTARY INFORMATION: FRA has established a requirement (49 CFR 232.17(b)) that brake equipment on railroad cars be cleaned, repaired, lubricated, and tested on a periodic basis. This periodic work, referred to in the railroad industry as COT&S, is done at various intervals depending on the type of brake equipment.

Since 1958, when the requirement was first established, the COT&S intervals

for passenger and freight cars have been published in the AAR Code of Rules for cars in interchange, which is issued annually. However, the AAR has removed the passenger car COT&S intervals from the 1984 Code of Rules for cars in interchange, which became effective on January 1, 1984, and has included them in its Manual of Standards and Recommended Practices.

The technical amendment in this notice simply references the new location of the passenger car COT&S intervals. It does not change the substantive requirement for regular maintenance of brake equipment on passenger cars.

In addition, this notice provides a more complete address of the AAR, from which copies of the materials referenced in § 232.17 may be obtained.

Notice and Public Procedure

Since this amendment merely changes a referent in FRA's regulations and imposes no additional burden on any person, FRA finds that notice and comment procedures are not necessary. Also, since confusion could result from an incorrect reference, notice and public procedures are impractical; the rule is being issued on an emergency basis under Executive Order 12291. Similarly, to avoid confusion about the COT&S interval for passenger cars resulting from the revision to AAR Code of Rules, FRA finds good cause to make this amendment effective in less than 30 days upon publication.

Regulatory Impact

This amendment has been evaluated in accordance with existing regulatory policies. It is considered to be nonmajor under Executive Order 12291 and nonsignificant under the DOT policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this amendment has been found to be so minimal that further evaluation is unnecessary. Based on these facts, FRA certifies that the amendment will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The amendment will not have any environmental impact and does not involve directly or indirectly any information collection requirements.

List of Subjects in 49 CFR Part 231

Railroad safety.

The Final Rule

PART 232—[AMENDED]

In consideration of the foregoing, § 232.17 of Part 232 of Title 49, Code of

Federal Regulations, is amended, effective upon publication, by revising paragraph (b) to read as follows:

§ 232.17 Freight and passenger train car brakes.

(b)(1) Brake equipment on cars other than passenger cars must be cleaned, repaired, lubricated and tested as often as required to maintain it in a safe and suitable condition for service but not less frequently than as required by currently effective AAR Code of Rules for cars in interchange.

(2) Brake equipment on passenger cars must be clean, repaired, lubricated and tested as often as necessary to maintain it in a safe and suitable condition for service but not less frequently than as required in Standard S-045 in the Manual of Standards and Recommended Practices of the AAR.

(3) Copies of the materials referred to in this section can be obtained from the Association of American Railroads, 1920 L Street, N.W., Washington, D.C. 20036.

(72 Stat. 86, 45 U.S.C. 9; sec. 6 (e), (f), 80 Stat. 939, 49 U.S.C. 1655; and sec. 1.49(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c))

Issued in Washington, D.C. on January 13, 1984.

John H. Riley,

Administrator.

[FR Doc. 1261 Filed 1-16-84; 8:45 am]

BILLING CODE 4910-06-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1043

[Ex Parte No. MC-5 (Sub-2A)]

Motor Carriers of Passengers Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: Section 18 of the Bus Regulatory Reform Act of 1982 requires the Commission to adopt minimum amounts of coverage for bodily injury and property damage liability for regulated motor carriers of passengers at levels no lower than those prescribed by the Secretary of Transportation under the new financial responsibility requirements of that Act.

The Commission is adopting rules modifying its regulations to reflect the required amounts at the same levels established by the Secretary for each of the new vehicle classifications

established in that Act, namely, (1) those with a seating capacity of 16 passengers or more, and (2) those with a seating capacity of 15 passengers or less.

EFFECTIVE DATE: February 16, 1984.

FOR FURTHER INFORMATION CONTACT:

Alice K. Ramsay, (202) 275-0854;

or

Margaret Richards, (202) 275-1538.

SUPPLEMENTARY INFORMATION:

Introduction

Section 18 of the Bus Regulatory Reform Act of 1982 (96 STAT. 1102-29, Pub. L. 97-261—Sept. 20, 1982 (BRR)), amended 49 U.S.C. 10927(a)(1) to require motor carriers of passengers to file with the Commission a bond, insurance policy, or other type of security approved by the Commission, in an amount not less than such amount prescribed by the Secretary of Transportation pursuant to the provisions of the BRR. This filing requirement is a predicate to our issuance of a certificate or permit under sections 10922 or 10923 of Title 49 of the United States Code. Moreover, such a certificate or permit remains in effect only as long as the carrier satisfies the security requirements of these financial responsibility provisions.

The BRR Requirements

Under the BRR, the Secretary of Transportation was obliged to establish regulations requiring minimal levels of passenger carrier financial responsibility. Those required levels had to be sufficient to satisfy liability amounts established for public liability and property damage for the transportation of passengers for hire, by motor vehicle, in the United States. The requirements apply specifically to transportation from a place in a State to a place in another State, from a place in a State to another place in such State through a place outside of such State, and between a place in a State and a place outside of the United States.¹

The minimal level of financial responsibility which may be established by the Secretary under the BRR are:

(1) For any vehicle with a seating capacity of 16 passengers or more not less than \$5,000,000, except that the Secretary is authorized to reduce such amount to an amount not less than

\$2,500,000 for the 2-year period beginning on November 19, 1983, or any part of such period, and

(2) For any vehicle with a seating capacity of 15 passengers or less not less than \$1,500,000, except that the Secretary is authorized to reduce such amount to an amount less than \$750,000 for any class of such vehicles or operations for the 2-year period beginning on November 19, 1983, or any part of such period,

predicated on findings by the Secretary, with respect to the particular class of transportation of passengers, that such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service.

If the Secretary had not established regulations effective November 19, 1983, to require minimal levels of financial responsibility for any class of transportation of passengers, the levels of financial responsibility for such class of transportation would have been the statutory \$5,000,000 minimum amount in the case of motor vehicles with a seating capacity of 16 passengers or more and the \$1,500,000 amount in the case of motor vehicles having a seating capacity of 15 passengers or less, until such time as the Secretary, by regulation, changes such amount.

Section 18(h) of the BRR amended section 10927(a)(1) of Title 49 of the United States Code to authorize the Commission to issue a certificate or permit to a motor carrier of passengers *only* if the carrier files with it a bond, insurance policy, or other type of security approved by the Commission, in an amount not less than such amount as the Secretary of Transportation prescribes pursuant to, or as is required by, the provisions of section 18 of the BRR. Under section 10927(a)(1) the security must be sufficient to pay, not more than the amount of the security, for each final judgment against the carrier for bodily injury, or death of, an individual resulting from the negligent operation, maintenance, or use of motor vehicles under the certificate or permit, or for the loss or damage to property (except cargo), or both. And, as noted previously, section 10927(a)(1) also provides that a certificate or permit remains in effect only as long as the carrier satisfies these requirements.

Background and Purpose of This Proceeding

In *Ex Parte No. MC-5 (Sub-No. 2), Motor Carriers and Freight Forwarders Insurance Procedures and Minimum Amounts of Liability*, in proposing changes in the Commission's regulations relating to the required limits on filings of evidence of security by insurance and

security companies, we observed, at 49 FR 55976 (December 14, 1982):

We also anticipate much higher limits of liability for motor passenger carriers as a result of the Secretary of Transportation's Implementation of the insurance provisions of the Bus Regulatory Reform Act of 1982.

Later in that same proceeding, in announcing final rules, 48 FR 51777 (November 14, 1983) at 51779, we described the then pending DOT rulemaking proceeding to implement the requirements of the BRR at limits higher than those in force in the Commission's regulations, saying:

In light of the certainty of those major changes in limits requirements and the additional requirements of section 18 of the BRR that the Commission require security "in an amount not less than" prescribed by the Secretary of Transportation, no new limits will be prescribed for passenger carriers in this proceeding at this time. Instead, in order to minimize confusion, we will make changes in section 1043.2(b)(1)(b) as soon after completion of the DOT proceeding as possible.

In the *Ex Parte No. MC-5 (Sub-No. 2)*, proceeding and in *Ex Parte No. MC-5 (Sub-No. 1), Motor Carriers of Property Minimum Amounts of Bodily Injury and Property Damage Liability Insurance*, we have made changes in the Commission's programs and procedures to provide for the filing and acceptance of security for motor carriers, brokers, and freight forwarders. Included among those changes were provisions (1) to recognize any new endorsement or bond form prescribed by DOT; (2) to allow filings by insurance and surety companies that qualify under the State qualifications standards required by DOT; (3) to permit aggregation of coverage through multiple policies from the first dollar of coverage for bodily injury and property damage for motor carriers of passengers, in the same manner as DOT; and (4) to permit the use of either combined single limit or split limit coverage, as does DOT, provided the levels of financial responsibility written meet the required minimums. In short, all that remains for this Commission to do in implementing the requirements of section 18 of the BRR is to establish limits at least equal to those of DOT, and to set an effective date for filing security under the new rules.

The purpose of this proceeding is to establish those limits and the filing date.

The DOT Rulemaking

Limits

To implement the BRR requirements the Bureau of Motor Carrier Safety of

¹ "State" means a State of the United States and the District of Columbia for the purposes of this law. Also, certain school bus, taxicab, and commuter vanpool vehicles are exempt from the BRR requirements in effectively the same terms that they are exempt from the Commission's licensing requirements.

the Federal Highway Administration (FHWA) of the Department of Transportation published a Notice of proposed rulemaking in the Federal Register on Tuesday, May 31, 1983 (48 FR 24147), concerning the minimum levels of financial responsibility for motor carriers of passengers. It requested, and received, comments concerning what minimum levels of financial responsibility for motor carriers of passengers would meet best the requirements of the BRRRA. On November 17, 1983, it issued a Final Rule, published at 48 FR 52679 (November 21, 1983), establishing minimum levels of financial responsibility for for-hire motor carriers of passengers involved in interstate or foreign transportation. After reviewing the arguments made in the comments, DOT, in pertinent part, said:

With all things considered (i.e., protection of the public, the stability of the bus industry, the ability of the insurance industry to provide the coverage and the particular needs of small and minority motor carriers), the question which begs to be answered is what *minimum* levels of financial responsibility are sufficient? We stress the word "minimum" as it has appeared since the inception of the Bus Regulatory Reform Act.

The FHWA firmly believes, based on its accident data and the data provided by the insurance industry, that with less than one one-hundredth of one percent of all commercial vehicle accidents resulting in claim settlements of more than \$500,000, the lowest levels allowed in the Act are sufficient. This is not to say that the FHWA does not encourage motor carriers of passengers to maintain levels of liability coverage sufficient to cover their assets and fully protect their concerns. What is at issue here is the absolute minimum which must be maintained before a motor carrier of passengers subject to these rules may operate its vehicles on the public highway system.

DOT thus concluded that the minimum levels, for each classification of passenger carrier, from November 19, 1983, until November 19, 1985 (or earlier should the Secretary so decide), should be at the lowest level within the Secretary's discretion under the BRRRA, and adopted a rule, 49 CFR 387.33, as follows:

§ 387.33 Financial responsibility, minimum levels.

The minimum levels of financial responsibility referred to in section 387.31 of this subpart are hereby prescribed as follows:

Schedule of Limits—Public Liability

FOR-HIRE MOTOR CARRIERS OF PASSENGERS OPERATING IN INTERSTATE OR FOREIGN COMMERCE

Vehicle seating capacity	Effective dates	
	Nov. 19, 1983	Nov. 19, 1985
(1) Any vehicle with a seating capacity of 16 passengers or more.....	\$2,500,000	\$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less.*.....	750,000	1,500,000

* Except as provided in section 387.27(b). (The exceptions relate to vehicles not subject to regulation by the Interstate Commerce Commission.)

Forms

In its final rules, DOT adopted two standard forms, namely, the Form MCS-90B endorsement and the Form MCS-82B Surety Bond. These forms are substantially similar to those previously adopted by DOT for use of property carriers and they meet the requirements of the Commission's rule 49 CFR 1043.7(a), *Forms and Procedures*. Thus, they are recognized by the Commission for use in our motor passenger carrier financial responsibility security program. Commenting on these forms, DOT noted that both forms are currently under review by the Office of Management and Budget under the Paperwork Reduction Act of 1980 and indicated that final action on these forms by OMB is expected within 90 days. It recognized the problem that the insurance industry will have in trying to get the required endorsements into the hands of its passenger carrier clients, saying:

Time is needed to satisfy the endorsement requirement. In view of this, the Bureau of Motor Carrier Safety does not intend to enforce the requirement that passenger carriers have the endorsement(s) attached to their policies of insurance for 90 days from either the effective date of November 19, 1983, or the date OMB approves the forms, whichever is later.

It should be understood that this is in no way a relaxation of the minimum levels of financial responsibility. All passenger carriers must have the required minimum levels of financial responsibility as of November 19, 1983.

As indicated earlier, the Commission contemplates the use of the DOT endorsement and bond forms. Obviously, however, we cannot require the attachment of Form MCS-909B endorsements to insurance policies or the filing of DOT prescribed surety bond, Form MCS-82B, until they are reviewed and approved by OMB. However, this need not delay the implementation of the Commission's new requirements imposed pursuant to

the BRRRA. Form BMC 82, which is a surety bond form prescribed for bodily injury and property damage bond filings has been approved by OMB for use through September 30, 1986, and its continued use (on an interim basis) will have the same consequences in this Commission's program as would the filing of Form MCS-82B. As for the endorsement forms, this Commission has been allowing carriers to file OMB approved certificates of insurance (Forms BMC 91 or 91X) without requiring related endorsements being actually attached to the policies of insurance since 1981. This practice can and will be continued with respect to passenger carriers' filings, at little or no inconvenience to the carriers or insurers, from the effective date of our rules until OMB approval of Form MCS-90 is obtained and its use required by DOT.

Discussion

Limits

While the Commission must establish limits of at least \$2,500,000 for any vehicle with a seating capacity of 16 passengers or more and of at least \$750,000 for any vehicle with a seating capacity of 15 passengers or less, and at least at the statutory limits after January 19, 1985, there is a question whether the limits we require in our program should be higher. We do not believe so.

In the case of each of the classifications, the DOT-required minimum limits are higher than in the Commission's existing program. Taking into account the change in classification as to kind of equipment required under the BRRRA, the minimum limits requirements for regulated carriers would rise as follows:

Equipment class	From	DOT minimum
12 passenger capacity or less.....	\$100,000/300,000/50,000	\$750,000
13-15 passenger capacity.....	100,000/500,000/50,000	750,000
16 passengers or more.....	100,000/500,000/50,000	2,500,000

Recognizing both that DOT found that less than one-hundredth of one percent of all commercial vehicle accidents resulted in claim settlements of more than \$500,000 and that there have been no substantial efforts made in recent years by the public to have our existing (even lower) minimum limits raised, we agree with DOT that the lowest levels allowed under the BRRRA are sufficient.

In light of the fact that DOT considered carefully in its rulemaking proceeding the question of what limits

should be required to protect the public, the stability of the bus industry, the ability of the insurance industry to provide the coverage, and the particular needs of small and minority motor carriers, we see no need to seek comments on the same question in this proceeding. This conclusion not only is justified by the need to implement the requirements of the BRRRA as soon as possible, but also by the fact that any interested person is free to petition the Commission for a rulemaking proceeding to consider higher minimum limits at any time. In the meantime, the public will have the protection intended by the new requirements imposed under the BRRRA at the levels found appropriate and sufficient by the DOT. We, therefore, are adopting the same requirements as DOT.

Applicability

In addition to the carrier operations to which the BRRRA applies specifically, the Commission's minimum security requirements apply to operations in foreign commerce subject to 49 CFR 1043.11. That section provides that no motor carrier may operate in the United States in the course of transportation between places in a foreign country or between a place in one foreign country and a place in another foreign country unless it meets the security filing and maintenance requirements of section 1043.2(b), a portion of which is the subject of this rulemaking. Those operations in foreign commerce, although not subject to economic regulation by the Commission, must meet financial responsibility requirements at the same minimum limits levels as regulated operations in interstate and foreign commerce, and are automatically included in each change of such requirements. Because the changes being made here have been mandated recently by the Congress for the protection of the public, we see no reason to depart from this policy of automatic inclusion of such trans-United States operations at this time.

Effective Date

We have considered delaying the effective date for filing evidence of security reflecting the higher coverage requirements imposed under these rules adopted in order to give additional notice to the public and to solicit comments. However, to do so would be impracticable and is unnecessary and contrary to the public interest. Because of the limited nature of the changes, the ample notice given in the statute and the related DOT and Commission rulemakings and the fact that the changes are not only both urgently

needed for the protection of the public and the least burdensome that we can impose under the BRRRA, no such delay is warranted. Therefore, we are making rule changes effective 30 days after publication of this decision and notice in the **Federal Register** under 49 U.S.C. 553(b).

Environmental and Energy Considerations

This action does not significantly affect the quality of the human environment or the conservation of energy resources.

Final Regulatory Flexibility Analysis

Under section 18(h) of the BRRRA, this Commission is required to adopt new security limits in an amount not less than such amount as the Secretary of Transportation prescribes pursuant to, or as is required by section 18 of the BRRRA. All but the few passenger carriers traveling through the United States in operations between points beyond this country's borders are already subject to the same minimum limits of coverage requirements imposed in this proceeding. With respect to the carriers which are also subject to DOT's requirements, the BRRRA does not give the Commission discretion to impose lower requirements. The Commission is obligated to implement the requirements of the BRRRA as quickly as possible. Otherwise, the public could be subject to legal complications resulting from differences in the DOT and ICC rules. These rules make ICC and DOT requirements compatible and place the new requirements in a regulatory framework that already recognizes DOT policy determinations with respect to aggregation of coverage, qualifications of insurance companies, and the like. Moreover, the requirements may be met by using DOT forms in every situation where DOT has a prescribed form appropriate to the use. Thus, there is no duplication or overlap of the regulations. As to those carriers serving between points in foreign countries, the limits are, as they have been in the past, established at the same levels as for regulated carriers serving one or more United States points and performing operations in interstate or foreign commerce. This does not duplicate or overlap any regulation of DOT and assures the protection of the public in the same manner, to the same extent, and with respect to the same kind of vehicles as found to be required by DOT in its implementation of the BRRRA. No reasonable distinction can or should be made with respect to the safety and financial responsibility issues affecting

such regulated and non-regulated operations.

Although a substantial number of small entities will be affected by these rules, the impact on them cannot be lessened because this decision implements the statutory requirements of the BRRRA in the least burdensome possible way. There are no significant alternatives which would accomplish the stated objectives of this proceeding or meet the statutory requirements of the BRRRA.

A copy of this notice will be served on the Chief Counsel for Advocacy of the Small Business Administration, the Director of the Office of Management and Budget, and the Federal Highway Administrator of DOT.

List of Subjects in 49 CFR Part 1043

Insurance, Motor carriers, Surety bonds

Final rules

Part 1043, Subtitle B, Chapter X of Title 49 of the Code of Federal Regulations, is amended as follows:

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

In § 1043.2, paragraph (b) under paragraph (b)(1), is revised to read as follows:

§ 1043.2 Security for the protection of the public: Minimum limits.

* * * * *

(b)(1) * * *

(b) *Passenger Carriers*

Kind of Equipment

Vehicle seating capacity	Effective dates	
	Nov. 19, 1983	Nov. 19, 1985
(1) Any vehicle with a seating capacity of 16 passengers or more.....	\$2,500,000	\$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less.....	750,000	1,500,000

* * * * *

Authority: 49 U.S.C. 10321, 10927, and 5 U.S.C. 553.

Decided: January 5, 1984.

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

James H. Bayne,
Acting Secretary.

[FR Doc. 84-923 Filed 1-16-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination That *Bufo hemiophrys baxteri* (Wyoming Toad) is an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Bufo hemiophrys baxteri* (Wyoming toad) to be an endangered species. This toad is now known to occur only in one 40-acre area of privately-owned land in Albany County, Wyoming. Formerly abundant in the Laramie Basin, the toad has virtually disappeared from all known sites; only two immature specimens were located in a 1983 survey. The cause of its precipitous decline is uncertain. The Service requested information on the species in a proposed rule that appeared in the *Federal Register* on January 27, 1983 (48 FR 3794). The determination that *Bufo hemiophrys baxteri* is endangered will implement Federal protection provided by the Endangered Species Act of 1973, as amended.

DATES: This rule becomes effective February 16, 1984.

ADDRESSES: Comments or questions concerning this action should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Staff Biologist, Endangered Species Office, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 (303/234-2496).

SUPPLEMENTARY INFORMATION:**Background**

Bufo hemiophrys baxteri (Wyoming toad) was discovered by Dr. George T. Baxter in 1946 (Porter, 1968). A related toad, *Bufo hemiophrys hemiophrys* (Canadian toad), occurs in Manitoba, Alberta, Saskatchewan, Minnesota, Montana, and North and South Dakota. The Wyoming toad is thought to be a relictual population left behind as glaciers retreated. Some authors (Packard, 1971) have argued that the Wyoming toad is a full species, but Porter (1968) presented evidence that it is subspecifically distinct from *Bufo hemiophrys hemiophrys* (but see comments of J. D. Stewart cited below). The toad is small (2-inch) bufonid with cranial crests fused into a medial

"boss." It is the only toad in the Laramie Basin. Since its discovery, Dr. George Baxter has taken students in summer from the University of Wyoming to observe the Wyoming toad. Known breeding places were visited regularly for over 30 years. After very few toads were heard or seen from 1975 through 1979, an intensive survey was conducted throughout the Laramie Basin in 1980. A reward for information on the toad was advertised in local newspapers and resulted in one population being located on private land in Albany County, Wyoming. A number of males were heard calling, but no females were found nor were any tadpoles or egg masses discovered when the area was checked later. The population existed within a 40-acre area and was thought to consist of about 25 individuals; surveys in 1981 revealed only one male and one female. A survey conducted by the State of Wyoming was able to again locate only two toads in this area in 1983. The reasons for the basinwide disappearance are not understood although the leopard frog (*Rana pipiens*) was also found to be suddenly absent from the Laramie Basin. However, the northern chorus frog (*Pseudacris triseriata*) remains abundant in the Laramie Basin. Baxter *et al.* (1982) reviewed the biological status of the species and speculated on possible reasons for decline.

Summary of Comments and Recommendations

In the January 27, 1983, *Federal Register* proposed rule (48 FR 3794) and associated notifications and press releases, all interested parties were requested to submit factual reports or information which might contribute to the development of a final rule. A letter was sent to the Governor of Wyoming notifying him of the proposed rule and soliciting his comments and suggestions. All comments received were considered.

Comments were received from the Wyoming Executive Department, the Wyoming Game and Fish Department, the Colorado Field Office of The Nature Conservancy, Mr. J. D. Stewart of the University of Kansas Museum of Natural History and Dr. George T. Baxter of the University of Wyoming. All comments supported the proposal for listing this species.

The Wyoming Executive Department suggested that any recovery strategy must recognize and protect the private-landowner interests in the affected area and if a viable population is discovered on private lands in the Laramie Basin, it should be relocated to areas of Federal lands where it can receive adequate protection. The Service agrees that any

recovery strategy must recognize private landowner rights; only by cooperation may the survival of this unique toad be ensured. However, removal of a viable population from an area solely because it occurs on private land is not biologically justified and may contribute further to the species' precarious status. The Service will carefully consider all viable options to ensure the survival of the toad during the development of a recovery plan and will work closely with private landowners both to protect the unique Wyoming toad and cause minimum disturbance to the lifestyle of Laramie Basin residents.

The Wyoming Game and Fish Department was concerned that viable populations of this species may no longer exist. It conducted a survey in 1983, in conjunction with the University of Wyoming and the U.S. Fish and Wildlife Service, that located only two immature individuals on the same private property in Albany County where a number of calling males had been heard in 1980.

Dr. Mark R. Stromberg of The Nature Conservancy indicated in his response that limited field observations for the toad were conducted in 1982; however, no populations were found at that time.

Mr. J. D. Stewart of the University of Kansas Museum of Natural History indicated that in 1981 and 1982, he collected numerous fossil toad elements from a site in northwestern Kansas that has produced a boreal fauna including many taxa now restricted to the Rocky Mountains. Subsequent study of these elements showed them to belong to the Wyoming toad. Although there is no published information on how to distinguish the bones of *Bufo hemiophrys hemiophrys* from those of *Bufo hemiophrys baxteri*, Stewart has found that the skulls are easily differentiated. His analysis further indicated that the osteological differences between the two "subspecies" exceeds the degree of difference between some recognized species of *Bufo*.

Dr. George T. Baxter of the University of Wyoming commented that this toad is "surely endangered." During 1982, Dr. Baxter surveyed the 40-acre privately-owned area where a number of calling males had been heard in 1980. His search yielded no calls or toads.

No public meeting was requested on the proposed listing, nor were any unfavorable comments received.

Summary of Factors Affecting the Species

After a thorough review and consideration of all available

information, the Service has determined that *Bufo hemiophrys baxteri* (Wyoming toad) is an endangered species due to one or more of the factors described in Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The Service has determined that *Bufo hemiophrys baxteri* is primarily affected by factors A, C, and D.

All five factors and their application to the Wyoming toad are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Historic ranching practices involved flooding the plains adjacent to the Little Laramie River. Changes in irrigation practices due to current increased demand for irrigation water may have resulted in the drying out of former habitats before tadpole development was complete. The specific use and timing of irrigation waters is largely left up to landowners. Local irrigation districts control regional water use. Research is needed on the changes in irrigation practices since 1970 to determine if they may have contributed to the decline.

Drainage of habitat for non-irrigation uses may have contributed to the decline of the toad.

The use of the herbicide Atrazine is known to decimate *Bufo* populations (Beebe, 1973) and it can be introduced into watersheds in sufficient levels to kill *Bufo* eggs or tadpoles. Atrazine is widely available throughout the Laramie Basin. Other herbicides, such as Tordon, are more commonly used than Atrazine, but the effects of these chemicals on amphibians are largely unknown. Herbicides are often used by the Weed and Pest Districts, Wyoming Department of Agriculture, for "noxious" weed control in roadside ponds and along field edges typically used by the Wyoming toad. Basinwide aerial application of Baytex (Fenthion) with diesel fuel began in 1975. This mosquito control technique, applied with little control on drift of the spray, may be highly toxic to bufonids. Some evidence indicates that diesel fuel alone is toxic to amphibians. More research is needed on this topic.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not applicable for this species.

C. *Disease or predation.* Disease in *Bufo hemiophrys baxteri* has not been studied. However, the extremely small population exists in a limited area and a disease outbreak could be catastrophic. Predation may be a major factor in the decline of the Wyoming toad. The California gull (*Larus californicus*) population has increased greatly in recent years. Local ranchers report that

field are literally white with gulls in early spring. Raccoons, foxes, and skunks have all shown population increases. These factors combined could pose a serious threat to the Wyoming toad.

D. *The inadequacy of existing regulatory mechanisms.* The use of herbicides and other chemicals in Wyoming is regulated with regard to effects on fish, but not on amphibians. In fact, bioassay data are lacking on the effects that widely applied chemicals have on amphibians. The apparent inadequacy of the regulations may be due to the lack of recognition of a problem with amphibians.

E. *Other natural or manmade factors affecting its continued existence.* None are known.

Critical Habitat

The Act (Section 3; 50 CFR Part 424) defines "critical habitat" to include (i) specific areas within the geographical area occupied by the species at the time it is listed which are essential to the conservation of the species, and which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Critical Habitat is not being determined for *Bufo hemiophrys baxteri* since only two immature individuals were located during field surveys in 1983. Indeed, prior to this year, the Wyoming toad was last reported in 1981 from two individuals located in the Laramie Basin; surveys in 1982 did not reveal any toads. The Service therefore believes that critical habitat is not determinable. The Service notes, however, that not all of the potential habitat in the Laramie Basin has yet been surveyed. Should future surveys discover significant breeding populations, these areas could then be considered as critical habitat.

The Wyoming toad is considered an extremely rare amphibian. The publication of the exact area where the toads last bred could lead to jeopardy to any remaining individuals through collection. The best available biological data indicate that, due to apparent low population size, removal of any individuals from the population other than for purposes directly related to conservation could be detrimental to the species' survival.

Available Conservation Measures

The Act and its implementing regulations published in the June 24, 1977, Federal Register (42 FR 32373-

23281; presently under revision to comply with recent amendments) set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These regulations are found at § 17.21 of 50 CFR and are summarized below.

With respect to the Wyoming toad, all prohibitions of Section 9(a)(1) of the Act, as implemented by § 17.21, now apply. 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 this species in interstate or foreign commerce. When this rule becomes effective, it will also be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions apply to agent of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, the enhancement of propagation or survival of the species, and economic hardship. Section 10(a)(1)(B) of the Act also authorizes permits for the taking of endangered species incidental to otherwise lawful activities.

Section 7 of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is listed as endangered or threatened. Section 7(a)(2) requires Federal agencies to ensure, in consultation with the Service, that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of the Wyoming toad. Provisions for interagency cooperation are codified at 50 CFR Part 402. Proposed revised regulations to implement the 1982 amendments to Section 7 have recently been published (June 29, 1983; 48 FR 29989-30004).

National Environmental Policy Act

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service has not prepared any NEPA documentation for this rule. The recommendation from CEQ was based, in part, upon a decision in the Sixth Circuit Court of Appeals which held that the preparation of NEPA documentation was not required as a matter of law for listings under the Endangered Species Act. *PLF v. Andrus* 657 F.2d 829 (6th Cir. 1981).

Authors

The primary author of this rule is Dr. James L. Miller, Region 6 Endangered Species Office, Denver, Colorado (303/234-2496). Dr. C. Kenneth Dodd, Jr. and Mr. John L. Paradiso, Office of Endangered Species, Washington, D.C., served as editors.

References Consulted or Cited

- Baxter, G. T., and M. Stone. 1980. Amphibians and reptiles of Wyoming. Wyoming Game and Fish Department Bulletin, Laramie, WY. 137 pp.
- Baxter, G. T., and M. Stromberg. 1980. Status Report. Rep. to U.S. Fish and Wildlife Service, Denver, Colorado, U.S.A. 5 pp. (mimeogr.)
- Baxter, G. T., M. R. Stromberg, and C. K. Dodd, Jr. 1982. The status of the Wyoming toad (*Bufo hemiophrys baxteri*). Environ. Conserv. 9(4):348, 338.
- Beebee, T. J. C. 1973. Observations concerning the decline of the British amphibia. Biol. Conserv. 5:20-24.
- Hazelwood, E. 1970. Frog pond contaminated. Brit. J. Herpetology 4:177-185.
- Johnson, C. R., and J. E. Prine. 1976. The effects of sublethal concentrations of organophosphorus insecticides and an insect growth regulator on temperature tolerance in hydrated and dehydrated juvenile western toads, *Bufo boreas*. Comp. Biochem. Physiol. 53A:147-149.
- Packard, G. C. 1971. Inconsistency in application of the biological species concept to disjunct populations of anurans in southeastern Wyoming and northcentral Colorado. J. Herpetol. 5:191-193.
- Porter, K. P. 1968. Evolutionary status of a relict population of *Bufo hemiophrys* Cope. Evolution 22:583-594.
- Sanders, H. O. 1970. Pesticide toxicities to tadpoles of the western chorus frog, *Pseudacris triseriata*, and Fowler's toad, *Bufo woodhousei fowleri*. Copeia 1970:246-251.
- Stromberg, M. R. 1981. Wyoming Toad (*Bufo hemiophrys baxteri*) endangered. J. Colo.-Wyo. Acad. Sci. 13(1):47.
- Vankirk, E. A. 1980. Report on Population of *Bufo hemiophrys* on Laramie Plain, Albany County, Wyoming. Rep. to Wyoming Natural Heritage Program, The Nature Conservancy, Cheyenne, Wyoming, U.S.A. 6 pp. (mimeogr.)

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation**PART 17—[AMENDED]**

Accordingly, Part 17, Subpart B of Chapter I, Title 50 of the U.S. 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. Section 17.11(h) is amended by adding, in alphabetical order, the following to the List of Endangered and Threatened Wildlife under "Amphibians."

§ 17.11 Endangered and threatened wildlife.

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Toad, Wyoming	<i>Bufo hemiophrys baxteri</i>	U.S.A. (WY)	Entire	E	138	NA	NA

Dated: December 20, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-1180 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-07-M

Proposed Rules

Federal Register

Vol. 49, No. 11

Tuesday, January 17, 1984

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.

FEDERAL ELECTION COMMISSION

11 CFR Parts 100 and 101

Payments Received for Testing the Waters Activities

AGENCY: Federal Election Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Election Commission requests comments on its regulations at 11 CFR 100.7(b)(1), 100.8(b)(1), and 101.3. Under these regulations, an individual may receive and expend funds for "testing the waters" activities without triggering the reporting requirements of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431 *et seq.* In addition to comments on the current provisions of §§ 100.7(b)(1), 100.8(b)(1), and 101.3, the Commission also seeks comments on two issues concerning: (1) The scope of permissible activities under the "testing the waters" exemptions; and (2) the applicability of the contribution limitations and prohibitions under the Act to funds received or expended for "testing the waters" activities. Please note that any revision of the "testing the waters" regulations adopted by the Commission would not become effective until January 1985 at the earliest. Further information is provided in the supplementary information which follows.

DATES: Comments must be received on or before February 16, 1984.

ADDRESS: Susan E. Propper, Assistant General Counsel, 1325 K Street, NW., Washington, D.C. 20463.

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: Under 2 U.S.C. 431(2), an individual is deemed to be a "candidate" for purposes of the Act if he or she receives contributions or makes expenditures in excess of \$5,000 or gives consent to another person to

receive contributions or make expenditures on his or her behalf and such contributions or expenditures aggregate in excess of \$5,000. The Act thus establishes automatic dollar thresholds for attaining candidate status which trigger the Act's registration and reporting requirements.

Through its regulations, the Commission has established limited exceptions to these automatic thresholds which permit an individual to test the feasibility of a campaign for Federal office without becoming a candidate under the Act. Commonly referred to as the "testing the waters" exemptions, 11 CFR 100.7(b)(1) and 100.8(b)(1) exclude funds received and payments made to determine whether an individual should become a candidate from the definitions of "contribution" and "expenditure." These exemptions however, do not include receipts and disbursements for general public political advertisements, such as television or newspaper advertisements, or efforts to raise funds for use after the individual becomes a candidate.

Nevertheless, an individual who undertakes "testing the waters" activities must keep records of all funds received and payments made in connection with these activities. The Commission's regulations provide that if the person subsequently becomes a candidate, those receipts and disbursements become contributions and expenditures under the Act. Thus, under §§ 100.7(b)(1), 100.8(b)(1), and 101.3, such funds received and payments made must be reported in the first report filed by the candidate's principal campaign committee. Section 101.3 also provides that any excessive or prohibited contributions received during the "testing of waters" period must be refunded within 10 days after the individual becomes a candidate.

The Commission requests comments on whether these regulations should be retained in their present form. In addition, the Commission would like comments on possible revisions to 11 CFR 100.7(b)(1), 100.8(b)(1), and 101.3 in two respects: (A) Possible revision to clarify the scope of permissible activities under the "testing of waters" exemptions; and (B) possible revision regarding the applicability of the contribution limitations and prohibitions to receipts and disbursements for "testing the waters" activities.

A. Scope of Permissible Activities Under the "Testing the Waters" Exemptions

The Commission has issued several advisory opinions in which it determined that the "testing the waters" exemptions apply only to activities designed to evaluate a potential candidacy and not to campaigning. See Advisory Opinions ("AO") 1979-26, 1981-32, 1982-3, and 1982-19. On the basis of these opinions, possible revisions to clarify the scope of permissible activities under the "testing the waters" exemptions would raise the following issues:

1. Should the Commission's regulations be revised to specify the activities that are permissible under the "testing the waters" exemptions?

2. If so, what criteria should the Commission consider in ascertaining whether an activity is directed toward a determination of whether to become a candidate for Federal office and as such is a permissible "testing the waters" activity?

3. What factors should the Commission consider in determining whether an individual has decided to become a candidate and is campaigning rather than "testing the waters"?

Discussion

Since the "testing the waters" exemptions apply only to activities designed to evaluate a potential candidacy, the Commission has attempted to distinguish such activities from those that amount to the establishment of a campaign organization. For example, in AO 1981-32, the Commission determined that the regulations "draw a distinction between activities directed to an evaluation of the feasibility of one's candidacy as distinguished from conduct signifying that a private decision to become a candidate has been made." The Commission has based this distinction on two aspects of the regulations. First, the regulations are explicitly limited "solely" to activities designed to assist in making a determination of whether to run for Federal office. The Commission's distinction has also been based on the fact that the regulations expressly prohibit activities to promote a campaign—the accumulation of funds to be spent once the person becomes a candidate and use of general public political advertising.

Sections 100.7(b)(1) and 100.8(b)(1) specifically state that activities permissible under the exemptions include, but are not limited to, expenses for conducting a poll, telephone calls, and travel to determine whether an individual should become a candidate. Through its advisory opinions, the Commission has also allowed as a part of "testing the waters," the establishment of advisory committees to brief the individual on significant public issues (AOs 1982-19 and 1982-3) and exploratory committees to evaluate potential candidacy in particular states (AO 1979-26). An individual may also travel to attend speaking engagements, meetings and briefings; purchase or lease office space, office equipment and supplies; and hire political consultants, public relations consultants, and specialists in opinion research. See AOs 1982-3 and 1981-32.

The Commission has viewed many other activities as campaigning not within the "testing the waters" exemption. In AO 1981-32, the Commission concluded that no written or oral statement could refer to the individual as a "candidate" for a particular office. The Commission has also determined that an individual may not plan or schedule activities designed to heighten his or her political appeal to the electorate. Moreover, the Commission has decided that to stay within the exemption, funds must be raised only for the purpose of financing the exempt activity. AO 1979-26. Funds received for "testing the waters" that exceed what is reasonably expected to be spent for those purposes would presumably have been raised for future campaign expenditures. Thus, such funds would count toward the \$5,000 candidate status threshold unless returned to the donors within 15 days of receipt. See AO 1981-32.

Despite the Commission's attempts to limit the scope of the "testing the waters" exceptions concerns have been raised that the exemptions have been expanded to include activities beyond those they were originally intended to encompass. See dissents to AOs 1981-32 and 1982-19. One approach to addressing these issues would be to revise the Commission's regulations to clarify that the exemptions do not apply to campaign activities which indicate that the individual has already decided to run for a particular office. Under that approach, §§ 100.7(b)(1) and 100.8(b)(1) could be amended to specifically state that they do not apply to campaigning and to include an illustrative list of specific activities that are not considered "testing the waters"

activities. Therefore, the Commission requests comments on specific activities that would be considered permissible "testing the waters" activities.

B. Applicability of Contribution Limitations and Prohibitions to Receipts and Disbursements for "Testing the Waters" Activities.

The "testing the waters" regulations provide that funds received or expended for "testing the waters" become reportable contributions and expenditures if the individual becomes a candidate. However, the regulations do not expressly state whether the contribution limitations and prohibitions apply to receipts and disbursements during the "testing the waters" period. A possible revision to clarify whether the prohibitions and limitations apply to "testing the waters" activities poses the following issues:

1. Should the Commission permit contributions in excess of the limitations of 2 U.S.C. 441a(a) to be accepted for "testing the waters" activities?

2. Should the Commission permit funds from sources prohibited under the Act, such as corporations, labor organizations or national banks, to be used for "testing the waters" activities?

List of Subjects in 11 CFR Parts 100 and 101

Elections, Political candidates.

Discussion

In AO 1982-19, the Commission determined that the prohibitions, limitations, and requirements of the Act become applicable only when an individual becomes a candidate. The Commission thus concluded in that opinion that an individual could accept funds in excess of the contribution limits of 2 U.S.C. 441a(a) and funds from prohibited sources, such as corporations and labor organizations. Receipts and disbursements for "testing the waters" activities become contributions and expenditures under the Act if the individual becomes a candidate. Therefore, the Commission found that, pursuant to section 101.3, any funds in excess of the contribution limits or from prohibited sources would have to be refunded or repaid within 10 days after the individual becomes a candidate.

Concerns have been raised that the Commission's interpretation of the regulations in AO 1982-19 has increased the potential for circumvention of the prohibitions and limitations of the Act. The Commission's decision in AO 1982-19 has also resulted in the ironic situation that funds which are permissible when donated subsequently become illegal and must be refunded

when the individual becomes a candidate. One approach to resolving these issues would be to revise the regulations to state whether the contribution limitations and prohibitions of the Act apply to receipts and disbursements for "testing the waters". There are two possible avenues which could be taken in this regard. The Commission could decide to reverse its position in AO 1982-19, making funds for "testing the waters" activities subject to the Act's prohibitions and limitations and include a provision to that effect in the regulations. Alternatively, the Commission could retain the current approach. The Commission would like to receive comments on each of these alternatives.

(2 U.S.C. secs. 431(8), 431(9), 432(e)(2) and 438(a)(8))

Dated: January 12, 1984.

Lee Ann Elliott,

Chairman, Federal Election Commission.

[FR Doc. 84-1185 Filed 1-16-84; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Docket No. R-0500]

Credit By Brokers and Dealers; Regulation T

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is proposing to amend Regulation T (12 CFR Part 220, Credit By Brokers and Dealers) to permit an options clearing agency to accept margin securities to meet its deposit requirements. This action is being taken in order to facilitate the SEC's approval of a proposed Options Clearing Corporation program whereby the class of securities eligible for the options clearing agency's deposit requirements will be expanded.

DATE: Comments should be received on or before February 15, 1984.

ADDRESS: Comments, which should refer to Docket No. R-0500, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551 or delivered to the C Street Entrance between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Robert Lord, Attorney, Division of

Banking Supervision and Regulation (202) 452-2781.

SUPPLEMENTARY INFORMATION: The Options Clearing Corporation ("OCC") has a program ("valued securities program") in which it accepts certain margin securities from its clearing members in satisfaction of their OCC deposit requirements. OCC's activities are subject to Regulation T, which currently permits the deposit only of any underlying securities for classes of option contracts outstanding at the time of the deposit. OCC recently filed a proposed rule change (File No. SR-OCC-83-17) with the SEC to expand its valued securities program by eliminating the requirement that only stocks underlying listed options can be deposited with OCC, and permitting the deposit of any common stocks which (i) are traded on a national securities exchange, or are NASDAQ securities that are designated as National Market System securities pursuant to SEC Rule 11Aa 2-1 (17 CFR 240.11Aa-2), (ii) have last sale reports disseminated on the consolidated tape and (iii) have a market value greater than \$10 per share; provided that stocks which are suspended from trading or which are subject to special requirements under exchange margin rules may not be deposited with OCC. The Board believes the rule change proposed by OCC is appropriate and, therefore, is proposing an amendment to Regulation T that, in conjunction with the SEC rule approval, will permit the expanded deposit program to take place without unnecessary delay. The amendment to Regulation T would permit the deposit of any margin security which also meets SEC-approved criteria for clearing deposits.

Initial Regulatory Flexibility Analysis

The change proposed pursuant to this action reduce specific administrative and regulatory burdens. The Board certifies for purposes of 5 U.S.C. 605(b), therefore, that the proposed amendment to Regulation T is not expected to have any adverse impact on a substantial number of small businesses.

List of Subjects in 12 CFR Part 220

Banks, Banking, Borrowers, Brokers, Credit, Federal Reserve System, Margin, Margin requirements.

PART 220—[AMENDED]

Accordingly, pursuant to sections 7, 8, and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78h, and 78w) the Board proposes to amend Regulation T (12 CFR Part 220) as follows:

In § 220.14(b), paragraphs (3) and (4) would be deleted in their entirety, and replaced with a single new paragraph (b)(3), which would read as follows:

§ 220.14 Clearance of securities.

(b) * * *
(3) the deposit consists of any margin security and complies with the rules of the clearing agency which have been approved by the SEC.

By order of the Board of Governors of the Federal Reserve System, January 11, 1984.

William W. Wiles,
Secretary of the Board.

[FR Doc. 84-1133 Filed 1-16-84; 8:45 am]

BILLING CODE 6210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2507-6]

Standards of Performance for New Stationary Sources; Fossil-Fuel-Fired Steam Generators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening of Public Comment Period.

SUMMARY: On October 21, 1983, revisions to the existing new source performance standards for large fossil-fuel-fired steam generating units constructed after August 17, 1971 (40 CFR Part 60, Subpart D) were proposed (48 FR 48960). These revisions would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

In response to several requests, additional materials have been added to the docket for the proposed revisions and the period for receiving written comments is being reopened for 60 days.

DATES: Comments on the proposed revisions are requested by March 19, 1984.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Central Docket Section (LE-131), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Attention: Docket No. A-81-15.

Docket. Docket No. A-81-15 containing supporting information used in developing the proposed revisions is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower

Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Mr. Fred Porter or Mr. Walter Stevenson, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. Telephone: (919) 541-5624.

Dated: December 22, 1983.

Joseph A. Cannon,
Assistant Administrator for Air and Radiation.

[FR Doc. 84-1165 Filed 1-16-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[PR Docket No. 83-1346, Rm-4539; FCC 83-583]

Amendment To Make Ten Frequencies in 72-76 MHz Band Available to Forest Products Radio Service for Low Power Mobile Operations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend Part 90 of the Commission's Rules to permit the use of ten 72-76 MHz frequencies in the Forest Products Radio Service for low power mobile operations. Allowing such use would relieve serious frequency congestion that now exists and the low power operations contemplated would minimize interference to existing users of these frequencies.

DATES: Comments are due by February 15, 1984 and replies by March 15, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau (202) 634-2443.

List of Subjects

47 CFR Part 2

Radio frequency allocations.

47 CFR Part 90

Forest Products Radio Service, Radio.

Notice of Proposed Rule Making

In the matter of amendment of Part 90 of the Rules to make ten frequencies in the 72-76 MHz band available to the Forest Products

Radio Service for low power mobile operations; PR Docket No. 83-1346, RM-4539.

Adopted: December 14, 1983.

Released: January 4, 1984.

By the Commission: Commissioner Patrick not participating.

1. Forest Industries

Telecommunications (FIT) has filed a Petition for Rule Making (RM-4539)¹ to amend Part 90 of the Commission's Rules to make ten (10) frequencies in the 72-76 MHz frequency band available for low power mobile operations in the Forest Products Radio Service.² These frequencies would be utilized for low power communications within the confines of mills, plants, and logging sites on a shared basis with the Manufacturers, Special Industrial, and Railroad Radio Services, and would be subject to the provisions of § 90.257(b).³ These frequencies also would argument the current use of 154.57 and 154.60 MHz which are low power mobile frequencies shared with, but secondary to, the Business Radio Service, and which FIT claims are badly overloaded, particularly in the Northwestern U.S.

2. In support of their petition, FIT indicates that operations in the Forest Products Radio Service are heavily concentrated in three general areas of the United States: the Northwest (Oregon, Washington, Idaho and Northern California), the Southeast (Georgia, Northern Florida, South Carolina, Mississippi, Eastern Texas and Alabama) and the Northeast (Maine, Vermont and New Hampshire). It claims that annual radio usage growth rates of 8-9% have caused severe crowding and congestion in these three geographic areas. Further, in the Southeastern U.S., congestion on present Forest Products Radio Service channels is increased by sharing with Petroleum and Manufacturers Radio Services. Also complicating the situation in the Pacific Northwest and the Northeast, Canadian operators use many of the Forest Products Radio Service frequencies.

3. FIT expects that the demand for Forest Products frequencies in the Northwest, the Southeast, and the Northeast U.S. will continue to increase and therefore, without some relief, congestion will increase. FIT also indicates it has studied various sharing possibilities and concludes that the 72-76 MHz band would be the most

promising. Both the high and low bands of VHF were considered and rejected as unsatisfactory, primarily because the comparative high powers used in these bands would be incompatible with the low power operations sought. Additionally, the long range propagation characteristics of low band VHF would be unacceptable. FIT claims that the 450-470 MHz offset frequencies are also unsatisfactory for logging operations. Use of 450 MHz band equipment has been ineffective in the forest areas because the thinner crystals required in that band could not tolerate the "slam-bang" environment of logging operations. This leaves the 72-76 MHz band as the most likely choice under the Commission's Rules. Finally, FIT states that operations by Forest Products Radio Service users at 72-76 MHz would be in remote rural and forested areas, well away from any significant reception of television stations on channels 4 and 5. Hazards to television reception would be minimal and compliance with § 90.257 of the Commission's Rules would present no difficulty.⁴

4. Comments on the petition were received from the Manufacturers Radio Frequency Advisory Committee (MRFAC) which indicated that they would not oppose FIT's proposed rule changes provided the Commission adopts two limitations:

a. The Forest Products Radio Service sharing of the ten frequencies must be limited to the 13 states that FIT has indicated have the heaviest use by the Forest Products Radio Service.

b. Within those 13 states, FIT members must be excluded from using the frequencies within the boundaries of the 225 largest standard metropolitan statistical areas (SMSAs).

Reply comments were submitted by FIT stating that the restrictions proposed by MRFAC would be inconsistent with interservice sharing concepts and would be unduly restrictive.

5. We have reviewed the petition and comments and there appears to be merit in allowing Forest Products Radio Service eligibles to share the ten 72-76 MHz frequencies requested for low power operations. With regard to the two limitations proposed by MRFAC, which would place certain geographical restrictions on sharing of these frequencies, we feel that such limitations are too restrictive, unnecessary, and would unduly complicate the rules for sharing these frequencies. As indicated in the petition

and comments, the great bulk of forest products activity is carried out in the indicated 13 states. Any use of these frequencies elsewhere can be controlled by proper coordination procedures. To prohibit Forest Products Radio Service eligibles from using these frequencies within the boundaries of the 225 largest SMSAs would severely limit the relief that sharing these frequencies would provide. The expected separation of forest products operations from other users of these frequencies and the very low transmitter powers to be used should produce a very low probability of interference among users.

6. We are proposing therefore to extend the authority to use ten 72-76 MHz band frequencies for low power mobile operations to the Forest Products Radio Service. These frequencies are to be shared under identical rules with the Manufacturers, Special Industrial, and Railroad Radio Services, as indicated in the attached Appendix.

7. The Commission certifies that Section 603 of the Regulatory Flexibility Act of 1980 does not apply to the Rules proposed in this Notice of Proposed Rule Making because there will not be any negative economic impact on a substantial number of small entities. On the contrary those small businesses involved in mill and logging operations will benefit by having increased system efficiency and safety. The Secretary shall cause a copy of this Notice of Proposed Rule Making, including the above certification, to be published in the *Federal Register*, and to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 605(b) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. 601 *et seq.* (1981).

8. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the commission adopts a notice of proposed rule making until the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the Public file.

¹ The petition was filed on June 9, 1983 and placed on public notice on July 7, 1983.

² The ten frequencies requested are 72.44, 72.48, 72.52, 72.56, 72.60, 75.44, 75.48, 75.52, 75.56, and 75.60 MHz.

³ Section 90.257(b) of the Rules specifies the criteria governing the use of 72-76 MHz frequencies by mobile stations in the Special Industrial, Manufacturers, and Railroad Radio Services.

⁴ Section 90.257 of the Rules concerns the assignment and use of frequencies in the 72-76 MHz band including TV protection criteria.

Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding, must prepare a written summary of that presentation. On the day of that oral presentation, a written summary must be served on the Commission's Secretary for inclusion in the Public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

9. Authority for issuance of this Notice of Proposed Rule Making is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to the procedures set out in § 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before February 15, 1984, and reply comments on or before March 15, 1984. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In researching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

10. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 9 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

11. For further information on this proceeding, contact Eugene Thomson, Private Radio Bureau, Federal

Communications Commission,
Washington, D.C. (202) 634-2443.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 2—[AMENDED]

Parts 2 and 90 of the Commission's Rules and Regulations are amended as follows:

1. In § 2.106, footnote NG49 to the Table of Frequency Allocations is revised to read:

§ 2.106 Table of frequency allocations.

NG49 The following frequencies may be authorized for low-power (1 watt output) mobile operations in the Manufacturers Radio Service subject to the condition that no interference is caused to the reception of television stations operation on channels 4 and 5 and that their use is limited to a manufacturing facility:

MHz	MHz	MHz	MHz	MHz
72.02	72.10	72.18	72.26	72.34
72.04	72.12	72.20	72.28	72.36
72.06	72.14	72.22	72.30	72.38
72.08	72.16	72.24	72.32	72.40

Further, the following frequencies may be authorized for mobile operations in the Special Industrial Radio Service, Manufacturers Radio Service, Railroad Radio Service and Forest Products Radio Service subject to the condition that no interference is caused to the reception of television stations operating on channels 4 and 5; and that their use is limited to a railroad yard, manufacturing plant, logging site, mill, or similar industrial facility.

MHz	MHz	MHz	MHz	MHz
72.44	72.52	72.60	75.48	75.56
72.48	72.56	75.44	75.52	75.60

PART 90—[AMENDED]

2. In § 90.67, the frequency table in (b) is amended, and limitation (34) is added to (c) to read as follows:

§ 90.67 Forest products radio service.

(b) * * *

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
72-76	Operational Fixed	4
72.44	Mobile	34
72.48	do	34
72.52	do	34
72.56	do	34
72.60	do	34
75.44	do	34
75.48	do	34
75.52	do	34
75.56	do	34
75.60	do	34
152.565	Base or Mobile	29

(c) * * *

(34) This frequency is available on a shared basis in the Manufacturers, Forest Products, Special Industrial and Railroad Radio Services and interservice coordination is required. All communications on this frequency must be conducted within the boundaries of a logging site or confines of a plant, factory, lumber or paper mill. All operations on this frequency are subject to the provisions of § 90.257(b).

3. Section 90.73(d)(7) is revised to read as follows:

§ 90.73 Special industrial radio service.

(d) * * *

(7) This frequency is available on a shared basis in the Manufacturers, Forest Products, Special Industrial and Railroad Radio Services and interservice coordination is required. All communications must be conducted within the boundaries or confines of a plant, factory, shipyard, mill, mine, farm, ranch, or construction area. All operations on this frequency are subject to the provisions of § 90.257(b).

4. Section 90.79(d)(4) is revised to read as follows:

§ 90.79 Manufacturers radio service.

(d) * * *

(4) This frequency is available on a shared basis in the Manufacturers, Forest Products, Special Industrial and

Railroad Radio Services and interservice coordination is required.

5. Section 90.91(c)(2) is revised to read as follows:

§ 90.91 Railroad radio service.

(c) * * *

(2) This frequency is available on a shared basis in the Manufacturers, Forest Products, Special Industrial, and Railroad Radio Services and interservice coordination is required. All communications must be within the boundaries or confines of railroad terminals or yards. All operations on this frequency are subject to the provisions of § 90.257(b).

6. Section 90.257 is amended by revising the introductory text of paragraph (b) to read as follows:

§ 90.257 Assignment and use of frequencies in the 72-76 MHz band.

(b) The following criteria shall govern the authorization and use of frequencies within the band 72-76 MHz by mobile stations in the Special Industrial, Manufacturers, Forest Products, and Railroad Radio Services.

[FR Doc. 84-830 Filed 1-16-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-1201; RM-4518; MM Docket No. 83-1324; RM-4626]

FM Broadcast Station in Oscoda, Michigan and TV Broadcast Station in Greenville, Texas; Correction

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making; correction.

SUMMARY: On November 10, 1983, the Commission published a Notice of Proposed Rule Making in MM Docket

No. 83-1201, concerning the proposed assignment of an FM Broadcast Station in Oscoda, Michigan (48 FR 51657). Inadvertently, the docket number appearing in the preamble of that document was carried as MM Docket No. 83-1145.

Also, on December 22, 1983, the Commission published a Notice of Proposed Rule Making in MM Docket No. 83-1324, concerning the proposed assignment of a TV Broadcast Station in Greenville, Texas (48 FR 56612). Inadvertently, the docket appearing in the preamble of that document was carried as MM Docket No. 83-1234.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 84-1205 Filed 1-16-84; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

GSA Implementation of the Federal Acquisition Regulation (FAR); General Services Administration Acquisition Regulation (GSAR)

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on the General Services Administration proposal to establish the General Services Administration Acquisition Regulation (GSAR) as Chapter 5 of the Federal Acquisition Regulations System. The GSAR will implement and supplement the Federal Acquisition Regulation. The new GSAR will supersede the current General Services Administration Procurement Regulations. The following Parts of the proposed GSAR are available for review and comment:

Part 504—Administrative Matters

Part 522—Application of Labor Laws to Government Acquisitions

DATES: Comments are due not later than February 16, 1984.

ADDRESS: Requests for copies of the proposals and comments should be addressed to the Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, Room 4026, 18th & F Streets, NW., Washington, D.C. 20405.

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

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that these documents 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.). The rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3501 et seq. This rule provides uniformity with other Federal agencies and reduces the administrative impact on bidders as set forth in OFPP Policy Letter 83-2.

List of Subjects in 48 CFR Chapter 5

General Services Administration Acquisition Regulation and Government procurement.

Dated: December 28, 1983.

Richard H. Hopf III,
Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 84-1197 Filed 1-16-84; 8:45 am]

BILLING CODE 6820-01-M

Notices

Federal Register

Vol. 49, No. 11

Tuesday, January 17, 1984

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

Animal and Plant Health Inspection Service

Forest Service

[Docket No. 83-353]

Draft Environmental Impact Statement on the Gypsy Moth Suppression and Eradication Projects

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

ACTION: Notice.

SUMMARY: This document provides additional information concerning a draft environmental impact statement on Gypsy Moth Suppression and Eradication Projects (DEIS) (USDA FS-DEIS 83-05) that has been prepared and is available for public comment. The DEIS was sent to the Environmental Protection Agency (EPA) on December 28, 1983, by the U.S. Department of Agriculture (USDA) pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969.

DATES: Written comments concerning the DEIS must be received on or before February 25, 1984.

ADDRESSES: Requests for a copy of the DEIS and comments relating to eradication projects conducted by the Animal and Plant Health Inspection Service should be addressed to: R. L. Williamson, Director, National Program Planning Staff, Plant Protection and Quarantine, APHIS, USDA, Room 648, Federal Building, Hyattsville, MD 20782. Requests for a copy of the DEIS and comments relating to suppression projects conducted by the Forest Service should be addressed to Thomas N. Schenarts, Area Director, USDA Forest Service, 370 Reed Road, Broomall, Pennsylvania 19008.

Copies are available for public inspection at the following locations:

Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 302-E, Administrative Building, 14th and Independence Avenue, Washington, DC 20250

Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782

Northeastern Area, State and Private Forestry, Forest Service, U.S. Department of Agriculture, 370 Reed Road, Broomall, PA 19008

Northeastern Area, State and Private Forestry, Forest Service, U.S. Department of Agriculture, 180 Canfield Street, Morgantown, WV 26505

FOR FURTHER INFORMATION CONTACT:

Gary Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, APHIS, USDA, Room 663, Federal Building, Hyattsville, MD 20782, (301) 436-8295; or Thomas N. Schenarts, Area Director, Insect and Disease Management Staff, Northeastern Area, State and Private Forestry, Forest Service, U.S. Department of Agriculture, 370 Reed Road, Broomall, PA 19008, (215) 461-3158.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) and the Forest Service of the United States Department of Agriculture published a notice in the Federal Register on October 11, 1983 (48 FR 46089) of their intent to prepare a programmatic environmental impact statement on the Gypsy Moth Suppression and Eradication Projects (EIS). The decision to prepare the EIS was made because of the need to revise and update an earlier Programmatic Environmental Impact Statement for Gypsy Moth Suppression and Regulatory Program Activities to reflect program and other changes that have occurred since the programmatic EIS was prepared in 1981. The decision by APHIS and the Forest Service to cooperate in the preparation of the EIS was made because it was determined that an in-depth and complete study could be done while conserving economic and other resources of both agencies.

In the notice of intent to prepare an EIS published in the Federal Register on October 11, 1983, the public was requested to submit comments pertaining to any issues, concerns or questions about suppression programs to the Forest Service, or about eradication programs to APHIS by October 25, 1983. The notice further stated that a copy of the DEIS would be filed with EPA.

The comments received have been considered by APHIS and the Forest Service in preparation of the DEIS. The DEIS was furnished to EPA on December 28, 1983 and a notice was published in the Federal Register on January 6, 1984 (49 FR 933) announcing the availability of the document and the comments on the document were due by February 25, 1984. This notice provides additional information advising interested persons that copies are available upon request at the above noted addresses.

Done at Washington, D.C., this 13th day of January 1984.

Robert Buchanan,

Acting Administrator, Animal and Plant Health Inspection Service.

Done at Washington, D.C., this 13th day of January 1984.

F. Dale Robertson,

Associate Chief, Forest Service

[FR Doc. 84-1258 Filed 1-18-84; 8:45 am]

BILLING CODE 3410-34-M

CIVIL AERONAUTICS BOARD

[Docket 41637]

National Express Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled matter is assigned to be held on January 20, 1984, at 2:00 p.m. (local time), in Room 1012, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties and prospective parties shall, no later than January 18, 1984, submit one copy to each party and four copies to the Judge of: (1) Proposed stipulations; (2) proposed requests for additional information and evidence; (3) statements of positions; and (4) proposed procedural dates.

Dated at Washington, D.C., January 11, 1984.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 84-1200 Filed 1-16-84; 8:45 am]

BILLING CODE 6320-01-M

Agency Information Collection Activities Under OMB Review

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 35).

SUMMARY: The Civil Aeronautics Board is requesting the Office of Management and Budget's approval of information collection requirements in Part 327 of the Board's Procedural Regulations, which sets forth the situations when the Civil Aeronautics Board will pay interest to carriers on disputed subsidy claims as required by the FY 1983 Transportation Appropriations Act (Pub. L. 97-369) and what a carrier must do to be eligible for such payments. OMB approval is required under the Paperwork Reduction Act of 1980.

DATED: January 10, 1984.

FOR FURTHER INFORMATION CONTACT:

Jack Calloway, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: Agency Clearance Officer from Whom a Copy of the Collection of Information and Supporting Documents is Available: Robin A. Caldwell (202) 673-5922.

How Often the Collection of Information Must Be Filed: On occasion

Who is Asked or Required to Report: U.S. Certificated and Commuter Air Carriers

Estimate of Number of Annual Responses: 30

Estimate of Number of Annual Hours Needed to Complete the Collection of Information: 90

Phyllis T. Kaylor,
Secretary.

[FR Doc. 84-1201 Filed 1-16-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Case No. 649]

Tencom Corp., et al.; Order Temporarily Denying Export Privileges

In The Matter of: Tencom Corporation, 3647 Woodhead Drive,

Northbrook, Illinois 60062; Nedim Sulyak, 1303 Landwehr Road, Northbrook, Illinois 60062; Donald Malsom, 1245 North Dearborn Street, Chicago, Illinois 60610, and Najmeddin A. Elyazgi, also known as Colonel Elyazgi, also known as Captain Elyazgi, Okba Air Base, Tripoli, Socialist People's Libyan Arab Jamahiryah (Libya).

The Department of Commerce (the Department), pursuant to the provisions of § 388.19 of the Export Administration Regulations (15 CFR Parts 368-399 (1983)) (the Regulations), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Tencom Corporation, of Northbrook, Illinois; its president and sole stickholder, Nedim Sulyak, of Northbrook, Illinois; its vice-president and general manager, Donald Malsom, of Chicago, Illinois, and Najmeddin A. Elyazgi, also known as Colonel Elyazgi, also known as Captain Elyazgi, of Tripoli, Socialist People's Libyan Arab Jamahiryah (Libya) (hereinafter collectively referred to as respondents).

The Department states that respondents were indicted on July 21, 1982, by a federal grand jury in the Northern District of Illinois. The indictment charged respondents with, *inter alia*, conspiring to illegally export U.S.-origin aircraft parts to Libya between November 1980 and September 1981, fifteen separate counts of exporting U.S.-origin aircraft parts, components and avionics to Libya without the required export license from the Department, and three counts of making false statements on export control documents. ¹ On August 15, 1983, following a jury trial, respondents Tencom and Malsom were convicted of, *inter alia*, conspiracy, two counts of making false statements on export control documents and thirteen counts of violating the Export Administration Act. Tencom was also convicted on an additional count of violating the Export Administration Act. Malsom has filed an appeal from his conviction. Sulyak, a Turkish national whose last known address was in Northbrook, Illinois but whom the Department believes now resides in Turkey, and Elyazgi, a member of the Libyan Air Force, did not appear for trial and are currently fugitives from justice.

The Department states further that respondents may in the future attempt to engage in transactions involving U.S.-origin commodities or technical data contrary to the Regulations, unless

¹ Respondents were also indicted on charges that they had violated the Arms Export Control Act, and Act administered by the U.S. Department of State.

appropriate action is taken to preclude such attempts. The Department also states that it will initiate administrative proceedings against the respondents in the near future.

Based on the showing made by the Department, I find that an order temporarily denying all export privileges to the respondents is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (Supp. V 1981)), and the Regulations.

Anyone who is now or may in the future be dealing with the above-named respondents in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby

Ordered

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents but also to their agents and employees

and to any successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for the respondents or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 8716, 14th and Constitution Avenue, NW., Washington, D.C. 20230, an appropriate motion for relief and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of the administrative proceedings to be initiated against the respondents. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondents.

Dated: January 10, 1984

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 84-1182 Filed 1-16-84; 8:45 am]

BILLING CODE 3510-TD-M

Minority Business Development Agency

Minority Business Development Center; Applications

AGENCY: Department of Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning May 1, 1984 in the Fayetteville, North Carolina SMSA. The cost of the project is estimated to be \$187,000. The maximum Federal participation amount is \$158,950. The minimum amount required for non-Federal participation is \$28,050. The award number will be 04-10-84005-01.

Applicants shall be required to contribute at least 15 percent of the total program costs through non-Federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: February 17, 1984.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency (Appropriate Address), 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Gordon Anderson, Telephone (404) 881-3094.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

1. *Capability and Experience of Firm/Staff*—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: Inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

- The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)
- Background credentials and references for the owners of the organization and a capability statement of what the organization can do.
- Knowledge of the geographic area to be served in terms of the needs of

minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

- List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.
- Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
- Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
- If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. Techniques and Methodology—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. Resources—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through

the following order or priority: (1) Cash contributions; (2) fee for services; and (3) in-kind contributions.

A. Cash contribution—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. Fee for services—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. In-Kind contribution—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: High technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. Costs—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

- Clear explanations of all expenditures proposed, and
- The extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC) Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms

This program is subject to OMB Circular A-95 requirements.

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

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be held at the above address on January 31, 1984 at 1:00-4:00 pm.

Dated: January 10, 1984
(11,800 Minority Business Development)
(Catalog of Federal Domestic Assistance)

Carlton L. Eccles,

Deputy Regional Director.

[FR Doc. 84-1195 Filed 1-16-84; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Dismissal of Federal Consistency Appeal of Exxon Company, U.S.A., From Objection by the California Coastal Commission

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Dismissal of Appeal.

SUMMARY: By letter dated December 2, 1983, Exxon Company, U.S.A. withdrew its appeal to the Secretary of Commerce filed on August 26, 1983, from the consistency objection of the California Coastal Commission (Commission) to Exxon's proposed drilling of three exploratory wells on the Southwest Quarter of OCS-P 0467 in the Santa Rosa Unit in the Santa Barbara Channel. Exxon withdrew its appeal as a result of discussions between Exxon and the Commission which led to a settlement of the matter in dispute. Under the settlement Exxon amended its plan of Exploration to include additional mitigation measures to reduce potential conflicts with the commercial fishing industry. In exchange, the Commission approved the portion of the amended plan of Exploration relating to the first of the three wells. In response, the

Secretary has dismissed the appeal effective December 14, 1983.

Notice is hereby given that the appeal by Exxon Company, U.S.A. is dismissed in accordance with NOAA regulations at 15 CFR 930.128 and 930.130(d).

(Federal Domestic Assistance Catalog No. 11.149 Coastal Zone Management Program Administration)

Dated: January 9, 1984.

Timothy R. E. Keeney,

Acting General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 84-1121 Filed 1-16-84; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of International and Territorial Affairs

Proposed Limit on Duty-Free Insular Watches in Calendar Year 1984

Correction

In FR Doc. 83-32303 appearing on page 54531 in the issue of Monday, December 5, 1983, the following name and title should have appeared immediately below the title for Frank W. Creel:

Richard T. Montoya,

Deputy Assistant Secretary, Territorial and International Affairs.

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of the Air Force Reserve Officer Training Corps Advisory Committee

Under the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Air Force Reserve Officer Training Corps Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department by law.

This committee will review the programs, policies, and objectives of the Air Force Reserve Officer Training Corps (AFROTC), and make recommendations to the Commander, Air Training Command.

This committee will serve the public interest by seeking to improve the AFROTC program and the quality of its

product—commissioned officers in the United States Air Force.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

January 12, 1984.

[FR Doc. 84-1150 Filed 1-16-84; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Privacy Act of 1974; Amendment to a Notice for a System of Records

AGENCY: Department of the Air Force (DAF), DOD.

ACTION: Amendments to a system notice.

SUMMARY: The Department of the Air Force is amending a notice for a system of records subject to the Privacy Act of 1974. The changes are summarized below and the system notice as amended is set forth below.

DATE: The amendment will be effective February 16, 1984, unless public comments are received which result in a contrary determination.

ADDRESS: Send comments to: Mr. Jon Updike, HQ USAF/DAAD(S), The Pentagon, Washington, DC 20301. Telephone: (202) 694-3431.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Updike at the address and telephone number listed above.

SUPPLEMENTARY INFORMATION: The Department of the Air Force notices for systems of records subject to the Privacy Act of 1984, as amended (5 U.S.C. 552a), have been published in the *Federal Register* at:

FR Doc 82-30348 (47 FR 50004),

November 4, 1982

FR Doc 83-1956 (48 FR 4106), January 28, 1983

FR Doc 84-15 (49 FR 700), January 5, 1984

This change does not require an altered system report as required by 5 U.S.C. 552a(o).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 11, 1984.

Amendments

F177 AFAFC M

SYSTEM NAME:

Indebtedness and Claims.

In *Purposes* add caption and insert: "The information is collected to determine eligibility for waiver of

erroneous payments and remission of indebtedness or additional payments for services rendered. Also, information is required to attempt collection of all claims arising out of the activities of the United States Air Force. Claims of the United States may be compromised, terminated, or suspended when warranted by the information collected. The records are used by, but not limited to, Air Force Accounting and Finance Center (AFAFC), Director of Accounting and Finance and Deputy Director of Accounting and Finance (HQ USAF/ACF), Assistant Secretary of the Air Force for Manpower and Reserve Personnel (SAF/MR), United States Air Force Comptroller (HQ USAF/AC). The Commander, AFAFC (AFAFC/CC), uses the information to make final determinations or recommendations to SAF/MR, HQ USAF/AC and to the Comptroller General of the United States; to furnish legal advise to operating officials; to establish debts and to respond to letters received from individuals. After action is complete, files are closed and filed in individual records. SAF/MR and HQ USAF/AC use the file for making final determinations".

In *routine use of records maintained in the system, including categories of users and purposes of such uses:* Delete current entry and insert: "Disclosures of data regarding individuals' indebtedness to the Air Force are routinely made from this system of records to credit reporting agencies under the authority of the Debt Collection Act of 1982 (Pub. L. 97-365). Data necessary to identify the individual involved is disclosed to commercial credit agencies whenever a financial status report is requested for use in the administration of the Federal Claims Collection Act. Disclosures are also made to the Comptroller General of the United States who uses the records to make determinations about the claims. Disclosures may also be made to other Federal agencies when it is determined that an individual against whom the Air Force has a claim is or may be employed by that agency. In addition to other collection assistance provided the information may serve as the basis for a salary offset in accordance with 5 U.S.C. 5514".

In *disclosure to consumer reporting agencies:* Add caption and insert: "Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal

Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

As amended, System F177 AFAFC M reads as follows:

F177 AFAFC M

SYSTEM NAME:

Indebtedness and Claims.

PURPOSES:

The information is collected to determine eligibility for waiver of erroneous payments and remission of indebtedness or additional payments for services rendered. Also, information is required to attempt collection of all claims arising out of the activities of the United States Air Force. Claims of the United States may be compromised, terminated, or suspended when warranted by the information collected. The records are used by, but not limited to, Air Force Accounting and Finance Center (AFAFC), Director of Accounting and Finance and Deputy Director of Accounting and Finance (HQ USAF/ACF), Assistant Secretary of the Air Force for Manpower and Reserve Personnel (SAF/MR), United States Air Force Comptroller (HQ USAF/AC). The Commander, AFAFC (AFAFC/CC), uses the information to make final determinations or recommendations to SAF/MR, HQ USAF/AC and to the Comptroller General of the United States; to furnish legal advice to operating officials; to establish debts and to respond to letters received from individuals. After action is complete, files are closed and filed in individual records. SAF/MR and HQ USAF/AC use the file for making final determinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosures of data regarding individuals' indebtedness to the Air Force are routinely made from this system of records to credit reporting agencies under the authority of the Debt Collection Act of 1982 (Pub. L. 97-365). Data necessary to identify the individual involved is disclosed to commercial credit agencies whenever a financial status report is requested for use in the administration of the Federal Claims Collection Act.

Disclosures are also made to the Comptroller General of the United States who uses the records to make determinations about the claims. Disclosures may also be made to other Federal agencies when it is determined that an individual against whom the Air Force has a claim is or may be employed by that agency. In addition to other

collection assistance provided the information may serve as the basis for a salary offset in accordance with 5 U.S.C. 5514.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

[FR Doc. 84-1117 Filed 1-16-84; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

January 9, 1984.

The USAF Scientific Advisory Board Ad Hoc Committee Study on the Feasibility of Air Force Logistics Command's Network Architecture will meet at HQ AFLC, Wright-Patterson AFB, OH on February 10, 1984.

The purpose of the meeting will be to obtain background on design and management plans for AFLC Logistics Force Structure Management System. The meeting will convene at 8:00 a.m. to 5:00 p.m.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (4) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-1192 Filed 1-16-84; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Science Panel (Augmented) Meeting

January 4, 1984.

The USAF Scientific Advisory Board Air Force Office of Scientific Research (AFOSR) Review Committee will meet February 2-3, 1984 at Bolling AFB, Bldg 410, Room 200, Washington, DC 20332. On 2 Feb, meeting will begin at 8:30 and end at 5:45. On 3 Feb, meeting will begin at 8:30 and end at 3:00. The purpose of the meeting will be to review the balance and composition of the AFOSR Program.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4811.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-1193 Filed 1-16-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Privacy Act of 1974; Publication of a Notice for a System of Records

AGENCY: Department of the Army (DoD).

ACTION: Publication of a System Notice.

SUMMARY: The Department of the Army proposes to add a system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for the new system is set forth below.

DATES: This action will be effective without further notice on February 16, 1984.

ADDRESS: Send any comments to: Office of the Adjutant General, (ATTN: Mrs. Dorothy Karkanen), Headquarters Department of the Army, 2461 Eisenhower Ave., Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of the Adjutant General, Department of the Army, 2461 Eisenhower Ave., Alexandria VA 22331. Telephone: (703) 325-6163.

SUPPLEMENTARY INFORMATION: The notices for the Army systems of records subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a) have been previously published in the *Federal Register*.

A new system report as required by (see 5 U.S.C. 552a(o)) has been submitted for this system.

M. S. Healy,

OSD Federal Register Liaison Officer,

Department of Defense.

January 11, 1984.

System Name:

Out-of-Service Accounts Receivable.

System Location:

U.S. Army Finance and Accounting Center, Ft. Benjamin Harrison, IN 46249.

Categories of Individuals Covered by the System:

Separated and retired military/civilian personnel and other indebted to the U.S. Army.

Categories of Records in the System:

Records of current and former military members and civilian employees' pay accounts showing entitlements,

deductions, payments made, and any indebtedness resulting from deductions on payments exceeding entitlements. These records include, but are not limited to:

a. Individual military pay records, substantiating documents such as military pay orders, pay adjustment authorizations, military master pay account printouts from the Joint Uniform Military Pay System (JUMPS), records of travel payments, financial record data folders, miscellaneous vouchers, personal financial records, credit reports, promissory notes, individual financial statements, and correspondence;

b. Applications for waiver of erroneous payments or for remission of indebtedness with supporting documents, including, but not limited to statements of financial status (personal income and expenses), statements of commanders and/or accounting and finance officers, correspondence with members and employees;

c. Claims of individuals requesting additional payments for service rendered with supporting documents including, but not limited to, time and attendance reports, leave and earning statements, travel orders and/or vouchers, and correspondence with members and employees.

d. Delinquent accounts receivable from field accounting and finance officers including, but not limited to, returned checks, medical services billing, collection records, and summaries of the Army Criminal Investigations Command and/or Federal Bureau of Investigation reports.

e. Reports from probate courts regarding estates of deceased debtors.

f. Reports from bankruptcy courts regarding claims of the United States against debtors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3711; 10 U.S.C. 2774; and 12 U.S.C. 1715.

PURPOSE:

Used by the Department of the Army to process, monitor, and post-audit accounts receivable, administer the Federal Claims Collection Act, and answer inquiries pertaining thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to:
a. U.S. Department of Justice/U.S. Attorneys: For legal action and/or final disposition of the debt claims. The litigation briefs (comprehensive, written referral recommendations) will restructure the entire scope of the collection cases.

b. Internal Revenue Service: To obtain locator status for delinquent accounts receivables; (Automated controls exist to preclude redisclosure of solicited IRS address date;) and/or to report write-off amounts as taxable income as pertains to amounts compromised and accounts barred from litigation due to age.

c. Private Collection Agencies: for collection action when the Army has exhausted its internal collection efforts.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in collection file folders and bulk storage; card files, computer magnetic tapes and printouts; microfiche.

RETRIEVABILITY:

By Social Security Number, name, and substantiating document number; conventional indexing is used to retrieve data.

SAFEGUARDS:

Hard copy records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Computerized records are accessed only by custodian of the records system and by persons responsible for servicing the records system in the performance of their official duties. Certifying finance and accounting officers have access to debt information to confirm if the debt is valid and collection action is to be continued. Computer equipment and files are located in a separate secured area accessible only to personnel authorized access to that area.

RETENTION AND DISPOSAL:

Individual military pay records and accounts receivables are converted to microfiche and retained for 6 years. Destruction is by shredding. Retention periods for other records vary according to category, but total retention does not exceed 56 years; these records are sent to Federal Records Center, General Services Administration at Dayton, Ohio; destruction is by burning or salvage as waste paper.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system of records contains information about them should contact the System Manager, ATTN: FINCP-F, U.S. Army Finance and Accounting Center, Indianapolis, IN 46249, and should provide sufficient information such as full name, Social Security Number, and military status or other information verifiable from the record itself.

RECORD ACCESS PROCEDURES:

Individuals seeking access to record in this system pertaining to them should submit a written request as indicated in "Notification Procedure" and furnish information described therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents of records are contained in Army Regulation 340-21 (32 CFR Part 505). Specific instructions may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is received from Department of Defense staff and field installations, Social Security Administration, Treasury Department, financial organizations, and automated system interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-1118 Filed 1-16-84; 8:45 am]

BILLING CODE 3710-08-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 25, 1984, beginning at 1:30 p.m. in the Hancock Room of the Holiday Inn—Independence Mall at 4th and Arch Streets, Philadelphia, Pennsylvania. The hearing will be a part of the Commission's regular business meeting, which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:00 a.m. in the Sherman Room of the Holiday Inn.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11, and/or Section 3.8 of the Compact:

1. *Public Service Electric and Gas Company (D-79-66)*. A well water supply project to provide an additional source of water for the existing well system at the applicant's Salem Nuclear Generating Station, Lower Alloways Creek Township, Salem County, New Jersey. Withdrawals from the new source, Well No. 6, combined with withdrawals from the existing facilities, will not exceed the existing limitation of 28.7 million gallons per 30-day period as an average during any calendar year.

2. *Blue Mountain Consolidated Water Company (D-81-50 CP)*. A well water supply project to augment public water supplies in several boroughs and townships in Northampton and Monroe Counties, Pennsylvania. The project is located in Bushkill Township. Designated as the Knauss Road Well, it is expected to yield about 6.48 million gallons per 30-day period.

3. *Doylestown Township Municipal Authority (D-83-29 CP)*. A sewage treatment project to serve residential and commercial customers in Doylestown Township and Bucks County-owned institutional facilities in Doyestown and Warwick Townships in Bucks County, Pennsylvania. Approval of the proposed project would amend the Comprehensive Plan to include a separate tertiary sewage treatment plant for the Kings Plaza area, rather than treatment at a future regional plant as proposed by the June, 1970 Bucks County Sewerage Facilities Plan, included in the Comprehensive Plan by Docket D-71-74 CP. The treatment plant is expected to remove 98 percent BOD and 91 percent suspended solids from an average sewage flow of 0.425 million gallons per day (mgd). Treated effluent will discharge to the Neshaminy Creek in Doylestown Township, Bucks County, Pennsylvania.

4. *Public Service Electric and Gas Company (D-83-36)*. Modification of an industrial waste treatment facility at the applicant's Salem Nuclear Generating Station in Lower Alloways Creek Township, Salem County, New Jersey. The facility will be designed for removal of iron, copper, ammonia and suspended solids from an average waste water flow of approximately 0.468 mgd. Treated effluent will discharge to the Delaware River at River Mile 50.4.

Documents relating to these projects may be examined at the Commission's offices and preliminary dockets are available in single copies upon request.

Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

January 10, 1984.

[FR Doc. 84-1187 Filed 1-16-84; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP83-424-001]

Carnegie Natural Gas Co. and Equitable Gas Co.; Amendment

January 11, 1984.

Take notice that on December 15, 1983, Carnegie Natural Gas Company (Carnegie), 800 Regis Avenue, Pittsburgh, Pennsylvania 15236, and Equitable Gas Company (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, or jointly referred to as Applicants, filed in Docket No. CP83-424-1 an amendment to its pending application filed in Docket No. CP83-424-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect the addition of certain exchange points from Carnegie to Equitable, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that in Docket No. CP83-424-000 they requested a certificate authorizing: (1) a new limitation on the amount of gas which Carnegie may deliver to Equitable for subsequent redelivery to Carnegie, (2) new exchange points through which gas delivered by Carnegie to Equitable would be redelivered by Equitable to Carnegie; (3) the abandonment of certain presently existing exchange points and related facilities; and (4) various miscellaneous changes relating to, among others things, units of measurement, liability and a force majeure provision.

Applicants amend their application to add the following points of exchange from Carnegie to Equitable which presently exist both contractually and in the field, but which have not previously specifically been certificated by the Commission:

(1) At a point of connection between Carnegie's 8-inch pipeline and Equitable's 20-inch pipeline on land new or formerly known as Kalmar Farm, Armstrong County, Pennsylvania;

(2) At a point of connection between Carnegie's 2-inch pipeline and

Equitable's 4-inch pipeline on land new or formerly known as Mitchell and Morris Farm, Greene County, Pennsylvania, and,

(3) At a point of connection between Carnegie's 4-inch pipeline and Equitable's 4-inch pipeline on land new or formerly known as Sloane-Dusquene No. 2, Westmoreland county, Pennsylvania.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 1, 1984, 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) 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1151 Filed 1-16-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-81-000]

Columbia Gas Transmission Corp. Request Under Blanket Authorization

January 11, 1984

Take notice that on November 18, 1983, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP84-81-000 a request, as supplemented on January 3, 1984, pursuant to Section 157.205(b) of the Regulations under the Natural Gas Act (18 CFR 157.205(b)) that Columbia proposes to transport natural gas on behalf of the Babcock & Wilcox Company (B&W) under authorization issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 5,700 dt equivalent of natural gas per day for B&W for a term of one year. Columbia states that the gas to be transported would be purchased

from Union Drilling, Inc., and from Marshburg Pipeline Company c/o Northwest Oil and Gas Drilling and Servicing Company and would be used in various furnaces for the process of steel making and tube making in B&W's Beaver Falls, Koppel and Ambridge plants. Columbia states that it would receive the gas at existing delivery points on its system in West Virginia and Pennsylvania and redeliver such gas to Columbia Gas of Pennsylvania, Inc., the distribution company serving B&W. Columbia states that the gas to be purchased by B&W involves gas supplies released by Columbia and that such supplies are subject to the ceiling price provisions of Sections 103 and 109 of the Natural Gas Policy Act of 1978. Furthermore, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt equivalent, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after 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 Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-1152 Filed 1-16-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-155-000]

**Columbia Gas Transmission Corp.;
Request Under Blanket Authorization**

January 11, 1984.

Take notice that on December 29, 1983, Columbia Gas Transmission

Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84-155-000 a request, pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), that Columbia proposes to transport natural gas on behalf of Columbus Bituminous Concrete Corporation (CBC Corp.), under authorization issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 500 million Btu¹ of natural gas per day for CBC Corp., for a term of one year. Columbia states that the gas to be transported would be purchased from Ohio Shale Pipeline Corporation by CBC Corp. and would be used for asphalt drying at CBC Corp.'s Columbus, Ohio, plant. Columbia would receive the quantities at existing points of receipt on its system and redeliver to Columbia Gas of Ohio, Inc., the distribution company serving CBC Corp.

Columbia states that the gas to be purchased by CBC Corp., involves gas supplies released by Columbia and that such supplies are subject to the ceiling price provisions of section 107 of the Natural Gas Policy Act of 1978. Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either: (1) Its average system-wide storage and transmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt equivalent, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after 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

¹ All quantities are stated in million Btu pursuant to 18 CFR Section 157.207(e) and have been converted from Mcf or dt based on the assumption that the average energy content of the gas to be transported is 1,000 Btu per cubic foot. Quantities stated in Columbia's transportation agreement are in dt.

activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-1153 Filed 1-16-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-158-000]

**Columbia Gas Transmission Corp.;
Request Under Blanket Authorization**

January 11, 1984.

Take notice that on December 29, 1983, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 24325-1273, filed in Docket No. CP84-158-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) of the Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of Ashland Oil, Inc. (Ashland) under the authorization issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia proposes to transport for one year up to 225 million Btu equivalent¹ of natural gas per day on behalf of Ashland. Columbia would receive gas from Zenith Oil and Gas, Inc. (Zenith) and Southern Triangle Oil Co. (Southern), at existing points of receipt on Columbia's system and redeliver to Union Light, Heat and Power Company (Union) for ultimate delivery to Ashland it is explained. Columbia states that the gas purchase agreement between Ashland and Zenith and Southern involve certain gas supplies released by Columbia. Columbia states that these supplies are subject to the ceiling price provisions of sections 103 and 108 of the Natural Gas Policy Act of 1978.

Depending upon whether gathering facilities are involved, Columbia states that it would charge either: (1) Columbia's average system-wide storage and transmission costs, exclusive of company-use and unaccounted-for gas, or (2) Columbia's average system-wide storage, transmission and gathering costs, exclusive of company-use and unaccounted-for gas. It is stated that the

storage and transmission charge is currently 40.11 cents per dt equivalent and the storage, transmission and gathering charge is 44.93 cents per dt equivalent. In addition, Columbia proposes to retain 2.85 percent of gas delivered to it for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after 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 Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-1154 Filed 1-16-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-127-000]

Consolidated Gas Supply Corp.; Application

January 11, 1984.

Take notice that on December 12, 1983, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP84-127-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing changes in the maximum allowable operating pressure (MAOP) of certain pipeline segments, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Consolidated seeks authorization to change the MAOP of various pipeline segments of Consolidated's New York and Pennsylvania transmission mainline. It is explained that in 1982 Consolidated conducted a compliance study on its New York and Pennsylvania transmission lines to determine whether these pipeline segments were in compliance with the U.S. Department of Transportation (DOT) class location requirements set forth in 49 CFR 192.611. Consolidated states that the proposed changes in the MAOP are necessary for

the continued safety and reliability of these transmission facilities. The following is a list of facilities for which a

reduction in the MAOP is sought along with their certifying docket numbers.

DESCRIPTION OF FACILITIES FOR WHICH THE MAXIMUM ALLOWABLE OPERATING PRESSURE IS SOUGHT TO BE CHANGED AND THEIR CERTIFYING DOCKET NUMBERS

Docket No.	Issue date	Line description	Current MAOP	Proposed MAOP
G1306.....	Nov. 8, 1950.....	Line 30 from Schenectady Regulating Station to Schenectady Measuring Station.	900	643
G1306.....	do.....	Line 30 from Schenectady Measuring Station to Wolf Road.	657	643
G12883.....	Nov. 18, 1957.....	Line 545 from LaMunion to Oneida.....	865	900
G1306.....	Nov. 4, 1950.....	Line 532 from Knox to Schenectady Measuring Station.	850	643
CP64-187.....	July 2, 1974.....	Line 553 from Sheds to Cazenovia.....	1,000	900
CP68-260.....	June 3, 1968.....	Line TL-383 from Lainhart to South Albany.....	645	643
G1701.....	Aug. 24, 1951.....	Line 539 from Borger Station to Borger Junction.	1,000	900
G1701.....	do.....	Line TL-410 from Line 539 to XSN-558.....	1,000	900
G1701.....	do.....	Line TL-411 from XSN-558 to Borger Junction.	720	743
G312.....	Nov. 4, 1942.....	Line 1 from Boom to Syracuse.....	905	900
CP70-170.....	May 5, 1970.....	Line 31 from Lindley to Big Flats.....	1,000	900
G1306.....	Nov. 8, 1950.....	Line 31 from Big Flats to Cayuta.....	990	900
CP68-260.....	June 3, 1968.....	Line 31 from Borger to Freeville Gt.....	850	746
G1701.....	Aug. 24, 1951.....	Freeville Gt. to Syracuse.....	660	746
G1701.....	do.....	Line 544 from Lines 1 and 31 to Groton M & R.	660	900
CP62-25.....	Mar. 29, 1962.....	Line 551 from Auburn to Phelps.....	1,000	800
CP64-56.....	Nov. 5, 1963.....	Line 552 from Dow Road to Creigsville.....	660	650
G1306.....	Nov. 4, 1950.....	Line 533 at Craigs.....	660	650
G801.....	Apr. 24, 1947.....	Line 541 from Barks Road to XSN-516.....	625	650
G1601.....	May 31, 1951.....	Line 26 from South Bend Station to Coxcomb.	1,000	945
G1601.....	do.....	Line 27 from Line 26 to Lines 9 and 19 (at McIlwain).	1,000	945
CP67-307.....	Apr. 1, 1968.....	Line TL-380 from McIlwain to South Bend Station.	893	945
G1478.....	Dec. 20, 1950.....	Line 280 from Finnefrock to Potter County Header.	945	800
G312.....	Nov. 4, 1942.....	Line 4 from Potter County Header to Sabinsville.	860	800
G11779.....	June 14, 1957.....	Line 2 from Chatham to Boom.....	1,080	1,000

Consolidated explains that the project also includes changing the Maximum Allowable Operating Pressure to Line 549 from Bradley Brook Junction to Bradley Brook Station from 1000 psia to 900 psia. This line was constructed as a production line and is exempt from jurisdiction, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 1, 1984, 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) 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 application 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 Consolidated to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-1155 Filed 1-16-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-29-001]

**Michigan Wisconsin Pipe Line Co.;
Change in Tariff**

January 11, 1984.

Take notice that on December 28, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Substitute Second Revised Sheet No. 21
Substitute Second Revised Sheet No. 22

An effective date of January 1, 1984, is proposed.

On December 1, 1983, Michigan Wisconsin filed modifications to Section 3 of its FERC Gas Tariff, Original Volume No. 1. In response to questions of the Commission Staff to such filing, clarifications to Subsections 3.4(f) and 3.5 became desirable. Michigan Wisconsin's response to the Commission Staff's questions is to revised only Subsections 3.4(f) and 3.5 (on Second Revised Sheet Nos. 21 and 22).

Michigan Wisconsin states that copies of this filing have been served on all customers subject to the tariff sheet and applicable state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 18, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-1156 Filed 1-16-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP82-117-006]

**Midwestern Gas Transmission Co.;
Rate Filing**

January 11, 1984.

Take notice that on January 4, 1983, Midwestern Gas Transmission Company (Midwestern) tendered for filing the following tariff sheets to its FERC Gas Tariff to be effective January 1, 1984:

Original Volume No. 1
Third Substitute Eighth Revised Sheet No. 5

Substitute Ninth Revised Sheet No. 6

Original Volume No. 2

Substitute Ninth Revised Sheet No. 37

Fifth Revised Sheet No. 62K

Fourth Revised Sheet No. 62L

Third Revised Sheet No. 62F

Midwestern states that the purpose of the revised tariff sheets is to implement the October 7, 1983 Amended Stipulation and Agreement in this proceeding which was approved by the Commission's letter order dated November 25, 1983.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 18, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-1157 Filed 1-16-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-193-001]

Mountain Fuel Supply Co.; Amendment

January 11, 1984.

Take notice that on December 16, 1983, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP83-193-001 an amendment to its pending application filed in Docket No. CP82-193-000, pursuant to Section 7(c) of the Natural Gas Act, to reflect a change in routing of the proposed Hyrum line in Utah from that originally proposed, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant indicates that as a result of several environmental and archeological studies, easier terrain and reduced construction costs the proposed pipeline would now originate on Applicant's

Main Line No. 48 in Rich County, Utah, Section 33, Township 9 North, Range 7 East, and extend approximately 39.7 miles to a connection with Applicant's high pressure distribution system in the same county, Section 25, Township 10 North, Range 1 East. The revised cost for this amended proposal is estimated to be \$13,266,083.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 1, 1984, 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, 385.211) 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 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. 84-1158 Filed 1-16-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP83-105-001]

**National Fuel Gas Supply Corp.; Motion
to Place Into Effect Revised Tariff
Sheets**

January 11, 1984.

Take notice that on December 30, 1983, National Fuel Gas Supply Corporation (National) tendered for filing a motion to place into effect the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Substitute Forty-fourth Revised Sheet No. 4

Substitute First Revised Sheet No. 8a

An effective date of January 1, 1984, is proposed.

National also tendered for filing in the motion to place into effect the following revised sheets to its FERC Gas Tariff, First Revised Volume No. 2:

Substitute Fourth Revised Sheet No. 282

Substitute Fourth Revised Sheet No. 302

Substitute Fourth Revised Sheet No. 322

Substitute Fourth Revised Sheet No. 342

An effective date of January 1, 1984, is proposed.

National states that the above filed tariff sheets were submitted to the Commission on July 1, 1983, and on July

29, 1983, were accepted for filing and suspended until January 1, 1984. The expiration of the suspension period has brought about National's request.

National proposes to implement the results of a settlement reached with all the parties to this proceeding. The Settlement Rates reached by the parties (Docket No. RP83-105), according to National, are set forth in the above listed revised tariff sheets. National seeks immediate implementation of these rates to enable its customers to take full advantage of the reduced rates provided by the Settlement.

National also proposes the establishment of a surcharge mechanism to prevent prejudice to both itself and its customers in the event that the above mentioned settlement is rejected by the Commission. Their proposal provides, in the event of such a rejection, that a surcharge procedure shall be implemented which would give to National the difference between the revenues actually collected under the above mentioned Settlement Rates and the amount of revenues that would have been collected if the rates ultimately approved by the Commission were put into effect. The surcharge would include interest computed in accordance with Section 154.67(c) of the Commission's Regulations from the effective date of the receipt of revenues under the Settlement Rates until the date on which the revenue difference and related interest are recovered by National.

This surcharge procedure is to be implemented only if the current settlement agreement is rejected, and if the subsequently approved rates result in revenues that, if they were implemented, would produce revenues that are less than those actually collected under the current settlement agreement. Furthermore, the time period to compute the revenues under the current settlement rates and any subsequent rates which displace the current rates is to be a 12 month period. To the extent possible, National requests that the Commission grant such waivers as may be necessary for the acceptance and approval of their proposals.

National states that copies of this filing have been served on each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such petitions or protests should be filed on or before January 18, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-1159 Filed 1-16-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-124-000]

United Gas Pipe Line Co.; Request Under Blanket Authorization

January 11, 1984.

Take notice that on December 9, 1983, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77001, filed in Docket No. CP84-124-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that United proposes to construct and operate a sales tap for the delivery of gas to Louisiana Gas Service Company (Louisiana Gas) to serve a residential subdivision under the authorization issued in Docket No. CP82-430-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that the sales tap would be located on its 4-inch lateral line in Hancock County, Mississippi, and would enable Entex to provide up to 1400 Mcf per day of natural gas for boiler fuel (end-use), under United's Rate Schedule DG-N. It is stated that the sales tap would not cause an increase in the customer's contractual maximum daily quantity nor its entitlements under United's effective curtailment plan.

Any person or the Commission's staff may, within 45 days after 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 Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall

be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-1160 Filed 1-16-84; 8:45 am]
BILLING CODE 6717-01-M

[Project Nos. 5248-999, et al.]

West Slope Power Co., et al.; Public Meeting

January 11, 1984.

Pursuant to Section 306 of the Energy and Water Appropriation Act (Pub. L. 98-50), the Federal Energy Regulatory Commission will be updating a comprehensive water resources analysis covering Merced, Manposá, Madera and Fresno counties in California. This analysis will concentrate, in accordance with Section 306, on hydroelectric development proposed for Whiskey Creek, Nelder Creek and the Lewis Fork of the Fresno River, and immediately related areas.

Public meetings will be held by Commission staff at 8:30 am on January 23, 1984 in the City Council Chambers of Fresno, and at 7:00 p.m. at the North Fork Elementary School Multipurpose Hall in North Fork, for the purpose of informing the public of the intended scope of the analysis, the target resources to be evaluated, the methodology to be employed and the schedule for completion. Input from the public will be welcome.

For further information please contact Joseph Vasapoli (202) 357-8483 or Tom Russo (202) 376-9255.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84-1161 Filed 1-16-84; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-42029A; BH FRL 2483-6]

Isophorone; Decision To Adopt Negotiated Testing Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In response to the Interagency Testing Committee's (ITC) designation of isophorone for priority consideration of health effects testing, EPA announced in the *Federal Register* of January 6, 1983, a preliminary decision not to initiate rulemaking under the Toxic Substances Control Act

(TSCA) based on the Agency's tentative acceptance of a program submitted to EPA by the Ketones Program Panel of the Chemical Manufacturers Association (CMA) and on the National Toxicology Program's (NTP) initiation of a long-term bioassay for isophorone. After review and consideration of public comments received, the Agency finds no reason to alter its preliminary decision and has concluded that the CMA testing program, together with the NTP bioassay results, will provide sufficient data to reasonably determine or predict those health effects of isophorone identified by the ITC as being of concern. Therefore, EPA is not proposing a section 4(a) rule at this time to require health effects testing of isophorone.

FOR FURTHER INFORMATION CONTACT:

Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-543, Washington, D.C. 20460, Toll Free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 4(a) of the Toxic Substances Control Act (TSCA) (Pub. L. 94-469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*) authorizes to EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemicals may present to health and the environment. Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to recommend to the EPA a list of chemicals to be considered for promulgation of testing rules under section 4(a) of the Act. The ITC placed isophorone on its priority testing list, as published in the *Federal Register* of June 1, 1979 (44 FR 31867). It recommended that isophorone be considered for testing for carcinogenicity, mutagenicity, teratogenicity, and other chronic effects and that an epidemiology study be performed.

EPA issued a notice published in the *Federal Register* of January 6, 1983 (48 FR 727), which announced the Agency's preliminary decision not to propose a rule under section 4(a) of the Toxic Substances Control Act (TSCA) to require health effects testing of isophorone. This decision was based on the Agency's evaluation of a testing proposal submitted by the Ketones Program Panel of the Chemical Manufacturers Association (CMA) and

the initiation of a long-term bioassay by the National Toxicology Program (NTP).

A draft of the Ketones Program proposal was included in the public record (docket number OPTS-42029). The Agency requested comments on its preliminary decision not to develop a test rule for isophorone and on the proposed testing scheme.

This notice responds to public comments and announces the Agency's final decision not to initiate rulemaking at this time to require testing of isophorone pursuant to TSCA section 4(a).

II. EPA's Response to Public Comments

The Agency received comments from the Natural Resources Defense Council (NRDC) and from the Ketones Program Panel of CMA; no other comments were received. The Ketones Program Panel advocated acceptance of the program submitted to EPA and mentioned its intent to meet with EPA scientists at key decision points to discuss proper interpretation of the test data and possible further activities. The Panel's comments also discussed the alterations to be made in the mouse micronucleus study to make it acceptable to the Agency and its agreement with EPA's decision not to require that an epidemiology study be conducted this time.

The January 6 notice had requested comments on EPA's consideration and rejection of toxicokinetics testing at this time; such testing was not recommended by the ITC. The Ketones Program Panel agreed that toxicokinetic studies were not warranted at present.

NRDC raised various legal issues about EPA's acceptance of a negotiated testing agreement. NRDC was also concerned about the setting of schedules for testing. Its basic concerns, along with EPA's response to each, are discussed below in this unit. NRDC did not raise any concerns about the substance of the testing program proposed by the Ketones Program Panel, and NRDC did not comment on EPA's decision not to require an epidemiology study or toxicokinetics testing.

NRDC criticized EPA's policy of accepting negotiated testing agreements in lieu of rulemaking to require testing under section 4 of TSCA. NRDC argued that the "plain language" of TSCA mandates that testing of section 4(e) chemicals must be accomplished by rule. In addition, NRDC contended that negotiated testing has procedural and legal deficiencies. NRDC particularly cited the lack of enforceability of negotiated testing agreements and their failure to encompass other provisions of

TSCA which would be triggered by a section 4 rule.

EPA has previously addressed NRDC's general concern about negotiated testing a *Federal Register* notice published on January 5, 1982 (47 FR 335), discussing the negotiated testing program for alkyl phthalates. A more detailed analysis of NRDC's arguments was prepared for inclusion in the public record of that action (docket number OPTS-42005). As was indicated in that notice, EPA believes that neither TSCA nor its legislative history support NRDC's contention that the Congress established rules as the exclusive means for accomplishing testing. EPA believes that negotiated testing is consistent with the statutory purpose that adequate data on chemicals be developed expeditiously by the involved companies.

EPA agrees that negotiated testing is not legally enforceable, but as the Agency previously indicated (47 FR 335), there are compelling practical reasons why it expects that the involved companies will follow their agreements in the vast majority of cases. Furthermore, the Agency disagrees with NRDC's contention that if EPA is forced to develop a rule because of failure of a negotiated program, the entire program will take substantially longer than if EPA had pursued rulemaking from the beginning. Rather, EPA believes that it could conduct an expedited rulemaking which, in many cases, would not substantially lengthen the entire process.

NRDC is correct in asserting that acceptance of a negotiated testing program will not trigger certain other statutory provisions that would have been brought into play if the Agency proposed, and then promulgated, a testing rule for these substances. But, EPA believes that NRDC has considerably exaggerated the practical impact of this difference. Although a negotiated testing program does not trigger the obligation of a manufacturer of a new substance subject to a section 4 rule to submit test data under section 5(b)(1), and to delay manufacturing, that particular requirement only relates to EPA actions under section 4 concerning categories of chemical substances and would not be applicable to isophorone which was nominated as an individual chemical substance by the ITC.

In addition, contrary to NRDC's claim, EPA has the same authority to disclose health and safety data generated from negotiated testing as it would if the testing were conducted under a rule. Section 14(b)(1)(A)(i) concerns data from any health and safety study on a

chemical in "commercial distribution" (which includes all non-category chemical designated by the ITC) and makes no distinction based upon how the Agency receives the data.

EPA's position that negotiated testing is a legally sufficient alternative to section 4 rulemaking was examined by the General Accounting Office (GAO) during 1982. The GAO concluded that "neither section 4(a) nor 4(e) compels the promulgation of a test rule proceeding where adequate test data may be developed pursuant to voluntary testing agreements. We [GAO] further conclude that since voluntary testing agreements are consistent with the significant purposes of section 4, implied authority exists for EPA to negotiate such agreements." (GAO 1982. EPA Implementation of Selected Aspects of the Toxic Substances Control Act. General Accounting Office. December 7, 1982. GAO/RCED-83-62, p. 15).

On the above basis, EPA continues to believe that, where appropriate testing is being undertaken, negotiated testing agreements are an appropriate alternative to rulemaking under section 4 of TSCA.

As discussed in the January 6 notice, the Agency is not requiring the epidemiologic studies recommended by the ITC because there are no documentable health hazards reported for isophorone, and a suitable cohort cannot be identified. Thus, EPA cannot, at this time, design a study which is expected to produce information about the human health effects of isophorone. There were no comments objecting to this decision.

No new substantive issues have arisen during the comment period and consequently the Agency believes that the final study plan submitted by the Ketones Program Panel of CMA and the NTP bioassay are the best means of meeting all the remaining testing needs for isophorone.

III. Testing

1. *Study Plans.* The CMA's proposed testing program for isophorone is described in the *Federal Register* of January 6, 1983 (48 FR 727). As discussed in the January 6 notice, the mouse micronucleus cytogenetic assay protocol submitted earlier was inconsistent with TSCA and OECD test guidelines. On June 10, 1983, the Ketones Program Panel submitted its final study plan which includes a revised protocol for the mouse micronucleus study which conforms with the OECD test guidelines and is acceptable to the Agency. The final study plans for CMA's testing program for isophorone are in the public

record (docket number OPTS-42029) and include:

a. An inhalation teratology study in rats and mice to be conducted in early 1984 (including a range-finding study to be performed in fall of 1983).

b. Mutagenicity studies to be initiated within 60 days of publication of this notice in the *Federal Register*.

2. *Conclusions on the Study Plans.* EPA has reviewed the study plans on isophorone and has concluded that:

a. The teratology study will provide sufficient data to reasonably determine or predict the potential toxic effects on the fetus as a result of isophorone exposure.

b. The mutagenicity studies will provide sufficient data to establish the potential mutagenic effects of isophorone.

The Agency has concluded that this testing program, together with the NTP bioassay results, will provide an adequate basis to evaluate the health effects of isophorone of concern to the ITC. Since no comments suggested otherwise, EPA continues to believe that epidemiologic studies should not be required at this time. Therefore, EPA has determined not to propose, at this time, a section 4(a) rule to require health effects testing of isophorone.

IV. Public Record

EPA has established a public record for this testing decision, docket number [OPTS-42029]. This record includes:

(1) *Federal Register* notice containing the designation of isophorone to the priority list and all comments on isophorone received in response to that notice.

(2) Communications with industry.

(3) Letters.

(4) Contact reports of telephone conversations.

(5) Summaries of EPA's meetings with industry and the public.

(6) Testing proposal and modified protocols.

(7) Published and unpublished data.

(8) *Federal Register* notice requesting comments on the Negotiated Testing Proposal and all comments received in response to the notice.

This record contains the basic information which was considered by EPA in developing this decision, and is available for inspection in the OPTS Reading Room from 8:00 to 4:00 p.m., Monday through Friday (except legal holidays) in Room E-107, 401 M Street, SW., Washington, D.C. 20460. The Agency will supplement this record periodically with additional relevant information as it is received.

(Sec. 4, Pub. L. 94-469, 90 Stat. 2003; (15 U.S.C. 2061))

Dated: January 9, 1984.

William D. Ruckelshaus,
Administrator.

[FR Doc. 84-1167 Filed 1-16-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83-1370 et al.; File No. BPCT-830223KH]

Henry C. McCall et al.; Hearing Designation Order

In the matter of Applications of Henry C. McCall, Erie, Pennsylvania (MM Docket No. 83-1370; File No. BPCT-830223KH), Seneca Broadcasting Corp., Erie, Pennsylvania (MM Docket No. 83-1371; File No. BPCT-830428KP), Gannon University Broadcasting, Inc., Erie, Pennsylvania (MM Docket No. 83-1372; File No. BPCT-830429KG) for construction permit.

Adopted: December 19, 1983.

Released: January 9, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Henry C. McCall (McCall),¹ Seneca Broadcasting Corp. (Seneca) and Gannon University Broadcasting, Inc. (Gannon) for authority to construct a new commercial television broadcast station on Channel 66, Erie, Pennsylvania.

2. No determination has been reached that the tower height and location proposed by McCall² would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

3. Section II, Item 9, FCC Form 301, inquires whether there are any documents, instruments, contracts or understandings relating to ownership or future ownership rights, including, but not limited to non-voting stock interests, beneficial stock ownership interests, options, warrants, or debentures. A positive response to this question must be accompanied by particulars as exhibits. McCall answered "yes" to Item 9; however, he did not submit the required exhibits. McCall will be required to submit his exhibits in the form of an amendment to the presiding Administrative Law Judge within 20 days after this Order is released.

¹ An amendment received June 23, 1983 changed the name from American Cellular System, Inc. to Henry C. McCall.

² The Commission is not in receipt of FAA's determination for the tower proposed by McCall.

4. Section V-C, Item 10, FCC Form 301, requires that an applicant submit figures for the area and population within its predicted Grade B contour. McCall has not provided the required population figure. McCall will be required to submit an amendment giving the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge. The effective radiated visual power, antenna height above average terrain and other technical data submitted by the other two applicants, however, indicate that there would be a significant difference in the size of the area and population that each proposes to serve. Consequently, for the purposes of comparison, the area and population which would be within the predicted 64 dBu (Grade B) contour of each of the applicants, together with the availability of other television service of Grade B or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

5. Seneca requests a waiver of § 73.685(e) of the Commission's Rules which limits UHF stations using directional antennas to a ratio of maximum-to-minimum radiation in the horizontal plane of not more than 15 dB. Seneca proposes a directional antenna with maximum-to-minimum radiation of 25.4 dB. Accordingly, an appropriate issue will be specified to determine whether waiver of § 73.685(e) is warranted.

6. Seneca proposes to operate from a site located within 250 miles of the Canadian Border with maximum visual effective radiated power (ERP) of more than 1000 kilowatts. The proposal poses no interference threat to United States television stations; however, it contravenes an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes*, T.I.S.A. 2594 (1952). In the event of a grant of the application, the construction permit shall contain a condition precluding station operation with maximum visual ERP in excess of 1000 kilowatts, absent Canadian consent. *South Bend Tribune*, 8 R.R. 2d 416 (1966).

7. Section 73.682(a)(15) of the Commission's Rules states that effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. McCall's aural power is 1 percent of the

visual. The applicant will be required to correct this in the form of an amendment to the presiding Administrative Law Judge within 20 days after the release of this Order.

8. Gannon's and Seneca's transmitter site is located 1.6 miles from AM station WLKK, Erie, Pennsylvania. McCall's transmitter site is located 1.8 miles from station WLKK. Consequently, grant of a construction permit to any of the applicants will be conditioned to ensure that WLKK's radiation pattern is not adversely affected by the construction of the proposed station.

9. In Section II, Page 2, FCC Form 301; McCall refers to an Exhibit 2 (Option of Understanding), but no such exhibit was submitted. Accordingly, McCall will be required to submit the exhibit to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, it is ordered, That pursuant to § 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Henry C. McCall, whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine with respect to Seneca Broadcasting Corp. whether circumstances exist to warrant a waiver of Section 73.685(e) of the Commission's Rules.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

12. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

13. It is further ordered, That Henry C. McCall shall submit his explanation for answering "yes" to Section II, Item 9,

FCC Form 301, to the presiding Administrative Law Judge within 20 days after the release of this Order.

14. It is further ordered, That Henry C. McCall shall submit an amendment stating the population within his predicted Grade B contour, within 20 days after this Order is released, to the presiding Administrative Law Judge.

15. It is further ordered, That, in the event of a grant of Seneca Broadcasting Corp's., application, the construction permit shall be conditioned as follows:

Subject to the condition that operation with effective radiated visual power in excess of 1000 kW after June 1, 1985 is subject to a further extension of consent by Canada.

16. It is further ordered, That, in the event of a grant of any of the applications, the construction permit shall be conditioned as follows:

Prior to construction of the tower authorized herein, permittee shall notify AM Station WLKK so that, if necessary, the AM station may determine operating power by the indirect method and request temporary authority from the Commission in Washington, D.C. to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM station. Both prior to construction of the tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission.

17. It is further ordered, That Henry C. McCall shall submit, to the presiding Administrative Law Judge within 20 days after this Order is released, an appropriate amendment that demonstrates compliance with § 73.685(a)(15) of the Commission's Rules.

18. It is further ordered, That Henry C. McCall shall submit the exhibit described in paragraph nine hereof to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

19. It is further ordered, That Henry C. McCall shall submit to the presiding Administrative Law Judge within 20 days after this Order is released, the information required by Item 10, Section V-C, FCC Form 301.

20. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in

person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

21. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-1207 Filed 1-16-84; 8:45 am]
BILLING CODE 6712-01-M

[Report No. 1440]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

January 11, 1984.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Communications Protocols Under § 64.702 of the Commission's Rules and Regulations (Gen Docket No. 80-756).

Filed by: Robert W. Barker, Robert B. McKenna & Luisa L. Lancetti, Attorneys for Pacific Northwest Bell Telephone Company, Northwestern Bell Telephone Company & The Mountain States Telephone and Telegraph Company on 1-3-84.

Conrad Reddick, Alfred Winchell Whittaker & John Gibson Mullan, Attorneys for Ameritech on 1-3-84.

Robert D. Lake, Attorney & Joseph H. Weber for American Telephone and Telegraph Company on 1-3-84.

Subject: Amendment of Section 73.1201(b)(2) of the Commission's Rules—Additional City Identification. (BC Docket No. 82-374)

Filed by: Erwin G. Krasnow & Barry D. Umansky, Attorneys for National Association of Broadcasters on 12-9-83.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-1203 Filed 1-16-84; 8:45 am]
BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Income and Other Account Subcommittee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's (TIAG) Income and Other Accounts Subcommittee schedule for Monday and Tuesday, January 30 and 31, 1984. The meeting will begin on January 30 at 8:30 a.m. in the office of GTE Service Corporation, 4500 Fuller Drive, Irving, Texas, and will be open to the public. The agenda is as follows:

- I. General Administrative Matters
- II. Discussion of Assignments
- III. Other Business
- IV. Presentation of Oral Statements
- V. Adjournment

With prior approval of Subcommittee Chairman Glenn L. Griffin, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin ((214) 659-3484) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-1204 Filed 1-16-84; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee, Domestic Policy Directive of November 14-15, 1983.¹

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Policy Directive issued at its meeting held on November 14-15, 1983.¹

The following domestic policy directive was issued to the Federal Reserve Bank of New York:

"The information reviewed at this meeting suggests that real GNP is growing at a relatively rapid pace in the current quarter, although the rate of expansion appears to have moderated since the spring and summer. In October, industrial production increased appreciably, following large gains in

¹ The Record of Policy Actions of the Committee for the meeting of November 14-15 1983, is filed as part of the original document. Copies are available upon request to The Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

previous months. Nonfarm payroll employment rose substantially further, and the civilian unemployment rate decline ½ percentage point to 8.8 percent. After changing little on balance during the summer months, retail sales strengthened in September and October. Housing starts and permits declined in September while home sales rose somewhat. Recent data on new orders and shipments indicate further strength in the demand for business equipment. Producer and consumer prices have continued to increase at about the same pace as in other recent months. The index of average hourly earnings rose somewhat more in September and October than in previous months, but over the first ten months of the year the index has risen more slowly than in 1982.

"The foreign exchange value of the dollar has risen since early October against a trade-weighted average of major foreign currencies. The U.S. foreign trade deficit increased considerably in the third quarter, with imports, especially of petroleum, rising faster than exports.

"After slowing substantially over the summer months, growth in M2 accelerated in October, while M3 continued to expand at a moderate rate. Through October, M2 was at a level in the lower portion of the Committee's range for 1983 and M3 in the upper portion of its range. M1 continued to grow at a sluggish pace in October and was in the lower portion of the Committee's monitoring range for the second half of the year. Longer-term market rates have risen somewhat on balance since early October, and short-term rates generally have fluctuated in a narrow range.

"The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation further, promote growth in output on a sustainable basis, and contribute to a sustainable pattern of international transactions. At its meeting in July the Committee reconsidered the growth ranges for monetary and credit aggregates established earlier for 1983 in furtherance of these objectives and set tentative ranges for 1984. The Committee recognized that the relationships between such ranges and ultimate economic goals have become less predictable; that the impact of new deposit accounts on growth of the monetary aggregates cannot be determined with a high degree of confidence; and that the availability of interest on large portions of transaction accounts may be reflected in some

changes in the historical trends in velocity.

"Against this background, the Committee at its July meeting reaffirmed the following growth ranges for the broader aggregates: for the period from February-March of 1983 to the fourth quarter of 1983, 7 to 10 percent at an annual rate for M2; and for the period from the fourth quarter of 1982 to the fourth quarter of 1983, 6½ to 9½ percent for M3. The Committee also agreed on tentative growth ranges for the period from the fourth quarter of 1983 to the fourth quarter of 1984 of 6½ to 9½ percent for M2 and 6 to 9 percent for M3. The Committee considered that growth of M1 in a range of 5 to 9 percent from the second quarter of 1983 to the fourth quarter of 1983, and in a range of 4 to 8 percent from the fourth quarter of 1983 to the fourth quarter of 1984, would be consistent with the ranges for the broader aggregates. The associated range for total domestic nonfinancial debt was reaffirmed at 8½ to 11½ percent for 1983 and tentatively set at 8 to 11 percent for 1984.

"The implementing monetary policy, the Committee agreed that substantial weight would continue to be placed on the behavior of the broader monetary aggregates. The behavior of M1 and total domestic nonfinancial debt will be monitored, with the degree of weight placed on M1 over time dependent on evidence that velocity characteristics are resuming more predictable patterns. The Committee understood that policy implementation would involve continuing appraisal of the relationships between the various measures of money and credit and nominal GNP, including evaluation of conditions in domestic credit and foreign exchange markets.

"The Committee seeks in the short run to maintain the existing degree of reserve restraint. The action is expected to be associated with growth of M2 and M3 at annual rates of around 8½ percent from September to December, consistent with the targets established for these aggregates for the year. Depending on evidence about the continuing strength of economic recovery and other factors bearing on the business and inflation outlook, somewhat greater restraint would be acceptable should the aggregates expand more rapidly; lesser restraint might be acceptable in the context of a significant shortfall in growth of the aggregates from current expectations. Given the relatively slow growth in October, the Committee anticipates that M1 growth at an annual rate of around 5 to 6 percent from September to December will be consistent with its

fourth-quarter objectives for the broader aggregates, and that expansion in total domestic nonfinancial debt would remain within the range established for the year. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 6 to 10 percent."

By order of the Federal Open Market Committee, January 10, 1984.

Stephen H. Axilrod,

Secretary.

[FR Doc. 84-1128 Filed 1-16-84; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that at the FOMC meeting on November 14-15, 1983, Paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from \$4 billion to \$5 billion the limit on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities for the intermeeting period from November 16, 1983, through the close of business on December 20, 1983. At its meeting on December 19-20, 1983, the Committee extended the temporary increase to \$5 billion in the limit in paragraph 1(a) of the authorization for domestic open market operations for the intermeeting period beginning December 21, 1983.

Note.—For paragraph 1(a) of the authorization, see 36 FR 22697.

By order of the Federal Open Market Committee, January 10, 1984.

Stephen H. Axilrod,

Secretary.

[FR Doc. 84-1129 Filed 1-16-84; 8:45 am]

BILLING CODE 6210-01-M

Bank of Oman Ltd.; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Bank of Oman Overseas (USA) Inc. Bank of Oman Overseas (USA) [Inc.] would operate as a subsidiary of Bank

of Oman Limited, Dubai, United Arab Emirates. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than February 10, 1984. 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, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, January 11, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1134 Filed 1-16-84; 8:45 am]

BILLING CODE 6210-01-M

Croghan Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated for that application. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to each application, 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.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 10, 1984.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Croghan Bancshares, Inc.*, Fremont, Ohio; to become a bank holding company by acquiring 80 percent of the voting shares of The Croghan Colonial Bank, Fremont, Ohio.

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

1. *Bezanson Corporation*, Cedar Rapids, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares or assets of JEFCO, Inc., Cedar Rapids, Iowa and thereby indirectly acquire City National Bank of Cedar Rapids, Cedar Rapids, Iowa.

2. *Fayette Bancorp.*, Connersville, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Fayette Bank & Trust Company, Connersville, Illinois.

3. *First Washington Bancorp, Inc.*, Naperville, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Washington Bank and Trust Company of Naperville, Naperville, Illinois.

4. *Harvest Bancshares, Inc.*, Footville, Wisconsin; to become a bank holding company by acquiring at least 80 percent of the voting shares of Footville State Bank, Footville, Wisconsin.

5. *Minier Financial, Inc.*, Minier, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First Farmer's State Bank of Minier, Minier, Illinois.

6. *West Central Illinois Bancorp, Inc.*, Monmouth, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of The National Bank of Monmouth, Monmouth, Illinois.

C. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Grant County Bancshares, Inc.*, Elbow Lake, Minnesota; to become a bank holding company by acquiring at least 95.60 percent of the voting shares of Bank of Elbow Lake, Elbow Lake, Minnesota and 100 percent of the voting shares of State Bank of Wendell, Wendell, Minnesota.

D. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Prosperity Bancshares, Inc.*, Edna, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Allied First Bank, Edna, Texas.

Board of Governors of the Federal Reserve System, January 11, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1135 Filed 1-16-84; 8:45 am]

BILLING CODE 6210-01-M

First National Financial Corporation, et al.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. 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.

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

1. *First National Financial Corporation*, Marinette, Wisconsin; to become a bank holding company by acquiring at least 80 percent of the voting shares of The First National Bank of Marinette, Marinette, Wisconsin. Comments on this application must be received not later than February 10, 1984.

2. *Shannon Bancorp, Inc.*, Shannon, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank of Shannon, Shannon, Illinois. Comments on this application must be received not later than February 10, 1984.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Spencer Bancshares Inc.*, Spencer, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of The Spencer State Bank, Spencer, Oklahoma. Comments on this application must be received not later than February 10, 1984.

Board of Governors of the Federal Reserve System, January 11, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1137 Filed 1-16-84; 8:45 am]

BILLING CODE 6210-01-M

North Fork Bancorporation, Inc.; Acquisition of Bank Shares by Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the 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.

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

1. *North Fork Bancorporation, Inc.*, Mattituck, New York; to acquire up to 100 percent of the voting shares or assets of The Bridgehampton National Bank, Bridgehampton, New York. Comments on this application must be received not later than February 10, 1984.

Board of Governors of the Federal Reserve System, January 12, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1136 Filed 1-16-84; 8:45 am]

BILLING CODE 6210-01-M

Pacific Inland Bancorp; Acquisition of Bank Shares by a Bank Holding Company

Pacific Inland Bancorp, Anaheim, California, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to become a bank holding company by acquiring 100 percent of the voting shares of Pacific Inland Bank, Anaheim, California. The factors that are considered in acting on the

application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Pacific Inland Bancorp, Anaheim, California, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Pacific Inland Management Corporation, Anaheim California and its subsidiary Trident Investment Management, Inc., Paramus, New Jersey.

Applicant states that the proposed subsidiary would engage in the activities of acting as an investment advisor. These activities would be performed from offices of Applicant's subsidiary in the states of New Jersey, Illinois and California and serving those three states. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b). Pacific Inland Bancorp also proposes to engage in certain investment activities pursuant to Sections 4(c)(5) and 4(c)(7) of the Act (12 U.S.C. 1843(c)(5) and § 1843(c)(7)).

Interested persons may express their views 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.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than February 1, 1984.

Board of Governors of the Federal Reserve System, January 11, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1138 Filed 1-16-84; 8:45 am]

BILLING CODE 6210-01-M

NCNB Corporation, et al.; Proposed de Novo Nonbank Activities by Bank Holding Companies

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views 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 comment that requests a hearing must include 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 that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. NCNB Corporation, Charlotte, North Carolina, (consumer finance and insurance activities, sale of money orders; North Carolina): To engage through its subsidiary, TranSouth Financial Corporation, in making direct loans for consumer and other purposes, purchasing retail installment notes and contracts, selling at retail money orders having a face value of not more than \$1,000 and acting as agent for the sale of credit life, credit accident and health and physical damage insurance directly related to its extensions of credit and through its subsidiary, TranSouth Mortgage Corporation, in making direct loans for consumer and other purposes

under the general usury statutes, purchasing retail installment notes and contracts, making direct loans to dealers for financing of inventory (floor planning) and working capital purposes and acting as agent for the sale of credit life, credit accident and health and physical damage insurance directly related to its extensions of credit. The credit-related insurance activities are to be conducted in conformance with Section 601 of the Garn-St Germain Depository Institutions Act of 1982. These activities will be conducted from a common office of Applicant's subsidiaries located in Hickory, North Carolina, serving an area consisting of a 25 mile radius of the office. Comments on this application must be received not later than February 2, 1984.

B. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. BancOhio Corporation, Columbus, Ohio (financing and servicing activities; Ohio and Kentucky): To engage, through its subsidiary, BancOhio Mortgage Company, in making, acquiring or servicing for its own account or for the account of others, all types of residential and commercial mortgage loans and other extensions of credit (including issuing letters of credit and accepting drafts) and other such activities as are incidental thereto. These activities will be conducted from a branch office of Applicant's subsidiary located in Lancaster, Ohio, serving the States of Ohio and Kentucky. Comments on this application must be received not later than February 8, 1984.

Board of Governors of the Federal Reserve System, January 11, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1139 Filed 1-16-84; 8:45 am]

BILLING CODE 6210-01-M

United Banks Corp., et al.; Engaging de Novo in Permissible Nonbanking Activities

The bank holding companies listed in this notice have filed a notice under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.21(a) of Regulation Y (49 FR 794) 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.

Each notice is available for immediate inspection at the Federal Reserve Bank indicated for that application. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to each notice, 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 for the application or the offices of the Board of Governors not later than February 8, 1984.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *United Banks Corporation*, Hanover, New Hampshire (real estate appraisal activities; New Hampshire): To engage through its subsidiary United Appraisals, Inc., Hanover, New Hampshire, in *de novo* real estate appraisal activities pursuant to section 225.4(a)(14) of Regulation Y. These activities will be conducted from an office located in Hanover, New Hampshire, serving the State of New Hampshire.

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

1. *Midlantic Banks Inc.*, Edison, New Jersey (financing, leasing, and servicing activities; New York): To engage through its subsidiary, Midlantic Commercial Co., in acquiring for its account or the accounts of others, loans and other extensions of credit as would normally be acquired by a factoring company of its type; leasing personal property and equipment on a full payment basis, or acting as agent, broker or advisor in the leasing thereof; and servicing loans, and other extensions of credit for any

person. These activities will be conducted from an office located in New York, New York, serving the State of New York.

C. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Northwestern Financial Corporation*, North Wilkesboro, North Carolina (mortgage banking activities; North Carolina, South Carolina): To engage, through its subsidiary, Northwestern Mortgage Corporation, in making, acquiring and servicing first mortgage loans such as would be made by a mortgage banking company. These activities will be conducted from offices in North Charleston and Myrtle Beach, South Carolina; and Hickory, North Carolina, serving North Carolina and South Carolina.

D. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Central Bank Shares, Inc.*, Orlando, Florida (data processing activities; Florida): To engage through its subsidiary, Software Development, Inc., Orlando, Florida, in the activities of sale, support, continued regulatory change updates and development of financial institution software, including: proof of deposit, demand deposit accounting, interest bearing deposit accounting, loans, general ledger accounting, safe deposit box, and central information file. These activities will be conducted from an office in Orlando, Florida, serving the State of Florida.

E. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota (financing, insurance and travelers checks activities; Oregon): To engage through its subsidiary, Norwest Financial System Oregon, Inc., in the activities of consumer finance, sales finance and commercial finance, the sale of credit life, credit accident and health and credit-related property and casualty insurance related to extensions of credit by that company (such sale of credit-related insurance being a permissible activity under Subparagraph D of Title VI of the Garn-St Germain Depository Institutions Act of 1982) and the offering for sale and selling of travelers checks. These activities will be conducted from an office in Clackamas, Oregon. This notification is (i) for the relocation of an existing office in Portland, Oregon, and (ii) to engage *de novo* in the activities of commercial finance from that office, as relocated.

Upon relocation, said office will serve Clackamas, Oregon, other nearby suburbs of Portland, Oregon, and Portland, Oregon.

F. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Business Bancorp*, San Jose, California (leasing activities; United States): To engage, *de novo*, in leasing activities with respect to personal property and equipment and real property in accordance with the Board's Regulation Y. These activities will be conducted from its San Jose, California office to serve the United States.

Board of Governors of the Federal Reserve System, January 11, 1984.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 84-1132 Filed 1-16-84; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Executive Committee and the Subcommittee on Long Range Planning of the Advisory Committee on Preservation will meet on February 9, 1984, from 10:00 a.m. to 4:00 p.m. and February 10, 1984, from 9:00 a.m. to 12:00 noon in Room 503 of the National Archives Building, Washington, DC.

The agenda for the meeting will be:

1. Complete draft recommendations concerning preservation policies and practices at the National Archives.

2. Develop plans for preservation technology conference.

3. Review studies on the preservation of permanently valuable machine-readable data.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: January 5, 1984.

Robert M. Warner,
Archivist of the United States.

[FR Doc. 84-1196 Filed 1-16-84; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: February 7-8, 1984.

Place: Auditorium A, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: Jeffrey P. Koplan, M.D., Executive Secretary of Committee Centers for Disease Control (1-2047), 1600 Clifton Road, NE., Atlanta, Georgia 30333. Telephones: FTS: 236-375, Commercial: 404-329-3751.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.

Agenda: The Committee will review and discuss its recommendations on influenza, rabies, pneumococcal, and hepatitis B vaccines, and will discuss rubella guidelines and other matters of interest to the Committee.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 11, 1984.

James O. Mason,

Director, Centers for Disease Control.

[FR Doc. 84-1208 Filed 1-16-84; 8:45 am]

BILLING CODE 4160-M

Food and Drug Administration

Science Advisory Board; Request for Nomination of Members

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) requests nominations for membership on the Science Advisory Board. Seven vacancies exist and seven vacancies will occur on June 30, 1984.

DATE: Nominations are requested as soon as possible, but no later than February 16, 1984.

ADDRESS: Nominations should be submitted to the Executive Secretary, Science Advisory Board, National Center for Toxicological Research, Food

and Drug Administration, Jefferson, AR 72079.

FOR FURTHER INFORMATION CONTACT: Ronald F. Coene, National Center for Toxicological Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3155.

SUPPLEMENTARY INFORMATION: The function of the Science Advisory Board is to advise the Director, National Center for Toxicological Research, in establishing and implementing a research program that will assist the Commissioner of Food and Drugs in fulfilling his responsibilities. The Board provides the extra-agency review to ensure that research programs and methodology development at the National Center for Toxicological Research are scientifically sound and pertinent to environmental problems.

Two new members will be appointed for terms commencing July 1, 1984, and ending June 30, 1985. Six new members will be appointed for terms commencing July 1, 1984, and ending June 30, 1986. Six new members will be appointed for terms commencing July 1, 1984, and ending June 30, 1987. Members shall have diversified experience in biomedical research and toxicology. Current needs are in data information systems, diet preparation, statistics, chemistry, molecular mechanisms, pharmacology, in vitro mutagenesis, reproductive and developmental toxicology, animal husbandry, and chemical toxicology.

FDA wants to ensure that women, minority groups, and the physically handicapped are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female, minority, and handicapped candidates.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominee shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the committee, and appears to have no conflict of interest. FDA will ask potential candidates to provide detailed information concerning financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflict of interest.

Dated: January 10, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-1140 Filed 1-16-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket NO. 83M-0425]

Syntex Ophthalmics, Inc.; Premarket Approval of the CSI*^T (Crofilcon A) Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the CSI*^T (crofilcon A) Contact Lens, sponsored by Syntex Ophthalmics, Inc., Phoenix, AR. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 16, 1984.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On January 17, 1983, Syntex Ophthalmics, Inc., P.O. Box 39600, Phoenix, AR 85069-9600, submitted to FDA a supplemental application for premarket approval of the CSI*^T (crofilcon A) Contact Lens. The CSI*^T (crofilcon A) Contact Lens is indicated for extended wear of up to 30 days between each cleaning and disinfection cycle (as recommended by the eye care practitioner) by non-aphakic persons with nondiseased eyes that require a spherical lens in the power range from -20.00 to 0.00 (plano) diopter (D) for the correction of nearsightedness (myopia) or corneal astigmatism not exceeding 2.00 D. The CSI*^T (crofilcon A) Contact Lens is to be disinfected using either a heat (thermal) or a chemical (not heat) disinfection system. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On December 16, 1983, FDA approved the application by a letter to

the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), contact lenses made of polymers other than polymethylmethacrylate (PMMA) and solutions for use with such contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), contact lenses made of polymers other than PMMA and solutions for use with such lenses are now regulated as class III medical devices (premarket approval). As FDA explained in a notice published in the *Federal Register* of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of contact lenses or solutions comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Docket Management Branch (address above) and is available upon request from that office. A copy of all approval final labeling (which may be a draft of the final labeling) is available for public inspection at the National Center for Devices and Radiological Health—contact Charles H. Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Restrictive labeling has been established for approved contact lenses. The labeling for this device states that the lenses are to be used with either a heat (thermal) or a chemical (not heat) disinfecting system that FDA has approved for use with contact lenses made of other than PMMA polymers. This restrictive labeling also informs new users that they must avoid using certain products. The restrictive labeling needs to be updated periodically to refer to new lens solutions that FDA approves for use with approved contact lenses made of other than PMMA polymers. A sponsor who fails to update the restrictive labeling may violate the

misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-48), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the *Federal Register* of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 16, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 10, 1984.

William F. Randolph
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 84-1142 Filed 1-16-84; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Psychopharmacologic Drugs Advisory Committee

Date, time, and place. February 23 and 24, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, February 23, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to conclusion; open public hearing, February 24, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to conclusion; Frederick J. Abramek, National Center for Drugs and Biologics (HFN-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4020.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of psychiatry and related fields.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will (1) review a new drug application (NDA) for Clozaril® (clozapine), a neuroleptic drug product, to evaluate its relative risk and benefits,

and (2) discuss neuroleptic drug product labeling; revision of placement and content of information on tardive dyskinesia—a proposed warning statement.

Board of Tea Experts

Date, time, and place. February 27 and 28, 10 a.m., Rm. 700, 850 Third Ave., Brooklyn, NY.

Type of meeting and contact person. Open public hearing, February 27, 10 a.m. to 11 a.m.; open committee discussion, February 27, 11 a.m. to 4:30 p.m., February 28, 10 a.m. to 4:30 p.m.; Robert H. Dick, New York Import District, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 212-965-5739.

General function of the committee. The Board advises on establishment of uniform standards for consumption of all teas imported into the United States pursuant to 21 U.S.C. 42.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Board.

Open committee discussion. Discussion and selection of tea standards.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced on this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral

presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meeting may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: January 11, 1984.

William F. Randolph,
*Acting Associate Commissioner for
Regulatory Affairs.*

(FR Doc. 84-1179 Filed 1-16-84; 8:45 am)
BILLING CODE 4160-01-M

Social Security Administration

Proposed Availability of Funding for a Grant To Train Refugee Resettlement Program Leadership

AGENCY: Office of Refugee Resettlement (ORR), SSA, HHS.

ACTION: Notice of availability of funding for a grant to train refugee resettlement program leadership.

SUMMARY: This announcement governs the award of a grant to a public entity or a non-profit organization for the establishment of a training program for persons who serve in leadership positions in the various agencies and organizations which constitute the United States refugee resettlement program. The program will include the development and implementation of a limited number of presentations focused upon program management issues which are critical to the efficient operation of refugee resettlement agencies and organizations.

CLOSING DATE: An application must be mailed or hand-delivered by the closing date, March 19, 1984.

Authorization

Authority for this activity is contained in the Immigration and Nationality Act (8 U.S.C. 1522) as amended by the Refugee Act of 1980, Section 412 Pub. L.

96-212. No catalog of Federal Domestic Assistance Number has been issued.

Available Funds

An estimated \$75,000 is available for this grant program in fiscal year 1984. The Director estimates that this amount will support one award. However, these estimates do not bind the Office of Refugee Resettlement to a specific number of grants or to the amount of any grant unless the amount is otherwise specified by statute or regulations.

Awards will be for a 12 month period of performance with no further funding anticipated. Funds awarded under this announcement will be made available from fiscal year 1984 appropriations for social service National Discretionary Funds activities which will commence before September 30, 1984.

Note.—Award for training grants are subject to an 8% Departmental limitation on indirect costs.

Applications Submission and Approval Procedures

Applicants may request grant applications (SSA Form 96) from the Office of Refugee Resettlement, HHS, SSA, Grants Management Branch, Room 1332, Switzer Building, 330 C Street, SW., Washington, D.C. 20201, Betsy Andress, Telephone: (202) 245-1715. For program related information, contact: Richard M. Shapiro, Telephone: (202) 245-7276.

Prospective grantees must submit an original application and two copies to the Grants Management Branch by 5:00 p.m. Eastern Standard Time on March 19, 1984.

An independent review panel of experts will evaluate applications on a competitive basis according to the criteria listed in Section V of this Notice and in accordance with the HHS Grants Administration Manual. Final funding decisions will be made by the Director of the Office of Refugee Resettlement.

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, Grants Management Branch, Room 1332, Switzer Building, 330 C Street, SW., Washington, D.C. 20201. An application must show proof of mailing consisting of one of the following:

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

(3) A dated shipping label invoice or receipt from a commercial carrier. If an application is sent through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. Applicants should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, the applicant should check with its local post office.

Applicants are encouraged to use registered, or, at least, first class mail. Each late applicant will be notified that the application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, Grants Management Branch, Room 1332, Switzer Building, 330 C Street, SW., Washington, D.C. 20201. The Grants Management Branch will accept a hand-delivered application between the hours of 8:30 a.m. and 5:00 p.m. Eastern Standard Time daily except Saturday, Sunday or Federal Holidays. Hand-delivered applications will not be accepted after 5:00 p.m. on the closing date.

SUPPLEMENTARY INFORMATION:

I. Background

The United States refugee settlement program operates through a unique partnership of Federal, State, and private sector agencies. The program, as currently constituted, developed in response to the crisis imposed by the need to resettle large numbers of Southeast Asian refugees, and the requirements of the Refugee Act of 1980. Since 1975, over 650,000 Southeast Asians and over 170,000 refugees from other nations have been resettled throughout the Nation.

In these eight years the resettlement program has experienced a number of changes which have significance for the efficient operation of each of several key actors: national and local voluntary agencies, social services contractors, refugee organizations and mutual assistance associations (MAAs), state refugee agencies, the Office of Refugee Resettlement, and the Bureau for Refugee Programs of the Department of State. The changing context and requirements of the program have resulted from such factors as: the impact of the crisis resettlement of Cuban and Haitian entrants, the geographical concentrations of refugees and their impact upon a limited number of

communities, reductions in the number of refugees admitted and corresponding reductions in resources, declining voluntary agency resources, implementation of a Federal placement policy, changes in eligibility for welfare reimbursement, and relatively persistent welfare dependency rates. Certain new program initiatives to address problems of impact and cash assistance dependency, such as Favorable Alternative Sites and Targeted Assistance, have been implemented. But the changes in the program have created other new management issues which have not yet been addressed, such as issues relating to the intergovernmental and public/private nature of the program.

These and other contextual, policy, and structural changes require examination by refugee program agency leadership so that they may be able to plan more effectively to manage their agencies under current circumstances and under those conditions which are likely to persist for the next few years.

II. Purpose

The objective of this announcement is to support the establishment of a national training program, consisting of a limited number of presentations of a symposium designed for key administrators and managers of: State refugee agencies, national and local voluntary agencies, refugee organizations and MAAs, and social services providers. The symposium should be designed to provide the participants with an understanding of the general context of the national refugee resettlement program and of current and anticipated structural, policy and procedural changes as they affect the operations of each of the agencies within the program. It is anticipated that the participants, upon completion of a symposium, will have an improved understanding of the impacts upon their respective agencies, and will during the symposium develop an initial plan or listing of actions to improve their organization's effectiveness.

III. Eligible Grantees

State and local governments, public and private non-profit agencies, including institutions of higher education, with demonstrated knowledge of the U.S. refugee resettlement program, and with demonstrated experience in the design and management of leadership training programs addressing complex public policy and program administration issues are eligible for funding under this announcement.

Only those organizations with a demonstrated capability to implement a training program for a national audience in a minimum of three geographically diverse locations are considered eligible for funding under this announcement.

IV. Program Description

1. It is anticipated that the grantee will implement a needs assessment which will identify, through contacts with a limited number of persons in leadership positions within the refugee resettlement program (e.g., State refugee agencies, voluntary agencies, MAAs, Federal officials), the major program administration and management issues.

2. The grantee, it is anticipated, will utilize the needs assessment to develop a symposium, which is not expected to exceed forty hours. The symposium will be designed to provide participants with the information required to develop an action plan to improve the operations of their agencies under current conditions, and in the context of changes likely to occur during the next two years. It is anticipated that the following issues and program areas will be among those identified for inclusion in the curriculum, although a select number of these should be focused upon depending upon the results of a needs identification exercise:

(a) *Placement:* Current status of refugees awaiting resettlement overseas including: numbers; nationalities; demographic, educational and work experience characteristics; the implications of these factors in the administration of an effective resettlement program, particularly the management of agency resources in response to reduced admission rates and the changing characteristics of refugee populations; reduction of unplanned large-scale secondary migration, and the implementation of Planned Secondary Resettlement Programs.

(b) *Service Delivery:* Implementation of cost effective case management; responsiveness to the changing numbers, characteristics and requirements of various refugee populations; techniques assessing community manpower requirements, improvement of job development programs, including creative linkages with Job Training Partnership Act agencies and other community manpower development mainstream resources; improvement of English language training and responsiveness to the language training requirements of local labor markets; building upon the higher levels of language proficiency resulting from changes in the overseas

ESL and CO programs; increased and more effective utilization of MAAs and refugee organizations to deliver a range of services; assessment and utilization of economic development strategies to increase self-sufficiency; etc.

(c) *Program Administration and Management:* Identification of actual administrative options and constraints with respect to: cutback management techniques; planning for short-term and long-term changes; program monitoring, including more effective procedures to quantify costs and improved accountability; fund raising strategies; crisis management; improving state refugee agency staffs' capacity to access and influence state policy and administrative decision-makers; etc.

3. It is anticipated that the symposium will be administered in a minimum of three locations, geographically accessible to the national, state and local refugee program leadership and will be comprised of a cross-section of key refugee resettlement actors.

4. It is anticipated that the symposium format and curriculum will include small group discussions; case studies and action planning processes.

5. It is anticipated that the grantee will design and implement an evaluation which will assess the curriculum and its delivery.

6. The grantee in the final grant report will provide a detailed description of: issues identified in the needs assessment; curriculum; case studies; major refugee resettlement policy and program management issues which emerged during the symposia; a description of the action plans produced by the participants and the results of the evaluation.

V. Application Content

The application should set forth in detail the following:

1. a comprehensive description of the applicant's experience and knowledge of the U.S. refugee resettlement program;

2. a comprehensive description of the applicant's experience in the design and management of leadership training programs addressing complex public policy and public administration issues.

3. a description of the applicable background and experience of the project personnel;

4. a plan for a needs assessment to identify key program administration and management issues and requirements of the various agencies and organizations within the national refugee resettlement program;

5. a preliminary outline for the symposium which is inclusive of the objectives and issues identified in the *Purpose* and under Activities 2. (a), (b)

and (c) in the published Announcement, and which will be augmented with the results of the needs assessment;

6. a plan for management of the training program including identification of training sites;

7. a time/task chart which illustrates specific project activities and proposed periods of accomplishment.

VI. Criteria for Evaluating Applications

Applications will be evaluated according to the following criteria:

1. Demonstrated experience with, and knowledge of, the U.S. refugee resettlement program; (15 points)

2. Demonstrated experience in the design and management of leadership training programs addressing complex public policy and public administration issues; (15 points)

3. The extent to which the plan for the needs assessment will identify key program administration and management issues; (10 points)

4. The extent to which the applicant's personnel have demonstrated experience with the design and implementation of public administration and management training programs which include a small group, case study and action planning format; (15 points)

5. The extent to which the proposed symposium plan is responsive to the Notice's discussion of the *Purpose* and the issues identified under *Activities 2. (a), (b) and (c)*; (15 points)

6. The adequacy of the proposed plan for managing the training program including the proposed location of training sites; (10 points)

7. The extent to which the time/task chart illustrates specific program activities and proposed periods of accomplishment; (10 points)

8. Adequacy of budget narrative and reasonableness and appropriateness of all cost items; (10 points)

Review and Award Procedure

Applications will be evaluated by a review panel of ORR staff and other experts according to the above criteria, and in accordance with the HHS Grants Administration Manual. The final funding decision will be made by the Director, ORR. It is estimated that the grant award will be issued on or about 30 days after favorable review, subject to the availability of funds.

Executive Order 12372 Notification Process

This program is not covered by the requirements of Executive Order 12372.

Applicable Regulations

The following HHS regulations apply to grants under this Notice:

45 CFR Part 16—Department Grant Appeals Process

45 CFR Part 74—Administration of Grants

45 CFR Part 75—Informal Grant Appeals Process

45 CFR Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1967

45 CFR Part 81—Practice and Procedures for Hearings Under Part 80 of this Title

45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Benefiting from Federal Financial Assistance

45 CFR Part 90—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

Records and Reports

The successful grantee will be required to report financial status and program progress quarterly, and separately from ORR's regular RRP and any prior ORR grant awards. Both Financial Status (SF 269's) and Program Progress Reports will be due 30 days after the first calendar day of each Federal quarter following the effective date of the grant award. Final, financial and program progress reports shall be due 90 days after the expiration or termination of grant support. All progress reports will include information obtained from tracking and evaluation activities and will focus upon project outcomes.

Dated: January 6, 1984.

Phillip N. Hawkes,

Director, Office of Refugee Resettlement.

[FR Doc. 84-1171 Filed 1-16-84; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Grand Traverse Band of Chippewa and Ottawa Indians Establishment of Reservation

January 6, 1984.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Notice is hereby given that, under the authority of section 7 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 467), the

hereinafter described tracts of land, located in Leelanau County, Michigan, were proclaimed to be an Indian reservation, effective January 6, 1984, for exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservation.

Michigan Meridian

Township 30 North, Range 11 West, Village of Peshawbestown;

Sec. 11, The South 4½ acres of Lot 7 and all of Lots 8, 9, and 10, Block 4, lying Westerly of State Highway M-22; and that part of Lot one (1) of Block 5 lying North and West of the Leelanau-Manistique Railroad Right-of-Way.

Said lands containing 12.5 acres more or less, being subject to all valid rights, reservations, rights-of-way, and easements of record.

Establishment of this land as a reservation enables the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan to formally organize under Section 16 of said act and to receive the full benefits of the act. The reservation is under the administrative jurisdiction of the Area Director, Minneapolis, Area Office, Bureau of Indian Affairs, 15 South 5th St., Minneapolis, Minnesota, 55402. The official custody of the land records for the reservation is with Aberdeen Title Plant, 115 4th Avenue, SE., Aberdeen, South Dakota 57401, and that office is the office of record for recording and maintenance of these records.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 84-1184 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Glenwood Springs Resource Management Plan/Record of Decision

AGENCY: USDI, Bureau of Land Management.

ACTION: Notice of availability of Resource Management Plan/Record of Decision.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (40 CFR 1505.2), the Department of the Interior, Bureau of Land Management (BLM), has prepared a Record of Decision on the Glenwood Springs Resource Management Plan Environmental Impact Statement.

The BLM has also designated five areas of critical environmental concern (ACECs) within the Glenwood Springs Resource Area pursuant to 43 CFR 1610.7-2.

ADDRESS: Copies of the Record of Decision/Resource Management Plan

are available upon request at the Glenwood Springs Resource Area Office, Bureau of Land Management, P.O. Box 1009, Glenwood Springs, Colorado 81602.

FOR FURTHER INFORMATION CONTACT: Alfred Wright, Area Manager, Bureau of Land Management, Glenwood Springs Resource Area Office, P.O. Box 1009, Glenwood Springs, Colorado 81602. Telephone: (303) 945-2341.

SUPPLEMENTARY INFORMATION:

Alternatives Analyzed

Four alternatives for managing 566,000 acres of public land in the Glenwood Springs Resource Area were analyzed in the environmental impact statement:

The Continuation of Current Management Alternative emphasized a level of management similar to the current level. It was the No Action Alternative required by the National Environmental Policy Act.

The Resource Protection Alternative emphasized protection of natural settings and protection and enhancement of fragile and unique resources.

The Economic Development Alternative emphasized development of resources that generate or produce goods, services, employment, and income.

The Preferred Alternative (called the Proposed Plan in the final environmental impact statement) emphasized protection of fragile and unique resources and production and development of renewable and nonrenewable resources.

Environmentally Preferable Alternative

The Preferred Alternative is the environmentally preferable alternative.

Decision

The decision is to adopt the Proposed Plan as the Glenwood Springs Resource Management Plan. Major actions contained in the plan are to—

- Maintain or increase existing wildlife populations when possible,
- Stabilize grazing operations,
- Recommend 10,118 acres as suitable for wilderness designation,
- Protect critical watersheds near Glenwood Springs, Rife, and New Castle and erosion hazard areas scattered throughout the resource area,
- Protect the visual resources throughout the resource area, especially along the Interstate 70 and Highway 82 travel corridors and in Thompson Creek, Bull Gulch, and Deep Creek,
- Leave the majority of the resource area open for mineral exploration and development, but restrict mineral

development in some areas having other important and unique resource values,

- Harvest timber at current levels,
- Ensure the continued availability of outdoor recreational opportunities not readily available from other sources, reduce impacts of recreation use, and continue management of the upper Colorado River for floatboating use.
- Dispose of 15,500 acres of mostly small, isolated, and difficult to manage public land,

- Designate 393,615 acres as open, 152,001 acres as limited, and 20,426 acres as closed to motorized vehicle use, and

- Designate five areas of critical environmental concern (ACECs).

ACECs

Scenic values, critical watersheds, wildlife, and cultural values within the five ACECs will be protected by ACEC designation. The five ACECs and their general management are described below:

1. Blue Hills Archaeological District. Designate as a sensitive zone for utility and communication facilities, designate as a fire exclusion zone, restrict off-road vehicle use to existing roads and trails, and classify as a critical watershed because of the soil erosion hazard.
2. Glenwood Springs Debris Flow Hazard Zone. Limit motorized vehicle use to designated roads and trails, designate as a sensitive zone for utility and communication facilities, designate as a fire exclusion zone, prohibit surface facilities for oil and gas development, prohibit timber harvesting, and limit livestock use to light grazing.
3. Bull Gulch, Scenic Area. Designate as unsuitable for utility and communication facilities, manage under visual resource management Class I objectives, identify as a recreation management area, and prohibit vegetation manipulation.
4. Deep Creek, Scenic Area. Designate as unsuitable for utility and communication facilities, manage under visual resource management Class I objective, identify as a recreation management area, and prohibit vegetation manipulation.
5. Lower Colorado River Cooperative Management Area, Riparian and Wildlife Values. Protect important riparian and wildlife habitat on public lands. Main wildlife species of concern include the bald eagle, great blue heron, waterfowl, and other resident species. Identify for cooperative management with Colorado Division of Wildlife, designate as sensitive for utility and communication facilities, exclude livestock grazing with fencing, place

artificial nest boxes for geese and perches for bald eagles, and apply seasonal restrictions on development proposed for areas near crucial habitats.

Mitigation Measures

All practicable measures will be taken to mitigate adverse impacts. These measures will be strictly enforced during implementation. Monitoring will tell how effective these measures are in minimizing environmental impacts. Therefore, additional measures to protect the environment may be taken during or following monitoring.

Dated: January 3, 1984.

Bob Moore,

Acting State Director.

[FR Doc. 84-1183 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-84-M

[OR-19646 (WASH)]

Washington; Order Providing for Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: By Power Site Cancellation No. 321 of July 16, 1973, the U.S. Geological Survey cancelled Power Site Classification No. 153 in its entirety affecting approximately 29,762 acres of land. This action will open 160.95 acres to surface entry and 1,130 acres to such forms of disposition as may by law be made of national forest lands. The balance of 26,471 acres remain closed by other withdrawals or have been conveyed out of Federal ownership.

EFFECTIVE DATE: February 21, 1984.

ADDRESS: Inquiries concerning the lands should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

1. By Power Site Cancellation No. 321 of July 16, 1973, the U.S. Geological Survey cancelled the land withdrawal for Power Site Classification No. 153 of October 1, 1926, in its entirety. The areas described in the Secretarial Order aggregates approximately 29,762 acres.

2. The State of Washington has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 8:30 a.m., on February 21, 1984, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the following described lands will be open to operation of the public land laws generally. The lands have been and

remain open to operation of the mining laws, including the mineral leasing laws.

Willamette Meridian

T. 24 N., R. 11 W.,

Sec. 30, NE $\frac{1}{4}$.

T. 24 N., R. 12 W.,

Sec. 29, Lot 5;

Sec. 30, Lot 10.

The areas described aggregate 160.95 acres in Jefferson County, Washington.

4. At 8:30 a.m., on February 21, 1984, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the following described lands will be open to such forms of disposition as may by law be made of national forest lands. The lands have been and remain open to operation of the mining laws, including the mineral leasing laws.

Willamette Meridian

Olympic National Forest

T. 24 N., R. 9 W., unsurveyed;

Secs. 3 to 6, inclusive, every smallest legal subdivision, any portion of which, when surveyed, will be within $\frac{1}{4}$ of a mile of Sams River.

T. 24 N., R. 10 W., unsurveyed;

Secs. 1, every smallest legal subdivision, any portion of which, when surveyed, will be within $\frac{1}{4}$ of a mile of Sams River.

T. 25 N., R. 10 W.,

Sec. 31, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 33, portions of lots 6, 9, and 11;

Sec. 34, portions of SW $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described aggregate approximately 1,130.00 acres in Jefferson County, Washington.

5. The balance of 26,471 acres will not be open to operation of the public land laws or to such forms of disposition as may by law be made of national forest lands because they are either within other existing withdrawals or have been conveyed out of Federal ownership.

Dated: January 6, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-1186 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-33-M

Boise District Office; Grazing Advisory Board Meeting

ACTIONS: Boise District, Idaho, Grazing Advisory Board Meeting.

SUMMARY: In accordance with Pub. L. 92-483, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Boise District Grazing Advisory Board will meet February 17, 1984.

SUPPLEMENTARY INFORMATION: The meeting will take place from 8:00 a.m. to 4:00 p.m. in the main floor conference room of the BLM, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. The public is invited and a public comment period is scheduled from 2:00 p.m. to 3:00 p.m. Major topics for discussion are as follows:

Alternatives for the Echo Pipeline System

Summary of FY-83 7120 Project

Expenditures

Report on FY-84 8100 Program

Section 4 Permits

Election of Officers

FOR FURTHER INFORMATION CONTACT:

Further information is available from the Boise District, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705, phone (208) 334-1582. Minutes of the meeting will be available for public inspection at the District Office.

J. David Brunner,

Acting District Manager.

December 28, 1983.

[FR Doc. 84-314 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-GG-M

[CA 7004 WR, CA 7006 WR, CA 7019 WR, CA 7020 WR, CA 7061 WR, CA 7072 WR, and CA 7562 WR]

California; Proposed Continuation of Withdrawals of Land; Opportunity for Public Hearing

Correction

In FR Doc 84-311, beginning on page 944, in the issue of Friday, January 6, 1984, in the third column, the thirteenth line from the top should read "T. 11 S., R. 21 E.,".

BILLING CODE 1505-01-M

Approval of the Plan of Operation for Homestake Mining Company's McLaughlin Project, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of permit approval.

SUMMARY: In accordance with 43 CFR 3809 the Ukiah District of the Bureau of Land Management has approved the plan of operations for Homestake Mining Company's McLaughlin Project near Knoxville, California. The findings of the environmental impact statement and the findings of the various permitting agencies indicate that this project will cause no unnecessary or undue degradation of the Federal lands.

FOR FURTHER INFORMATION CONTACT:

Stanley R. Whitmarsh, Clear Lake Resource Area Manager, 555 Leslie Street, P.O. Box 940, Ukiah, California 95482, Telephone (707) 462-3873.

Dated: January 9, 1984.

Van W. Manning,
District Manager.

[FR Doc. 84-1188 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-GG-M

[I-19367]

Idaho; Issuance of Land Exchange Conveyance Document; Exchange of Public and Private Lands Camas, Gooding, Jerome and Lincoln Counties

January 6, 1984.

The United States has issued an exchange conveyance document to Thorn Creek Cattle Association, Inc., Shoshone, Idaho, for the following-described lands under Section 206 of the Federal Land Policy and Management Act of 1976.

Boise Meridian, Idaho

T. 9 S., R. 17 E.,

Sec. 22, NW ¼ NE ¼, W ½ W ½ NE ¼ NE ¼, SW ¼ NE ¼, W ½ W ½ SE ¼ NE ¼, NW ¼ SE ¼.

Comprising 135.00 acres of public land.

In exchange for these lands, the United States acquired the following described lands:

Boise Meridian, Idaho

T. 2 S., R. 16 E.,

Sec. 29, NW ¼ NE ¼, E ½ NW ¼, SW ¼ NW ¼;

Sec. 30, S ½ NE ¼, SE ¼ SW ¼, N ½ SE ¼, SW ¼ SE ¼;

Sec. 31, W ½ NE ¼, NE ¼ NW ¼, N ½ SE ¼, SE ¼ SE ¼.

T. 3 S., R. 16 E.,

Sec. 5, SW ¼ NW ¼;

Sec. 6, lots 1, 7, E ½ SW ¼, SE ¼ NE ¼, N ½ SE ¼;

Sec. 7, lot 1.

Comprising 1000.12 acres of private land.

The purpose of this exchange was to acquire the non-Federal land which provides benefits for wildlife, recreation, and range management. The public interest was well served through completion of the exchange.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 84-1189 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-GG-M

[Serial No. I-012537 et al.]

Proposed Continuation of Withdrawal, Idaho

AGENCY: Bureau of Land Management, Interior

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that six withdrawals for the proposed Upper Snake River Project (Burns Creek), be continued for an additional 25 years. The lands involved, totaling 6,940 acres, would remain closed to surface entry and mining but have been and would remain open to mineral leasing.

DATE: Comments or requests for a public meeting should be received within 90 days of the date of publication of this notice.

ADDRESS: Comments or meeting requests should be sent to: Chief, Branch of Land Operations, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, 208-334-1597.

The Bureau of Reclamation proposes that the existing land withdrawals for the Upper Snake River Project (Burns Creek), be continued for a period of 25 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The lands are located along the Snake River, partially within the Targhee and Caribou National Forests and within the following-described townships:

Boise Meridian, Idaho

T. 2 N., R. 42 E.

T. 3 N., R. 42 E.

T. 1 N., R. 43 E.

T. 2 N., R. 43 E.

T. 3 N., R. 43 E.

The withdrawn lands in the described townships contain 6,940 acres in Bonneville County.

The purpose of the withdrawals is to protect the lands for the proposed Burns Creek Dam and Reservoir. The withdrawals segregate the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Land Operations, in the Idaho State Office.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal continuation. All interested persons who desire a public meeting for the purpose of being heard must submit a written request to the Chief, Branch of Land Operations,

within 90 days from the date of publication of this notice. If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resource. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: January 10, 1984.

Vincent S. Strobel,
Chief, Branch of Land Operations.

[FR Doc. 84-1190 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-GG-M

Utah; Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Vernal District Grazing Advisory Board will be held on February 22, 1984.

The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management Office, 170 South 500 East, Vernal, Utah.

The agenda for the meeting will include: (1) Review of minutes, (2) Status of the Bookcliffs Resource Management Plan, (3) The status of FY 84 range improvement work, (4) BLM-SCS ranch management plans, (5) Utah Division of Wildlife range-wildlife related programs, (6) Maintenance Coop Agreements, (7) Review and rating of cost benefit summaries and allotment categorization for Three Corners Planning Unit, (8) Predator and pest control, and (9) Cooperative Management Plans.

The meeting is open to the public. Interested persons may make oral statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 170 South 500 East, Vernal, Utah by February 21, 1984.

Depending on the number of persons wishing to make statements, the District Manager may establish a per person time limit. Oral statement will be taken beginning at 10:30 a.m., February 22, 1984.

Summary minutes of the Board meeting will be maintained at the District Office and will be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Lloyd H. Ferguson,
District Manager.

[FR Doc. 84-1191 Filed 1-16-84; 8:45 am]
BILLING CODE 4310-DQ-M

Fish and Wildlife Service

Kenai National Wildlife Refuge Comprehensive Conservation Plan/ Environmental Impact Statement and Wilderness Review, Kenai Peninsula Borough, Alaska

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Notice of availability and public
hearings.

SUMMARY: The U.S. Fish and Wildlife Service has prepared a draft comprehensive conservation plan/environmental impact statement (CCP/EIS) for the Kenai National Wildlife Refuge, Alaska, pursuant to sections 304(g)(1) and 1317 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), Section 3(d) of the Wilderness Act of 1964, and Section 102(2)(C) of the National Environmental Policy Act of 1969. The draft CCP/EIS addresses five alternative strategies for long-term management of the 1.97-million-acre refuge. The plan also reviews about 620,000 acres of non-wilderness lands on the refuge as to their suitability under each management alternative for possible addition to the National Wilderness Preservation System.

DATES: Comments on the draft CCP/EIS must be submitted on or before March 19, 1984 to receive consideration in the preparation of the final CCP/EIS.

One formal public hearing and three public meetings will be held as scheduled below to receive comments on the refuge management alternatives and associated potential impacts, and on the wilderness suitability of non-wilderness lands under each alternative:

Public Hearing: March 6, 1984; 7:30 pm;
Central Junior High School, Multi-purpose
Room, 15th Avenue and E Street,
Anchorage, Alaska
Public Meetings: February 28, 1984; 7:30 pm;
Kenai Borough Assembly Chambers,
Soldotna, Alaska

February 29, 1984; 7:30 pm; Homer High
School, Team Teaching Room, Homer,
Alaska

March 1, 1984; 7:30 pm; Seward Elementary
School, School Library, Seward, Alaska

Written and oral testimony will be accepted at the public hearing and will be transcribed for the official record. Written and oral comments will also be accepted at the public meetings.

Comments received during the public meeting, testimony given during the public hearing, and all written comments received prior to the above date will receive consideration in preparation for the final CCP/EIS.

ADDRESS: Comments should be addressed to: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503 (Attn: William Knauer).

FOR FURTHER INFORMATION CONTACT:
William Knauer, Wildlife Resources,
U.S. Fish and Wildlife Service, 1011 E.
Tudor Road, Anchorage, Alaska 99503,
Telephone (907) 786-3399.

Persons wishing copies of this draft CCP/EIS for review should immediately contact Mr. Knauer. Copies have been sent to all agencies that participated in the scoping process and to all agencies and persons that have already requested copies. Copies of the draft CCP/EIS are also available for review at the above location, at the Kenai National Wildlife Refuge Office, Soldotna Alaska, and at the following locations:

U.S. Fish and Wildlife Service, Division
of Refuge Management, 18th and C
Streets NW, Department of the
Interior, Washington, DC 20240

U.S. Fish and Wildlife Service, Wildlife
Resources, Lloyd 500 Building, Suite
1692, 500 NE Multnomah Street,
Portland, OR 97232

U.S. Fish and Wildlife Service, Wildlife
Resources, 500 Gold Avenue SW,
Room 1306, Albuquerque, NM 87103

U.S. Fish and Wildlife Service, Wildlife
Resources, Federal Building, Fort
Snelling, Twin Cities, MN 55111

U.S. Fish and Wildlife Service, Wildlife
Resources, Richard B. Russell Federal
Building, 75 Spring Street, Atlanta, GA
30303

U.S. Fish and Wildlife Service, Wildlife
Resources, 134 Union Boulevard,
Lakewood, CO 80225

A summary of the draft CCP/EIS has also been prepared for general distribution. Copies of this summary will be sent to all individuals and organizations who participated in scoping or received editions of the planning bulletin. The summary is also available upon request from Mr. William Knauer at the address listed previously.

SUPPLEMENTARY INFORMATION: The draft CCP/EIS for the Kenai National Wildlife Refuge was developed by the U.S. Fish and Wildlife Service, Department of the Interior to fulfill the requirements of Section 304 of ANILCA relating to preparation of comprehensive conservation plans and the requirements of Section 1317 of ANILCA and Section 3(d) of the Wilderness Act relating to general wilderness suitability review of non-wilderness refuge lands.

Major issues addressed by the plan include fish and wildlife management, access, recreation and public use, oil and gas exploration and leasing, and wilderness management. The draft CCP/EIS addresses five alternatives for long-range management of the refuge including one that would continue current management (the no-action alternative). The other four alternatives cover a broad spectrum of management emphasis ranging from maximum to minimum use of refuge resources. A preferred alternative, representing an intermediate or balanced approach to management of the refuge, is identified.

The plan also addresses the general wilderness suitability of 620,000 acres of non-wilderness refuge lands under each management alternative. This complies with Section 1317(a) of ANILCA which requires the Secretary of the Interior to review, in accordance with section 3(d) of the Wilderness Act, all non-wilderness refuge lands in Alaska as to their suitability for preservation as wilderness and report his recommendations to the President by 1985.

Other government agencies and the general public contributed to the development of this draft CCP/EIS. The Notice of Intent to prepare the draft CCP/EIS was published in the February 11, 1981 *Federal Register*. Four public meetings were held during November, 1980 in Seward, Soldotna, Homer, and Anchorage, Alaska. Several editions of a planning bulletin were sent to more than 1,300 persons and organizations. During June, 1982, a series of workshops were held in Soldotna to help define issues involving refuge resources.

DATE: January 9, 1984.

Jan E. Riffe,
Acting Regional Director.

[FR Doc. 84-1163 Filed 1-16-84; 8:45 am]
BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is

provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: New York Zoological Society, Bronx, NY, PRT 2-11312.

The applicant requests a permit to import 8-12 young captive gavials (*Gavialis gangeticus*) from various zoos in India for enhancement of propagation and survival.

Applicant: Sherwood Costen, Point Pleasant, WV, APP #584306.

The applicant requests a permit to purchase in interstate commerce four Hawaiian (nene) geese (*Branta sandvicensis*), from Walter B. Sturgeon, Lee, NH, for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1001 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: January 12, 1984.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 84-1199 Filed 1-10-84; 8:45 am]

BILLING CODE 4310-55-M

ADDRESSES: A copy of the subject POD/P is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Warren Williamson, Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838-0864.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the POD/P and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in POD/Ps available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 9, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-1194 Filed 1-10-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 6, 1984. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by February 1, 1984.

Carol D. Shull,

Chief of Registration, National Register.

DISTRICT OF COLUMBIA

Buildings at 1000 Block of Seventh Street, and 649-651 New York Avenue, NW, 1005-1035 7th St., and 649-651 New York Ave., NW

KENTUCKY

Todd County

Elkton vicinity, Reeves, W. L., House, KY 102

NEW YORK

New York County

New York City, St. Cecilia's Church and Convent, 112-120 E. 160th St.

Queens County

New York City, Lent Homestead and Cemetery, 78-03 19th Rd.

Richmond County

New York City, Poillon-Seguine-Britton House, 360 Great Kills Rd.

Suffolk County

Amagansett, Pleasants House, NY 27
Orient, Terry-Mulford House, NY 25

OKLAHOMA

Canadian County

Yukon, Yukon Public Library, 512 Elm St.

Tillman County

Frederick vicinity, Laney, J.D., House, SW of Frederick

TEXAS

Harris County

Houston, Clayton, William L., Summer House, 3376 Inwood Dr.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Mariana Islands District

Rota, Ginalagan Defense Complex, Singapalo
Saipan, Kalabera Archeological District,
Laderan Kalabera Lichan
Saipan, Unai Laguna Japanese Defense
Pillbox, Unai Laguna

WISCONSIN

Ashland County

Ashland, West Second Street Historic District, W. 2nd St. from Ellis Ave. to 6th Ave.

Milwaukee County

Milwaukee, Astor on the Lake, 924 E. Juneau Ave.

[FR Doc. 84-1229 Filed 1-16-84; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Lee Campbell (202) 275-7238.

Comments regarding this information collection should be addressed to Lee Campbell, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395-7340.

Type of Clearance: Extension
Bureau/Office: Bureau of Accounts
Title of Form: Quarterly Report of Freight Commodity Statistics
OMB Form No.: 3120-0031
Agency Form No.: QCS
Frequency: Quarterly-Annually
Respondents: Class I Railroads
No. of Respondents: 30
Total Burden Hrs.: 15,600

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance

Title of Form: Motor Carrier & Freight Forwarder Cargo Liability Surety Bond

OMB Form No.: 3120-0090
Agency Form No.: BMC-83
Frequency: On occasion
Respondents: ICC Regulated Motor Carriers & Freight Forwarders
No. of Respondents: 150
Total Burden Hrs.: 37.5

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance

Title of Form: Property Brokers Surety Bond

OMB Form No.: 3120-0091
Agency Form No.: BMC-84
Frequency: On occasion
Respondents: ICC Regulated Property Brokers
No. of Respondents: 125
Total Burden Hrs.: 31

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance

Title of Form: Endorsement for Motor Carrier Freight Forwarder Bodily Injury & Property Damage Policies of Insurance

OMB Form No.: 3120-0086
Agency Form No.: BMC-90
Frequency: On occasion
Respondents: ICC Regulated Motor Carriers & Freight Forwarders
No. of Respondents: 11,000
Total Burden Hrs.: 2,750

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance

Title of Form: Cargo Certificate of Insurance—Motor Carriers & Freight Forwarders

OMB Form No.: 3120-0095
Agency Form No.: BMC-34
Frequency: On occasion
Respondents: ICC Regulated Motor Carriers & Freight Forwarders

No. of Respondents: 5,850
Total Burden Hrs.: 1,463
Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance
Title of Form: Endorsement for Motor Carrier and Freight Forwarder Cargo Policies of Insurance

OMB Form No.: 3120-0087
Agency Form No.: BMC-32
Frequency: On occasion
Respondents: ICC Regulated Motor Carriers & Freight Forwarders
No. of Respondents: 5,850
Total Burden Hrs.: 1,463

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance

Title of Form: Notice of Cancellation—Motor Carrier, Freight Forwarder & Property Broker Surety Bond

OMB Form No.: 3120-0082
Agency Form No.: BMC-36
Frequency: On occasion
Respondents: ICC Regulated Motor Carriers, Freight Forwarders & Property Brokers
No. of Respondents: 68
Total Burden Hrs.: 17

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance

Title of Form: Notice of Cancellation—Motor Carrier & Freight Forwarder Certificate of Insurance

OMB Form No.: 3120-0081
Agency Form No.: BMC-35
Frequency: On occasion
Respondents: ICC Regulated Carriers & Freight Forwarders
No. of Respondents: 9,661
Total Burden Hrs.: 2,415

Type of Clearance: Extension
Bureau/Office: Office of Compliance & Consumer Assistance

Title of Form: Bodily Injury & Property Damage Certificate of Insurance—Motor Carriers & Freight Forwarders

OMB Form No.: 3120-0096
Agency Form No.: BMC-91
Frequency: On occasion
Respondents: ICC Regulated Motor Carriers & Freight Forwarders
No. of Respondents: 11,000
Total Burden Hrs.: 2,750

James H. Bayne,
Acting Secretary

[FR Doc. 84-1189 Filed 1-16-84; 8:45 am]
BILLING CODE 7035-01-M

[OP2-021; MCF-15553]

Motor Carriers Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to

consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the *Federal Register* and *ICC Register*. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).
Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or

to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: January 10, 1984.

By the Commission, Review Board Members Parker, Krock and Dowell.

James H. Bayne,

Acting Secretary.

MC-F-15553, filed December 21, 1983, CENTRAL TRANSPORT, INC. AND GLS LEASCO, INC.—CONTROL—THE MASON AND DIXON LINES, INCORPORATED AND THE MASON AND DIXON TANKS LINES, INC. Representative: Kim D. Mann, 1600 Wilson Boulevard, Suite 1301, Arlington, VA 22209. Central Transport, Inc. (Central), a motor carrier, and its affiliate, GLS Leasco, Inc. (GLS), a noncarrier, seek authority for their acquisition of control of Mason and Dixon Lines, Incorporated (M&D) and its wholly-owned subsidiary, Mason and Dixon Tank Lines, Inc. (Tank Lines), through purchase of all of the outstanding capital stock of M&D; and for acquisition by Centra, Inc. (CenTra), a noncarrier and sole stockholder of Central and GLS, and T. J. Moroun and M. J. Moroun, individuals, who control CenTra, through majority stock ownership and management of control of the operating rights and property through the transaction. Under the terms of separate contracts between the parties, Central will acquire approximately 78 percent of M&D's common stock. The remaining 22 percent of M&D's stock is now held by noncarrier Crown Enterprises, Inc. (Crown). GLS will acquire all of Crown's stock and thus acquire indirect control of M&D and Tank Lines through the transaction. M&D, a common and contract carrier pursuant to certificates and permits in No. MC-59583, is authorized to transport general commodities between all points in the

US. Tank Lines, a common and contract carrier pursuant to certificates and permits in No. MC-61403, is authorized to transport commodities in bulk between points in the US (except AK and HI). Central is affiliated, directly or indirectly, with the following motor carriers subject to the Commission's jurisdiction: C.T. Transport, Inc. (MC-141609), Superior Forwarding Company, Inc. (MC-75406), General Highway Express, Inc. (MC-97841), Port Side Transport, Inc. (which purchased the operating rights of Brada Miller Freight System, Inc. in No. MC-F-14764), Adams Cartage, Limited (MC-135365), and U.S. Truck Company, Inc. (MC-59336). In addition, Central has agreed to purchase all of the stock of Tucker Freight Lines, Inc. (MC-30504) and is now operating the latter's rights pursuant to a temporary lease approved in No. MC-F-15466TA.

Notes.—(1) A temporary authority application has been filed by Central to control through management the operating rights and property of M&D and Tank Lines.

(2) Approval herein is not intended as approval of any relationship between the carriers mentioned herein and those controlled by A. A. Moroun, an officer, director and shareholder in CenTra, Inc.

[FR Doc. 84-1170 Filed 1-16-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-32; Sub-29X]

Boston and Maine Corporation; Abandonment; in Merrimack County, NH; Exemption

Boston and Maine Corporation (B&M) filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*. The line segment to be abandoned is the Concord and Claremont Branch located in The City of Concord, Merrimack County, NH, extending between milepost 1.75 and milepost 2.88, a distance of 1.13 miles.

B&M has certified (1) that no local traffic has moved over the line for at least 2 years, and that overhead traffic on the line segment can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in New Hampshire has been notified in writing at least 10 days prior to the filing of this notice. See *Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this

exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 16, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 27, 1984 and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 6, 1984 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Sidney Weinberg, Iron Horse Park, North Billerica, MA 01862-1685.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: January 5, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1166 Filed 1-16-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-14,605]

Del Truck Equipment, Incorporated, Buffalo, New York; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

According to Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a certification of eligibility to apply for worker adjustment assistance on October 6, 1983 to workers of Del Truck Equipment, Incorporated, in Buffalo, New York under petition number TA-W-14,605. The Notice of Certification was published in the *Federal Register* on October 18, 1983 (48 FR 38302).

Based on additional information furnished to the Office of Trade Adjustment Assistance by the International Association of Machinists and Aerospace Workers (IAMAW) and an official of Del Truck Equipment,

Incorporated on separation of Del Truck workers engaged in the production of truck bodies at the Buffalo, New York facility, the Department is amending that portion of the certification to cover the additional separated workers by changing the June 18, 1982 termination date to November 30, 1982.

The amended certification for TA-W-14,605 is hereby issued as follows:

All workers of Del Truck Equipment, Incorporated, Buffalo, New York who became totally or partially separated from employment on or after April 19, 1982 and before November 30, 1982 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of January 1984.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 84-1216 Filed 1-16-84; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14, 936]

Isaacson Steel Company, Seattle, Washington; Affirmative Determination Regarding Application for Reconsideration

By an application dated December 9, 1983, the International Association of Bridge, Structural and Ornamental Iron Workers requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of former workers of the Isaacson Steel Company, Seattle, Washington. The determination was published in the Federal Register on December 2, 1983 (48 FR 54403).

The application for reconsideration claims that the Department's survey on lost bids was not adequate.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is therefore granted.

Signed at Washington, D.C., this 10th day of January 1984.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS

[FR Doc. 84-1217 Filed 1-16-84; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

January 11, 1983.

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Monday, Tuesday, and Wednesday, January 30-31, and February 1, 1984. The meetings on all three days will be held in Rooms 416 and B-100 at 2001 Wisconsin Avenue, NW., Washington, D.C. The committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress sitting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit other reports as may from time to time be requested by the President or Congress.

The tentative agenda is as follows:

Monday, January 30, 1984

9:00 a.m.-12:00 noon

Plenary (Room 416)

9:00 a.m.-9:30 a.m.

• Announcements

9:30 a.m.-12:00 noon

• Topic: Research on Climate and the Effects of "Nuclear Winter"

Speakers: Alan D. Hecht, Director, National Climate Program Office; Peter Lunn, Defense Nuclear Agency; TBA

12:00 noon-1:00 p.m.

Lunch

1:00 p.m.-5:00 p.m.

Panel Meetings

1:00 p.m.-3:00 p.m.

• Weather Services Panel; Chairman:

Warren Washington (Room B-100)

Topic: Panel Work Session

Speakers: None

1:00 p.m.-5:00 p.m.

• Shipbuilding Panel; Chairman: Don Walsh (Room 416)

Topic: Panel Work Session

Speakers: None

5:00 p.m.

Recess

Tuesday, January 31, 1984

8:30 a.m.-12:00 noon

Panel Meetings

8:30-12:00 noon

• Radioactive Waste Disposal Panel;

Chairman: John Knauss (Room 416) Topic:

Panel Work Session

Speakers: None

10:00-12:00 noon

• Underwater Technology Panel;

Chairman: Sylvia Earle (Room B-100)

Topic: Panel Work Session

Speakers: None

12:00-1:00 p.m.

Lunch

1:00 p.m.-3:00 p.m.

Plenary

• Panel Reports

• Other Business

3:00 p.m.

Adjourn

3:00-6:00 p.m.

Panel Meeting

• Exclusive Economic Zone Panel,

Chairman: Don Walsh (Room 416)

Speakers: David A. Ross, Director, Marine

Policy & Ocean Management Center,

Woods Hole Oceanographic Institution;

James "Bud" Walsh, Counsel for

American Tunaboat Association; TBA

Representative of fishing industry; TBA

Representative of the Department of

State

6:00 p.m.

Recess

Wednesday, February 1, 1984

8:30 a.m.-12:00 noon

Panel Meeting

• Exclusive Economic Zone Panel;

Chairman: Don Walsh (Room 416)

Speakers: Michael Danaher, Office of Legal

Advisor, Oceans, International

Environmental and Scientific Affairs,

Department of State; Benard Oxman,

University of Miami School of Law; TBA

Representative of public environmental

group

12:00 noon-1:00 p.m.

Lunch

1:00 p.m.-3:30 p.m.

Panel Meeting

• Exclusive Economic Zone Panel (Room 416)

Topic: Panel Work Session

3:30 p.m.

Adjourn

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 330 Whitehaven Street, NW., Washington, DC 20235.

Dated: January 11, 1984.

Steven N. Anastasion,
Executive Director

[FR Doc. 84-1114 Filed 1-16-84; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL SCIENCE FOUNDATION**Committee on Equal Opportunities in Science and Technology; Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Women in Science and Technology.

Place: Rm. 1242, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Date: Thursday and Friday, February 2-3, 1984.

Time: Thursday, 9-5 p.m.; Friday, 9-3 p.m.

Type of Meeting: Open.
Contact Person: Ms. Jane Stutsman, Executive Secretary of the Committee, National Science Foundation, Rm. 516, 1800 G Street, NW., Washington, D.C. 20550. Telephone: 202/357-9418.

Purpose of Subcommittee: Responsible for all Committee matters relating to the participation in and opportunities for education, training, and research for women in science and technology, and the impact of science and technology on women.

Summary Minutes: May be obtained from the contact person at the above stated address.

Agenda: The Subcommittee is asked to consider mechanisms to increase participation of women in Foundation programs and research projects; to provide advice to the Director for the modification of NSF policies and procedures relating to women appointments on advisory committees, as well as to suggest a modification of the internal distribution of funds to implement this program.

Dated: January 12, 1984.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 84-1209 Filed 1-16-84; 8:45 am]
BILLING CODE 7555-01-M

Subpanel on Regulatory Biology; Meeting

In accordance with Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Regulatory Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and Time: February 1, 2, and 3, 1984 (8:30 am to 5:00 pm).

Place: Conference Room 338, National Science Foundation, 1800 G Street NW, Washington, DC 20550.

Type of Meeting: Closed.
Contact Person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology, Room 332, National Science Foundation, Washington, DC 20550, Telephone 202/357-7975.

Purpose of Subpanel: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: January 12, 1984.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 84-1211 Filed 1-16-84; 8:45 am]
BILLING CODE 7555-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20547; File No. SR-OCC-83-23]

Filing and Immediate Effectiveness of Proposed Rule Change Filed by the Options Clearing Corporation

January 10, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78S(b)(1), notice is hereby given that on December 19, 1983, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments from persons interested in the proposed rule change.

The proposed rule change contains a credit and security agreement ("Agreement") between OCC and the Bank of America National Trust and Savings Association ("Bank") relating to the settlement of foreign currency options.¹ Under the Agreement, OCC will maintain an account with the Bank's London branch ("London

¹The Commission recently approved amendments to OCC's foreign currency options settlement procedures and rules that create the regulatory framework for OCC's having one U.S. agent bank in London as its correspondent for purposes of foreign currency options settlement. Securities Exchange Act Release No. 20404 (November 21, 1983), 48 FR 53621 (November 28, 1983). Previously, to effect settlement of foreign currency options exercises, OCC had to establish banking relations in each country of origin of the foreign currency.

Account"). Pursuant to OCC instruction, the Bank will accept underlying foreign currency deliveries from, and make such deliveries to, OCC Clearing Members from this account in respect of the settlement of foreign currency options exercises. Moreover, the proposal authorizes the Bank to overdraw OCC's London Account to effect delivery of underlying foreign currencies to Receiving Clearing Members, regardless of the failure of Delivering Clearing Members to deliver the foreign currencies to OCC. The Bank will overdraw the London Account in the amount in which foreign currencies to be delivered to OCC Clearing Members exceeds the amounts of foreign currencies received from Delivering Clearing Members.

The Agreement protects the Bank in several ways. First, the aggregate overdraft amount cannot exceed the lesser of \$100 million or OCC's Collateral Value.² Second, as part of the OCC Collateral Value, the Bank has a security interest in a defaulting clearing member's assets available to OCC on default under Chapter XI of OCC's Rules, including all of the trading Clearing Member's OCC margin deposits.³ Third, if the overdraft is not repaid by OCC by the end of the fifth banking day after which it was made, the Bank will purchase in the spot market a sufficient amount of foreign currency to cover the overdraft and will charge OCC the purchase price. If OCC fails to pay that purchase price the next banking day in immediately available funds, the Bank may charge OCC's Collateral Account.

The Agreement contains other miscellaneous technical provisions relating to, among other things, interest rates. The Bank will charge OCC one rate for overdrafts in pounds sterling and another rate for overdrafts in other currencies. The Agreement also contains: (1) Conditions precedent to its effectiveness; (2) positive covenants, such as OCC's agreement to use the proceeds of each overdraft to perform its delivery function according to the

²Collateral Value, as defined in the Agreement, includes, among other items, the amount in an OCC Collateral Account at the San Francisco Branch of the Bank, which consists of cash settlement amounts paid by Receiving Clearing Members (see Chapter XVI of OCC's Rules), and the value of the Bank's security interest (see discussion *infra*). The Bank has no rights against any OCC assets other than those included in the Collateral Value.

³Pursuant to the Agreement, however, the Bank has no rights against any of a Clearing Member's margin deposit exceeding the amount of default in the option currency.

relevant option contract; and (3) provisions that set out circumstances that would enable the Bank to terminate its obligation to extend to OCC credit under the Agreement, e.g., when OCC fails to pay the bank interest due under the Agreement for five days after the Bank gives OCC a written notice to pay and when an involuntary petition is filed against OCC under any bankruptcy statute. Additional provisions state that the Agreement, which was executed by the parties on December 7, 1983, may be terminated in the sole discretion of either party. Such termination is effective 90 days after written notice.

OCC states that, as a result of the Agreement, Clearing Members due to receive foreign currency will receive that currency even when Delivering Clearing Members have not met their foreign currency obligations. OCC believes that the proposed rule change is consistent with Section 17A(b) of the Act in that it will promote the prompt and accurate clearance and settlement of securities.

The proposed rule change has become effective under Section 19(b)(3)(A) of the Act and Rule 19b-4 thereunder. At any time within sixty days of the filing of such proposed rule change, the Commission can summarily abrogate the rule change if the Commission decides 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 Act.

If you wish to comment on the proposal, please submit your written comments to the Commission within twenty-one days from the date this notice is published in the **Federal Register**. Please file six copies of your comments with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Please make sure that your comments refer to File No. SR-OCC-83-23.

Copies of the filing, exhibits, and comments can be inspected at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing also are available at OCC's principal office.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-1172 Filed 1-16-84; 8:45 am]

BILLING CODE 8010-01-M

[Securities Act Rel. No. 6503; Securities Exchange Act Rel. No. 20551; Investment Company Act Rel. No. 13714; File No. HO-1556]

Transactions in Washington Public Power Supply System Securities

January 11, 1984.

The Securities and Exchange Commission ("Commission") announced the issuance of a Formal Order of Investigation In the Matter of Transactions in Washington Public Power Supply System Securities, File No. HO-1556.

In light of recent Ninth Circuit decision, the Commission has ordered that the Formal Order of Investigation in this matter be made public and that all subpoenas issued in this investigation be made available to the public for review. The Commission, however, has further ordered that it will not attempt to identify "targets" in this investigation and will not give individual personal notice of the issuance of subpoenas to anyone other than the recipient of the subpoena. In view of the special circumstances of this case, the Commission believes that these procedures comply with applicable law.

All subpoenas issued in this investigation will be available for review at the Commission's Seattle Regional Office, Federal Building, Room 3040, 915 Second Avenue, Seattle, Washington, and at the Commission's Washington, D.C. Office, 450 Fifth Street, N.W., Public Reference Room, Room 1024, Washington, D.C. The Commission cautions that no inferences should be drawn with respect to those persons or entities to whom subpoenas are issued.

The Commission does not generally make its formal orders of investigation public, identify "targets" in its investigations, nor give notice of subpoenas to anyone other than the recipient of the subpoena, or the recipient's counsel. Except for the above procedures concerning making the subpoenas publicly available and the Formal Order public, all other aspects of this investigation will remain non-public pursuant to the Commission's Rules Relating to Investigations, 17 CFR 203.1-203.8.

For Further Information Contact: Securities and Exchange Commission Public Reference Room, Room 1024, 450 Fifth Street, N.W., Washington, D.C. 20549; (202) 272-7450.

Supplementary Information: The Securities and Exchange Commission today authorized the publication of the Formal Order of Investigation in this matter which follows:

In the matter of transactions in Washington Public Power Supply System Securities, File No. HO-1556; order directing private investigation and designating officers to take testimony.

I

Members of the staff have reported information to the Commission which tends to show that:

A. From 1973 through 1982, the Washington Public Power Supply System ("the Supply System"), a Washington State municipal corporation and a joint operating agency, issued, offered for sale, and sold to members of the public and others, notes and revenue bonds ("Supply System securities"), to finance the construction of five nuclear power plants ("the plants") in Washington State. These Supply System securities were underwritten and sold by various broker-dealers and underwriters and received "ratings" from certain rating services.

B. Since 1973, Supply System securities have been, and continue to be, purchased, sold and otherwise traded by underwriters, broker-dealers, investment companies, members of the investing public and other persons.

C. From 1973 to the present, while Supply System securities were offered, sold, purchased, underwritten or traded, the Supply System and other persons prepared, assisted in the preparation of, disseminated, or caused to be disseminated information, including Official Statements, documents, and oral information, which information was disseminated to purchasers and sellers of Supply System securities, members of the investing public, and others, and which information may have contained untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, in light of the circumstances under which they were made, not misleading, concerning, among other things:

(1) The Supply System's financial operations, condition and practices, including budgets, construction and financing costs and schedules, and estimated costs to complete the plants;

(2) The Supply System's ability to raise capital for the construction of the plants;

(3) The Supply System's ability to complete the construction of the plants;

(4) The participation and obligations of Bonneville Power Administration in Supply System operations, including, among other things, the financing of the plants;

(5) The role of certain municipalities, public utility districts and rural electrical cooperatives ("the Participants") in the financing of the plants, including, among other things, the requisite authority of the Participants to enter into certain agreements and the obligations incurred in certain agreements;

(6) The opinions of bond counsel and special counsel contained in Official Statements;

(7) The need for electricity in the Pacific Northwest region of the United States; and

(8) The investment risks involved in the purchase of Supply System securities.

D. From 1973 to the present, certain institutions and persons, including underwriters, broker-dealers, investment companies, and investment advisers, may have purchased, sold or effected transactions in Supply System securities in breach of certain fiduciary duties or while in possession of material non-public information.

E. From 1973 to the present, certain broker-dealers, underwriters or other persons may have:

(a) Purchased or sold Supply System securities at prices, including any mark-up or mark-down, which were not fair and reasonable;

(b) Recommended, purchased or sold Supply System securities without disclosure of known material information concerning the Supply System; or

(c) Recommended, purchased or sold Supply System securities without making reasonable inquiry concerning the suitability of such investment for the customer, or without reasonable grounds to believe that such investment was suitable for the customer, or with reason to believe that such investment was unsuitable for the customer.

F. While engaged in the activities described herein, certain persons, including the Supply System, its officers, directors, and staff, counsel to the Supply System, underwriters, broker-dealers and others, directly or indirectly, made use of, and are making use of, the mails and means and instrumentalities of transportation and communication in interstate commerce.

II

The Commission, having considered the staff's report and deeming the above described acts and practices, if true, to be in possible violation of Section 17(a) of the Securities Act of 1933 ("the Securities Act"); Sections 10(b), 15(c), and 15B(c) of the Securities Exchange Act of 1934 ("the Exchange Act"), and Rules 10b-5 and 15c1-2 thereunder;

Rules G-17, G-19, G-30 and G-32 of the Municipal Securities Rulemaking Board; and Section 36(a) of the Investment Company Act of 1940 ("the Investment Company Act"), finds it necessary and appropriate and hereby:

Orders, pursuant to the provisions of Section 20(a) of the Securities Act, Section 21(a) of the Exchange Act, and Section 42(a) of the Investment Company Act, that a private investigation be made to determine whether the aforesaid persons or any other persons have engaged in any of the reported acts or practices or in any act or practice of similar purport or object; and

It is further ordered, pursuant to the provisions of Section 19(b) of the Securities Act, Section 21(b) of the Exchange Act, and Section 42(b) of the Investment Company Act, that, for the purposes of such private investigation, John M. Fedders, William H. Kuehnle, Katherine A. Malfa, S. Beville May, David C. Worley, Alfred J. Trifiro, Jack H. Bookey and Stephen C. Anderson are each designated officers of this Commission and empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda and other records deemed relevant or material to the investigation, or deemed reasonably calculated to lead to the discovery of information relevant or material to such investigation, and to perform all other duties in connection therewith as authorized by law; and the above-named officers are authorized to issue subpoenas *duces tecum* and subpoenas *ad testificandum* in this investigation without giving individual personal notice of such subpoenas to anyone other than the recipient of the subpoena or the recipient's counsel;

It is further ordered, in light of the position expressed by the Ninth Circuit Court of Appeals in *O'Brien v. Securities and Exchange Commission*, 704 F.2d 1065 (9th Cir.), *reh. denied*, [Current] CCH Fed. Sec. L. Rep. ¶ 99,565 (1983), *cert. granted*, — U.S. — (Jan. 9, 1984), that the institution of this formal investigation be publicly announced; that the Formal Order of Investigation in this matter be published; that a copy of each subpoena issued in this investigation be made available to the public for review; but, that, due to the special circumstances of this investigation, the Commission will not attempt to identify "targets" in this investigation and will not give individual personal notice of the issuance of subpoenas to anyone other

than the recipient of the subpoena or the recipient's counsel.

All subpoenas issued in this investigation will be available for review at the Commission's Seattle Regional Office, Federal Building, 915 Second Avenue, Room 3040, Seattle, Washington and at the Commission's Washington, D.C. Office, 450 Fifth Street, NW., Public Reference Room, Room 1024, Washington, D.C.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-1214 Filed 1-16-84; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 20549; File No. SR-MSE-83-7]

Midwest Stock Exchange, Inc.; Filing of Proposed Rule Change

January 11, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 30, 1983, the Midwest Stock Exchange, Inc. ("MSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The MSE is proposing to amend Article VIII, Rule 15 of the Exchange's rules to increase the exemptive level of reportable gratuities which may be given to any one employee of an MSE member organization during a calendar year from \$50 to \$100. Rule 15(a) currently requires a member or member organization that gives any compensation to an employee of the Exchange or of another member or member organization or other financial concern to first obtain written consent of the recipient's employer and to retain such consent for a minimum of 3 years. Currently, gratuities valued at \$50 or less in total given to any one person specified in Rule 15(a) are exempt from the rule's consent and retention requirements. The Exchange has stated in its filing that the purpose of the amendment is to provide for the effects of inflation as well as to reduce the burden of administrative paperwork required when small gifts are given during the holiday season. The proposed rule will continue to require that a record of all gratuities be retained and remain available for inspection for at least three years. The Exchange states that the proposed rule change is consistent with Section 6(b)(5) of the Act in that it is designed to prevent

fraudulent acts and practices which might arise in connection with the giving of gifts to employees of members without such members' knowledge.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication 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, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-MSE-83-7.

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, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-1213 Filed 1-16-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20543; File No. SR-NASD-83-21]

**Self-Regulatory Organizations;
Proposed Rule Change by National
Association of Securities Dealers, Inc.**

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 December 30, 1983 the National Association of Securities Dealers, 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 person.

**I Self-Regulatory Organization's
Statement of the Terms of the Substance
of the Proposed Rule Change**

The Association proposed to amend Article III of the Rules of Fair Practice by adding new Section 38 and to amend both the present and pending Code of Procedure for Handling Trade Practice Complaints by adding procedures to implement the proposed rule. The proposed rule provides the NASD with authority to prescribe certain remedial courses of action which a member must follow during periods of financial or operational difficulty.

**II. Self-Regulatory Organization's
Statements Regarding the Proposed
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.

**A. Self-Regulatory Organization's
Statement of the Purpose of, and
Statutory Basis for, the Proposed Rule
Change.**

Proposed Article III, Section 38 of the Rules of Fair Practice provides the Association with authority to impose certain remedial courses of action which must be followed in instances where a member, as defined in Section 38(a), is experiencing financial and/or operational difficulties. The rule was developed as a result of the recommendation of the Securities and Exchange Commission and was related to the Commission's determination at that time to lower certain minimum net capital requirements and relax other provisions of the net capital rule. The Commission reasoned that the lower net capital requirements should be at least offset by an increase in the ability of the Association to respond quickly in a situation involving a deteriorating financial or operational condition. The Commission also noted that the New York Stock Exchange and various other exchanges had long established rules which gave these self-regulatory organizations substantial authority to act to reduce and/or restrict the business activities of their members under certain circumstances. (See, e.g., N.Y.S.E. Rule 326.) The Association believes that the rule as proposed would provide an effective regulatory tool in prescribing remedial actions for applicable members which are in or approaching financial/operational difficulty and would increase the

effectiveness of the Association's ability to reduce and/or eliminate customer exposure for these members.

As proposed, the rule addresses two levels of possible financial and or operational difficulties. First, it restricts a member from expanding its business whenever certain early warning financial criteria relating to minimum net capital ratio requirements and/or scheduled capital withdrawals are exceeded. Second, it covers a deteriorating situation in which another set of warning criteria with lower tolerances are exceeded. In such situations the proposed rule requires a member to reduce or eliminate certain facets of its business.

During the process of reviewing comments and finalizing the rule, the Board of Governors determined to shift the focus of initiative from the member to the Association, acting through its District Surveillance Committees. As a result, the Association's rule differs from the New York Stock Exchange's Rule 326 in that the Association would control the imposition of restrictions or other types of remedial actions rather than have the rule be self-operative and leaving to the member's discretion what might be an appropriate course of action should one of the rule's parameters be broken.

Thus the phrase "when so directed by the Association" will ensure that members are following appropriate courses of remedial action, ones which will address the nature of the problem and not further expose customer funds and securities to undue risk. Given this fact and, the diverse nature of the Association's membership, and the Association's past experience in successfully handling problem firms the Association's Board of Governors determined this aspect of Association control to be important.

Finally, proposed Section 38 of Article III is accompanied by an Explanation of the Board of Governors. The Explanation includes examples of conditions that might cause the Association to determine that a member is in or approaching financial and/or operational difficulties. Also included are examples of the types of remedial actions that might be selected to correct the problems. The list of possible problems and remedial actions is not intended to be nor is it all inclusive. Rather, the list and Explanation in general is intended to facilitate the members' understanding of how the proposed rule would be administered and implemented by citing both hypothetical problems and corrective actions as simple examples.

The addition of proposed Section 29 to the current Code of Procedure for Handling Trade Practice Complaints and the substitution of proposed Article X in the pending Code of Procedure for the present Article X (and subsequent renumbering) provide special procedures to implement the provisions of the proposed rule. Specifically, the procedures provide for the creation of a special Surveillance Committee of the Board of Governors and a special District Surveillance Committee to direct the implementation of the rule. Also provided for are the opportunity for an impartial hearing, an independent review by the Board of Governors and the right of appeal to the Securities and Exchange Commission.

The proposed rules are consistent with the provisions of Section 15A (b)(6) and (b)(8) of the Securities Exchange Act in that they are designed to protect investors and the public interest and in that they provide members with a fair procedure regarding the Association's limitation or prohibition on services offered by a member.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not result in a burden on competition except insofar as it provides the Association with the authority to prescribe certain remedial courses of action for a specified class of members which they must follow during periods of financial or operational difficulty. The Association believes that this authority is essential to enable it to take appropriate measures before a deteriorating financial situation results in serious financial harm to the member or its customers. The rule is intended to address such problems in a timely fashion to protect the member, the investing public and other members. Thus, the Association believes that any potential burden upon the membership is outweighed by the regulatory benefits of such restrictions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Association received 15 comment letters on the proposed rule. Each letter was reviewed by the Association's Capital and Margin Committee and the full Board of Governors. The general concerns expressed in these letters and the Board's decision regarding such are described below. General headings are used since similar points are made in more than one letter.

Applicability of the Rule—In response to the comments, the Board agreed that

as to dual members (i.e., firms which are members of two or more self-regulatory organizations), the proposed rule would be limited solely to those members which have been designated to the NASD by the Securities and Exchange Commission pursuant to Rule 17d-1 (the regulatory allocation rule for financial responsibility).

The question of whether the rule should include introducing firms as well as firms carrying customer accounts was also addressed by the Board. It noted that certain introducing firms, particularly those engaged in market making activities or those which hold positions for their own accounts, could potentially pose some risk and exposure as a result of such activities. However, it observed that those firms which introduced strictly agency business, the so-called "\$5,000" firms under the net capital rule, posed no such problems. The Committee therefore concluded that the rule should only be applicable to firms required to maintain \$25,000 in capital in accordance with the applicable provisions of the net capital rule irrespective of whether such firms carry customer accounts.

Rule Was Too Vague And/Or Placed Too Much Power With the Association's Staff—A number of commentators stated that because of the vagueness of Subsections (b)(2) and (c)(2) of the proposed rule, too much discretion would be left with the Association staff in interpreting these provisions.

It should be emphasized that under the rule, the staff's function is simply to obtain the necessary facts and make recommendations to the District Surveillance Committee. It has no decision-making authority as to implementation of the rule in any case. It would be the responsibility of the District Surveillance Committee, not the staff, to determine whether the provisions of the rule should be implemented. The proposed rule authorized the District Surveillance Committee not the staff, to prescribe the limitations by which the member would be obligated to abide.

Additionally, the procedure adopted by the Board makes available to a member ample opportunity for appeal of the District Surveillance Committee's decision to the Board of Governors and thereafter to the Securities and Exchange Commission.

The Board therefore concluded that no changes should be made to the proposed rule based on these comments.

The Proposed Rule Imposes More Restrictive Criteria Than Rule 17a-11, the SEC's "Early Warning" Rule—Several commentators noted that SEC Rule 17a-11 already provided an "early

warning" measure with respect to brokerdealers and that the early warning threshold was set at 120%, significantly less than the 150% prescribed in the proposed rule. In response, the Board noted that the purpose of the proposed rule differs from the Commission's rule in that the proposed rule is designed to have a remedial effect on a member. In other words, the rule's approach is to put the Association on notice well before a firm reaches the more "critical" stage of 17a-11 reporting in order that corrective measures may be taken early enough to ensure the continuing viability of the firm. In the Board's opinion, sufficient lead time is necessary in order to address a firm's difficulties before they become irreversible.

The Board therefore determined that the early warning financial criteria as contained in the proposed rule were appropriate and should be retained.

Examples Cited in the "Explanation of the Board of Governors"

Commentators also noted that some situations and remedies specified in the companion explanation to the rule were too narrow in scope, unduly harsh, or not truly indicative of some cases of a firm's true financial health.

The Board emphasized that the instances cited in the "Explanation" are merely examples of problems and suggested remedies and are not intended to be "automatic" in their application. The language of the rule and the accompanying Explanation make it sufficiently clear that these situations are provided as further explanation and were simply illustrative of situations and corrective actions which could be imposed depending on the circumstances.

The Board therefore determined not to alter the "Explanation of the Board of Governors" as a result of these comments.

Other Areas—One letter noted that the proposed rule did not speak to how and when any restrictions imposed by the rule would be lifted. The Board agreed and revised the procedure to vest responsibility for lifting the imposed restrictions in the District Surveillance Committee. Thus, restrictions once imposed would remain in effect until lifted or modified by the District Surveillance Committee.

Another Commentator suggested that the procedure be changed to provide that a hearing on an order issued by the district Surveillance Committee be requested within five (5) business days of the receipt of the notice rather than three (3) business days after the issuance of the notice.

The Board noted that, in most instances, these notices would be hand-delivered to the member and therefore agreed that receipt of notice would not be difficult to document. The Board therefore determined to amend the procedure retaining the specified time frames, but changing the starting point from "issuance" to "receipt of." A request for a hearing would, therefore, have to be made within three business days of receipt of the notice.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

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 within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 10, 1984.

George A. Fitzsimmons,
Secretary.

[FR Doc. 84-1212 Filed 1-16-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0193]

Equity Resource Company, Inc.; Issuance of a Small Business Investment Company License

On December 1, 1983, a notice was published in the *Federal Register* (48 FR 54310) stating that an application has been filed by Equity Resource Capital, Inc., 202 South Michigan Street, South Bend, Indiana 46601, with the Small Business Administration (SBA) pursuant to § 107.102 of Revision 6 of the Rules and Regulations governing small business investment companies (48 FR 45014 (September 30, 1983)) for a license as a small business investment company.

Interested parties were given until close of business December 16, 1983, to submit their comments to SBA. One comment was received and given due consideration.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0193 on December 27, 1983, to Equity Resource Company, Inc. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 50.011, Small Business Investment Companies)

Dated: January 10, 1984.

Robert G. Lineberry,
*Deputy Associate Administrator for
Investment.*

[FR Doc. 84-1218 Filed 1-16-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-0194]

1st Source Capital Corporation; Issuance of a Small Business Investment Company License

On November 18, 1983, a notice was published in the *Federal Register* (48 FR 52436) stating that an application has been filed by 1st Source Capital Corporation, 100 North Michigan Street, South Bend, 46601, with the Small Business Administration (SBA) pursuant to § 107.102 of Revision 6 of the Rules and Regulations governing small business investment companies (48 FR 45014 (September 30, 1983)) for a license

as a small business investment company.

Interested parties were given until close of business December 16, 1983, to submit their comments to SBA. One comment was received and given due consideration.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0194 on December 23, 1983, to 1st Source Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 50.011, Small Business Investment Companies)

Dated: January 10, 1984.

Robert G. Lineberry,
*Deputy Associate Administrator for
Investment.*

[FR Doc. 84-1220 Filed 1-16-84; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 05/05-0185]

Indiana First SBIC, Inc.; Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of Revision 6 of the SBA Regulations (48 FR 45014 (September 30, 1983)), by Indiana First SBIC, Inc., 9102 North Meridian Street, Indianapolis, Indiana 46260 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. *et. seq.*).

The proposed officers, directors and shareholders are:

Lloyd R. Howe, 219 Cheshire Circle,
Noblesville, Indiana 46060, President,
Treasurer, Director
Stanley M. Barkley, RFD #5, Box 11-B,
Bloomfield, Indiana 47424, Secretary,
Director
John W. Burkhart, 11740 East SR 334,
Zionsville, Indiana 46077, Director
John R. Meyer, 7767 Spring Hill Road,
Indianapolis, Indiana 46260, Director
Corporation for Innovation
Development, One North Capital,
Suite 520, Indianapolis, Indiana 46204,
Shareholder, 14.3 to 21.7

The Corporation for Innovation Development was formed by the Indiana Legislature in 1981 as a private corporation with the stated purpose of encouraging investment in the State of Indiana, to encourage the expansion of business and industry to provide

additional jobs within the State and, to encourage research and development activities within the State.

The percentage of ownership by the Corporation for Innovation Development and the above named officers and directors depends on the success of a private placement of the Applicant's common stock.

The Applicant will begin operations with a capitalization of between \$1,150,000 to \$1,748,000 depending upon the success of the private placement, and will be a source of equity capital and long term loan funds for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of the publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington 20416.

A copy of the Notice will be published in a newspaper of general circulation in Indianapolis, Indiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 5, 1984.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 84-1221 Filed 1-16-84; 8:45 am]
BILLING CODE 8025-01-M

[License No. 03/03-0166]

**Thompson Venture Group, Inc.,
Issuance of a Small Business
Investment Company License**

On June 21, 1983, a notice was published in the Federal Register (48 FR 28384), stating that an application has been filed by Thompson Venture Group, Inc., 1725 K Street, NW., Washington, D.C. 20036 with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)) for a license as a small business investment company.

Interested parties were given until close of business July 6, 1983, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA has issued License No. 03/03-0166 on December 29, 1983, to Thompson Venture Group, Inc. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 10, 1984.

Robert G. Lineberry,
Deputy Associate Administrator for Investment.

[FR Doc. 84-1219 Filed 1-16-84; 8:45 am]
BILLING CODE 8025-01-M

**[Declaration of Disaster Loan Area No.
3004; Amdt. 1]**

**Georgia; Declaration of Physical
Disaster Loan Area Pursuant to Pub. L.
98-166**

Pursuant to the Secretary of Agriculture's Designation, Farmers Home Administration (FmHA) has authorized the acceptance of emergency loan applications in the following area:

State of Georgia

FmHA number and date	Incident and date
SO-92, Amendment 1 Nov. 28, 1983.	Severe drought and extreme high temperatures occurring from May 1, 1983, through Oct. 10, 1983. *Severe frost freezing temperatures occurring on Apr. 18, 1983, through Apr. 22, 1983, and high winds and hail occurring on Apr. 23, 1983, followed by extended drought and extreme high temperatures occurring from May 1, 1983, through Oct. 10, 1983.

*Effingham, Liberty, Taliaferro, and Treutlen.

Counties

Atkinson, Bartow, Burke, Butts, Candler, Clay, Crawford, Decatur, Dougherty, Early, Gilmer, Grady, Irwin, Jefferson, Jones, McIntosh, Macon, Montgomery, Morgan, Murray, Muscogee, Peach, Pickens, Quitman, Rabun, Towns, Union, Upson, Walker, Washington and Whitfield.

As a result of this designation, I have determined the above counties in the State of Georgia constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming, farm owners who do not operate their farms, etc., and for economic injury disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

	Percent
Agricultural Enterprises With Credit Available Elsewhere.....	10.5
Agricultural Enterprises Without Credit Available Elsewhere.....	8.0
Non-farm Small Businesses (Economic Injury).....	8.0

Loan applications for physical disaster loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for economic injury for non-farm small businesses may be filed until the close of business on May 28, 1984. The number assigned to this disaster is 3004, published December 15, 1983 (48 FR 55793), for physical damage to eligible agricultural enterprises and for economic injury 6093. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 2 Disaster Office, 75 Spring Street SW., Suite 822, Atlanta, Georgia 30303; (404) 221-5822, or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 6, 1984.

Jean Lewis,
Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-1224 Filed 1-16-84; 8:45 am]
BILLING CODE 8025-01-M

**[Declaration of Disaster Loan Area No.
2113]**

**New York; Declaration of Disaster
Loan Area**

The area bounded by Howard St. on the north, South Division St. on the south, Emslie St. on the east and Jefferson St. on the west in the City of Buffalo, Erie County, New York, constitutes a disaster area because of damage resulting from an explosion and fire which occurred on December 27, 1983. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on March 12, 1984, and for economic injury until the close of business on October 11, 1984, at the address listed below: U.S. Small Business Administration, Buffalo Branch Office, Federal Building, Room 1311, 111

West Huron Street, Buffalo, New York 14202, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere.....	12.500
Homeowners without credit available elsewhere.....	6.250
Businesses with credit available elsewhere.....	11.000
Businesses without credit available elsewhere.....	8.000
Businesses (EIDL) without credit available elsewhere.....	8.000
Other (non-profit organizations including charitable and religious organizations).....	10.500

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 11, 1984.

James C. Sanders,
Administrator.

[FR Doc. 84-1222 Filed 1-16-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3024; Amdt. 2]

Tennessee; Declaration of Physical Disaster Loan Area Pursuant to Pub. L. 98-166

Pursuant to the Secretary of Agriculture's Designation, Farmers Home Administration (FmHA) has authorized the acceptance of emergency loan applications in the following area:

State of Tennessee

FmHA Number and date	Incident and date
SO-95, Amendment 2 Nov. 28, 1983.	Drought and high temperatures beginning May 1, 1983, and continuing through Nov. 1, 1983.

Counties

Campbell, Cocke, Coffee, Cumberland, Franklin, Greene, Hamblen, Polk, Washington.

As a result of this designation, I have determined the above counties in the State of Tennessee constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming, farm owners who do not operate their farms, etc., and for economic injury disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

	Percent
Agricultural Enterprises With Credit Available Elsewhere.....	10.5

	Percent
Agricultural Enterprises Without Credit Available Elsewhere.....	8.0
Non-farm Small Businesses (Economic Injury).....	8.0

Loan applications for physical disaster loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the latest of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for economic injury for non-farm small businesses may be filed until the close of business on May 28, 1984. The number assigned to this disaster is 3024, published December 15, 1983 (48 FR 55793), for physical damage to eligible agricultural enterprises and for economic injury 6098. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 2 Disaster Office, 75 Spring Street SW., Suite 822, Atlanta, Georgia 30303; (404) 221-5822, or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 5, 1984.

Jean Lewis,
Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-1225 Filed 1-16-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2114]

Texas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the Counties of Cameron, Hidalgo, Starr, and Willacy in the State of Texas, constitute a disaster loan area because of damage resulting from severe freezing temperatures beginning on or about December 22, 1983. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on March 8, 1984, and for economic injury until October 8, 1984, at: U.S. Small Business Administration, 222 E Van Buren, Suite 500, Harlingen, Texas 78550, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere.....	12.500
Homeowners without credit available elsewhere.....	6.250
Businesses with credit available elsewhere.....	11.000
Businesses without credit available elsewhere.....	8.000
Businesses (EIDL) without credit available elsewhere.....	8.000
Other (non-profit organizations including charitable and religious organizations).....	10.500

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 12, 1984.

Bernard Kulik,
Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-1223 Filed 1-16-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3026; Amdt. 2]

Virginia; Declaration of Physical Disaster Loan Area Pursuant to Pub. L. 98-166

Pursuant to the Secretary of Agriculture's Designation, Farmers Home Administration (FmHA) has authorized the acceptance of emergency loan applications in the following area:

State of Virginia

FmHA Number and date	Incident and date
SO-90, Amendment 2 Nov. 22, 1983.	Drought beginning May 1, 1983, and continuing through Oct. 10, 1983.

Counties

Appomattox, Augusta, Buckingham, Clarke, Fluvanna, Frederick, Greenville, Hanover, Highland, James City, Loudoun, Madison, Mecklenburg, Montgomery, Nelson, Orange, Prince William, Rockbridge, Rockingham, Shenandoah, Spotsylvania, Stafford, Warren, and Wythe.

As a result of this designation, I have determined the above counties in the State of Virginia constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming, farm owners who do not operate their farms, etc., and for economic injury disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

	Percent
Agricultural Enterprises With Credit Available Elsewhere.....	10.5

	Percent
Agricultural Enterprises Without Credit Available Elsewhere.....	8.0
Non-farm Small Business (Economic Injury).....	8.0

Loan applications for physical disaster loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for economic injury for non-farm small businesses may be filed until the close of business on May 22, 1984. The number assigned to this disaster is 3026, published December 15, 1983 (48 FR 55793), for physical damage to eligible agricultural enterprises and for economic injury 6091. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 2 Disaster Office, 75 Spring Street SW., Suite 822, Atlanta, Georgia 30303; (404) 221-5822, or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 5, 1984.

Jean Lewis,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-1226 Filed 1-16-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3026; Amdt. 3]

Virginia; Declaration of Physical Disaster Loan Area Pursuant to Pub. L. 98-166

Pursuant to the Secretary of Agriculture's Designation, Farmers Home Administration (FmHA) has authorized the acceptance of emergency loan applications in the following area:

State of Virginia

FmHA	Incident and date
Number and date	
SO-90, Amendment 3 Nov. 28, 1983.	Drought beginning May 1, 1983 and continuing through Oct. 10, 1983.

Counties

Alleghany, Bath, Botetourt, Carroll, Chesterfield, Henrico, Mathews New Kent, Page, Roanoke, Tazewell, and York.

As a result of this designation, I have

determined the above counties in the State of Virginia constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming, farm owners who do not operate their farms, etc., and for economic injury disaster loans for non-farm small business concerns. The interest rates for eligible applicants under this designation are as follows:

	Percent
Agricultural Enterprises With Credit Available Elsewhere.....	10.5
Agricultural Enterprises Without Credit Available Elsewhere.....	8.0
Non-farm Small Businesses (Economic Injury).....	8.0

Loan applications for physical disaster Loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for economic injury for non-farm small businesses may be filed until the close of business on May 28, 1984. The number assigned to this disaster is 3026, published December 15, 1983 (48 FR 55793), for physical damage to eligible agricultural enterprises and for economic injury 6091. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 2 Disaster Office, 75 Spring Street SW., Suite 822, Atlanta, Georgia 30303; (404) 221-5822, or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 5, 1984.

Jean Lewis,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 84-1227 Filed 1-16-84; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 3026; Amdt. 4]

Virginia; Declaration of Physical Disaster Loan Area Pursuant to Pub. L. 98-166

Pursuant to the Secretary of Agriculture's Designation, Farmers Home Administration (FmHA) has

authorized the acceptance of emergency loan applications in the following area:

State of Virginia

FmHA	Incident and date
Number and date	
SO-90, Amendment 4 Dec. 9, 1983.	Drought beginning May 1, 1983, and continuing through Oct. 10, 1983.

Counties

Bland, Franklin, Halifax, and Henry.

As a result of this designation, I have determined the above counties in the State of Virginia constitute a disaster loan area for agricultural enterprises which are ineligible for disaster assistance from the FmHA because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming, farm owners who do not operate their farms, etc., and for economic injury disaster loans for non-farm small business concerns.

The interest rates for eligible applicants under this designation are as follows:

	Percent
Agricultural Enterprises With Credit Available Elsewhere.....	10.5
Agricultural Enterprises Without Credit Available Elsewhere.....	8.0
Non-farm Small Businesses (Economic Injury).....	8.0

Loan applications for physical disaster loans from eligible agricultural enterprises may be filed for a period not to exceed thirty days from the date of the letter of referral from FmHA, provided that the application for EM assistance from FmHA or the formal written request for a letter of referral by FmHA was filed within the time limits set forth in the FmHA designation. Loan applications for economic injury for non-farm small businesses may be filed until the close of business on June 11, 1984. The number assigned to this disaster is 3026, published December 15, 1983 (48 FR 55793), for physical damage to eligible agricultural enterprises and for economic injury 6091. Eligible enterprises may file applications for loans for physical damage or economic injury at: U.S. Small Business Administration, Area 2 Disaster Office, 75 Spring Street SW., Suite 822, Atlanta, Georgia 30303, (404) 221-5822, or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: January 5, 1984.

Jean Lewis,

Acting Deputy Associate Administrator for
Disaster Assistance.

[FR Doc. 84-1228 Filed 1-16-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB December 20-January 6, 1984

AGENCY: Department of Transportation
(DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, during the period Dec. 20-Jan. 6, 1984, to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT:

John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M-34 Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1887 or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the *Federal Register*, listing those information collection requests submitted to the Office of Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

As needed, the Department of Transportation will publish in the *Federal Register* a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as

revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB:

- (1) A DOT control number.
- (2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.
- (3) The name of the DOT Operating Administration or Secretarial Office involved.
- (4) The title of the information collection request.
- (5) The form number used, if any.
- (6) The frequency of required responses.
- (7) The persons required to respond.
- (8) A brief statement of the need for, and uses to be made of, the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contract" paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "FOR FURTHER INFORMATION CONTACT" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB from Dec. 20-Jan. 6, 1984:

DOT No: The following items published September 30, 1983, have been combined: 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229

OMB No: These OMB clearance requests have been resubmitted as one requirement: 2130-0006; 2130-0007; 2130-0039; 2130-0042; 2130-0043; and 4 new items

By: Federal Railroad Administration
Title: Railroad Signal System Requirements (all signal system items combined)

Forms: FRA-F-6180.14 and FRA-F-6180.47

Frequency: Annually and on occasion
Respondents: Individuals, railroads, state and local governments

Need/Use: The Federal Railroad Administration needs the information to

assure that automatic signal systems are tested and maintained in safe and suitable condition and that modifications or malfunctions are reported.

DOT No: 2323

OMB No: 2115-0133

By: U.S. Coast Guard

Title: Foreign Freight and Passenger Vessel Reports

Forms: CG-4504, CG-840S-1A and CG-840-2A

Frequency: On occasion

Respondents: Owners/operators of foreign flag vessel or freight ship

Need/Use: This information collection is used by Coast Guard personnel to ensure that specified foreign flag vessels meet the applicable federal requirements for safety and environmental protection. This information collection is needed for effective administration of our foreign vessel boarding programs.

DOT No: 2324

OMB No: 2115-0136

By: U.S. Coast Guard

Title: Excursion Parties

Forms: CG-949, CG-950

Frequency: On occasion

Respondents: Passenger vessel owners/operators

Need/Use: This information collection requirement contains both recordkeeping and reporting requirements. The requirement is used when the owner/operator of a USCG-inspected passenger vessel desires to deviate from his vessel's operating limitations. The owner/operator applies to the Coast Guard for a permit to carry additional passengers. The Officer in Charge, Marine Inspection, examines the vessel and its inspection record to determine whether or not to grant such a request.

DOT No: 2325

OMB No: 2115-0135

By: U.S. Coast Guard

Title: Display of Plans

Forms: N/A

Frequency: On occasion

Respondents: Owners/operators of certain USCG-inspected merchant vessels

Need/Use: This recordkeeping requirement is a safety aid. Vessel owners/operators are required to have these plans available in case of shipboard fire, flooding or other emergencies. The information contained on the plans will be used by shipboard personnel during routine duties, such as maintenance, as well as during emergency conditions such as fire or flooding. If non-shipboard personnel assist, the plans will familiarize them

with the vessel and its subsystems. The plans are checked by Coast Guard Marine Inspections periodically to help ensure all information is correct and up-to-date.

DOT No: 2326

OMB No: 2115-0134

By: U.S. Coast Guard

Title: Carrying of Persons in Addition to the Crew

Forms: None

Frequency: On occasion

Respondents: Owners/operators of certain types of commercial vessels

Need/Use: This information collection is part of the Coast Guard commercial vessel safety programs of Title 46 CFR. The purpose of this collection is to allow some cargo vessels and some vessels engaged in certain fisheries to carry persons in addition to the normal crew without having to meet the more stringent material requirements for passenger carrying vessels. This information collection requirement reduces the regulatory burden that would otherwise be imposed on certain vessels owners/operators.

DOT No: 2327

OMB No: 2115-0138

By: U.S. Coast Guard

Title: Records and Reports of Inspections

Forms: CG-840AA, 840BB and 2832

Frequency: On occasion

Respondents: Owners and operators of flag vessels

Need/Use: This recordkeeping requirement is needed to enforce the Coast Guard commercial vessel safety program as described in Title 46 CFR. The Coast Guard uses these records to document the construction, alteration, repair and maintenance of U.S. merchant vessels in order to ensure the safety of life and property at sea.

DOT No: 2328

OMB No: 2115-0139

By: U.S. Coast Guard

Title: Ship's Stores Certification for Hazardous Materials Aboard Ships

Forms: None

Frequency: On occasion

Respondents: Manufacturers of dangerous products

Need/Use: This information collection is needed to regulate use of ships' stores. The documentation provides a means for the manufacturers of a dangerous product to obtain approval for the project to be used on board domestic vessels. The reporting information is used by the Coast Guard in the following ways: (1) To determine whether a product meets the Coast Guard definitions of hazardous materials and to properly classify it; (2)

to make certain that the instructions on the label are adequate to protect users on vessels from bodily harm; and (3) to maintain records at Headquarters for all certified products so that in case of an excessive exposure or accident the proper safeguards may be taken.

DOT No: 2329

OMB No: New

By: U.S. Coast Guard

Title: Barges Carrying Bulk Hazardous Materials

Forms: None

Frequency: On occasion

Respondents: Barge Operators

Need/Use: This information collection is needed to determine that a barge meets prescribed safety standards and to ensure that barges' crew members have the information necessary to operate the barges safely. The information is used by: (1) The Coast Guard technical offices to evaluate barge design; (2) Coast Guard port safety and marine inspection personnel responsible for enforcing the regulations; (3) by the crew members in operations related to cargoes; and (4) by other people boarding the barges to avoid danger from cargo operations.

DOT No: 2330

OMB No: 2137-0039

By: Research and Special Programs Administration

Title: Hazardous Materials Incident Report

Forms: DOT F-5800.1

Frequency: On occasion

Respondents: Carriers of Hazardous Materials

Need/Use: The Materials Transportation Bureau uses this information to evaluate the adequacy of existing regulations and to determine when Federal action is needed for clean-up or emergency response.

DOT No: 2331

OMB No: New

By: Research & Special Programs Administration

Title: Air Carrier Operations in 49 CFR 175

Forms: None

Frequency: On occasion

Respondents: Shippers and Air Carriers

Need/Use: To assure that the requirements for transporting hazardous materials by air carriers are complied with so as to adequately protect the general public from the dangers inherent in this transportation.

DOT No: 2332

OMB No: New

By: Research and Special Programs Administration

Title: Battery Exception Approval

Forms: None

Frequency: One time for each type of battery to be shipped

Respondents: Manufacturers and shippers of batteries

Need/Use: To determine approval or denial of requests for authorization to ship batteries as essentially non-regulated items under 49 CFR 173.260(g).

DOT No: 2333

OMB No: New

By: Research and Special Programs Administration

Title: Consigning & Unloading Tank Cars of Compressed Gas on Carriers' Tracks

Forms: None

Frequency: On occasion

Respondents: Shippers of hazardous materials

Need/Use: The Federal Railroad Administration uses this requirement to make sure that rail carriers are aware of the storage of hazardous materials in rail cars on their tracks.

DOT No: 2334

OMB No: New

By: Research and Special Programs Administration

Title: Container-on-Flatcar or Trailer Service Approval

Forms: None

Frequency: When applying to use an intermodal container

Respondents: Shippers of hazardous materials

Need/Use: The Federal Railroad Administration uses this information to determine if a specific intermodal container, containing hazardous materials, is safe for use in their transportation in either trailer or container service on flatcars.

DOT No: 2335

OMB No: New

By: Research and Special Programs Administration

Title: Class A Explosives Car Certificate

Forms: None

Frequency: After inspection of rail car loaded with Class A explosives

Respondents: Rail carriers and shippers of Class A explosives

Need/Use: To ensure that carriers and shippers of Class A explosives are inspecting shipments before, during, and after loading to ascertain that rail cars are properly loaded for safe transportation.

DOT No: 2336

OMB No: New

By: Research and Special Programs Administration

Title: AAR Tank Car Approvals

Forms: None

Frequency: On occasion

Respondents: Manufacturers of tank cars

Need/Use: Federal Railroad and Transportation officials use this information to ascertain that tank car tanks used for transportation of hazardous materials are designed and constructed in accordance with the specifications set forth in the regulations and will be safe to use in the transportation of hazardous materials.

DOT No: 2337

OMB No: New

By: Research & Special Programs Administration

Title: Exemption Copy Maintenance Requirement

Forms: None

Frequency: One-time for each exemption Respondents: Shippers

Need/Use: To verify that the packagings being used in connection with the shipment or transportation of the hazardous material concerned is conducted under the authority of an exemption issued in conjunction with the Hazardous Materials Regulations.

DOT No: 2338

OMB No: 2115-0143

By: U.S. Coast Guard

Title: Evidence of U.S. Citizenship or Lawful Alien Status for Workers on the Outer Continental Shelf (OCS)

Forms: None

Frequency: Recordkeeping retention period 3 years

Respondents: Companies with crew facilities and vessels engaged in oil and gas extraction on the Outer Continental Shelf (OCS)

Need/Use: Needed to ensure compliance with congressional mandate to man such facilities with U.S. citizens or aliens who are lawfully admitted to the U.S. for permanent residence.

DOT No: 2339

OMB No: 2132-0502

By: Urban Mass Transportation Administration

Title: Section 3, Urban Discretionary Financial Reporting

Forms: None

Frequency: Quarterly

Respondents: State and local governments

Need/Use: Needed and used as a management tool and for audit purposes by the Urban Mass Transportation Administration and state and local governments.

DOT No: 2340

OMB No: 2132-0503

By: Urban Mass Transportation Administration

Title: Section 5, Urban Formula Financial Reporting

Forms: None

Frequency: Quarterly

Respondents: State and local governments

Need/Use: The reports are needed and used as a management tool and for audit purposes by the Urban Mass Transportation Administration and state and local governments.

DOT No: 2341

OMB No: 2132-0505

By: Urban Mass Transportation Administration

Title: Progress Report

Forms: None

Frequency: Quarterly

Respondents: State and local governments

Need/Use: The reports are needed and used by the Urban Mass Transportation Administration and state and local governments to monitor Federal grant activities, assess accomplishments, identify problem areas, and cost overruns.

DOT No: 2342

OMB No: 2132-0015

By: Urban Mass Transportation Administration

Title: Supporting Services/Cost Allocation Plan

Forms: None

Frequency: On occasion

Respondents: State and local governments

Need/Use: The plan is needed for audit purposes and must be submitted only if a grantee desires reimbursement for administrative costs in connection with a capital grant.

DOT No: 2343

OMB No: 2137-0037

By: Research & Special Programs Administration

Title: Drum Retester ID Registration Forms: Reconditioner Registration Data Sheet

Frequency: One time

Respondents: Drum reconditioners

Need/Use: To verify to Materials Transportation Bureau and drum owners that drum reconditioners or retesters have the proper equipment, documentation and reference material necessary to recondition drums used for transportation of hazardous materials.

DOT No: 2344

OMB No: 2127-0002

By: National Highway Traffic Safety Administration

Title: Importation of Motor Vehicles and Motor Vehicle Equipment Subject to Federal Motor Vehicle Safety Standards

Forms: HS Form 7

Frequency: On occasion

Respondents: Importers of motor vehicles and motor vehicle equipment

Need/Use: An importer must declare compliance of a vehicle with all applicable Federal Motor Vehicle Safety Standards if the vehicle was manufactured on or after January 1, 1968. Nonconforming vehicles are allowed under specific exceptions such as importation under bond.

DOT No: 2345

OMB No: New

By: Federal Railroad Administration

Title: Supplemental Qualifications Statement for Railroad Safety Inspector Applicants

Forms: FRA-F-120

Frequency: On occasion

Respondents: Individuals, Federal employees

Need/Use: The Federal Railroad Administration uses this information to determine the specialized qualifications of applicants for Railroad Safety Inspector positions.

Issued in Washington, D.C. on January 10, 1984.

Jon H. Seymour,

Acting Deputy Assistant Secretary for Administration.

[FR Doc. 84-1127 Filed 1-18-84; 8:45 am]

BILLING CODE 4910-62-M

Federal Railroad Administration

[Docket No. RSSI-84-1; Notice 1]

Special Safety Inquiry; Rail Passenger Equipment

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of special safety inquiry.

SUMMARY: FRA is initiating a General Safety Inquiry to obtain information from the public to assist in assessing the potential impact of technological developments and operational changes on rail passenger equipment. This information will be used in determining the future need, if any, for establishing minimum criteria for the condition of various safety critical components such as wheels, axles, and bearings.

DATES: (1) A two-day public hearing will begin at 10 a.m. on May 29, 1984.

(2) Prepared statements and comments to be made at the hearing should be submitted to the Docket Clerk at least seven days before the hearing date; the written comments should be submitted by May 21, 1984.

(3) Persons desiring to participate in a hearing should notify the Docket Clerk at least seven days before the hearing.

ADDRESSES: (1) Hearing location—Room 2230, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590

(2) Docket Clerk, Office of Chief Counsel (RCC-30), FRA, Washington, D.C. 20590. Telephone 202-426-8285.

FOR FURTHER INFORMATION CONTACT:

Principal Program Person: Philip Olekszyk, Deputy Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590, telephone 202-426-0896

Principal Attorney: Lawrence I. Wagner, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, telephone 426-8836.

SUPPLEMENTARY INFORMATION: Section 702 of the Rail Safety and Service Improvement Act of 1982 (Pub. L. 97-468), enacted on January 14, 1983, amended section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) to require the issuance of any necessary rules relating to rail passenger equipment and a report to Congress. In that report FRA concluded that rail passenger service has compiled an excellent safety record, one that can be attributed to the rail industry's operational and safety practices as well to FRA's extensive safety regulations.

To enhance that record, FRA is undertaking five safety initiatives: (1) A final rule extending coverage of its Track Safety Standards (49 CFR Part 213) to include all track used exclusively for commuter service; (2) a final rule amending its Power Brake Standards (49 CFR Part 232) to preserve the inspection and testing requirements for passenger car brake equipment; (3) guidelines on the flammability and smoke emission characteristics of materials used in the construction of rail passenger equipment; (4) a joint FRA-industry examination of emergency procedures; and (5) this safety inquiry. The public notices concerning the first two actions appear elsewhere in today's issue of the *Federal Register*.

Background

Equipment and Operations

Twenty rail passenger operators, including commuter authorities, provide regularly scheduled rail passenger revenue service throughout the year. Appendix A lists those operators and authorities, provides information on the passenger operations of each member of that group, and illustrates the locations at which such passenger service is provided.

The 20 operators and authorities (passenger service providers) provide passenger service over 138 distinct routes totalling 28,500 route miles. In 1982, this group operated more than 1.5 million trains, comprised of from one to 18 cars, and carried 344 million

passengers. The operators and authorities employ more than 9,200 train operating employees and almost 13,000 equipment maintenance and service personnel.

A wide variety of equipment of differing age and design features is dedicated to providing this service. More than 750 diesel-electric and electric locomotives are used to haul 3,770 passenger-carrying coaches and control cab cars. In addition, approximately 3,000 self-propelled, passenger-carrying units, which include diesel-electric, electric, and turbo powered equipment, are in service.

There also are a variety of passenger operations that provide service for excursion, educational, recreational or private transportation purposes. These operations normally use a limited number of cars that are frequently historical or antiquated equipment. Such operations typically involve low speed trains carrying very limited numbers of passengers on a seasonal basis.

Safety Record

Rail passenger service in the United States has compiled a remarkable safety record, which is reflected in the passenger casualty statistics derived from reports filed with FRA by all railroads (including the commuter authorities) under its accident reporting rules (49 CFR Part 225). During the period 1978 through 1982, when the rail passenger industry carried 1.5 billion passengers, 36 passenger fatalities and 3,642 passenger injuries were associated with rail passenger service. Of the 36 fatalities, 26 were not directly associated with train operations.

During this period, passenger trains were also involved in accidents that resulted in 90 deaths and 573 injuries to non-rail passengers: 73 of those killed and 37 of those injured were occupants of motor vehicles involved in rail-highway grade crossing accidents; fifteen of those killed and 527 of those injured were railroad employees; and two trespassers were killed and nine injured.

As these data show, extraordinarily few passenger casualties occurred during the five-year period. Of the 1.5 billion passengers transported during those years, a single passenger had a one in 400,000 chance of becoming a passenger casualty.

The risk of becoming a casualty during passenger operations as the result of defective equipment is extremely low. FRA cannot identify any passenger fatality and only 49 passengers who were injured as the result of defective equipment during the five-year period studied. If railroad

employee casualties are added to those passenger statistics, FRA can identify only 48 additional people who were injured during the period.

This outstanding safety record was cited by many of the commenters who responded to an earlier FRA Safety Inquiry. That proceeding, initiated on April 22, 1983 (47 FR 17365), drew responses from seventeen commenters who generally urged that FRA not propose the adoption of passenger car safety standards in the absence of a safety record establishing the need for such additional rules.

Existing Regulations

Locomotives used in passenger service have either electric, diesel-electric, or turbine-driven propulsion systems. Hauled vehicles are those passenger-carrying cars, such as coaches, sleepers, and food service cars, that require separate locomotive power. Self-propelled vehicles resemble traditional passenger coaches, but are equipped with their own propulsion systems that permit them to move as a single unit or in multiple units.

Both locomotives and self-propelled passenger vehicles are subject to FRA's Locomotive Safety Standards (49 CFR Part 229), which establish minimum requirements for the significant mechanical and structural components of locomotives. The rules address the condition of wheels and axles in terms of stress or fatigue cracking and wear. Similarly, the rules set standards for the brake, suspension, coupling, and electrical systems as well as the crashworthiness of the car body. In addition, specific inspection and testing procedures are required. Locomotives and self-propelled vehicles are also subject to FRA's Safety Appliance Standards (49 CFR Part 231), which specify design features for exterior steps, ladders, and handholds.

Coaches, sleepers, baggage, and food service are subject to FRA's Power Brake Standards (49 CFR Part 232) and Safety Appliance Standards. The Power Brake rules establish minimum operational and periodic inspection requirements and minimum periodic testing requirements for the brake systems on these cars. In addition, approximately 300 of these vehicles are equipped with a control compartment and control machinery that permit these cars to remotely control attached locomotives. These are known as "cab control cars." The control devices must be inspected and tested as though they were located on a locomotive.

All the passenger carrying vehicles also are subject to FRA's Safety Glazing

Standards (49 CFR Part 223). The glazing rules require passenger cars, built or rebuilt after June 30, 1980, to have improved glazing materials in all windows to protect passengers from being struck by external projectiles. In addition, the rules require retrofitting of existing equipment and the installation of emergency egress capability.

Future Needs

The historically low casualty rate for passenger equipment is clear evidence of the special care taken by the operators of that equipment and, FRA believes, the efficacy of its safety regulatory program. Nevertheless, FRA believes there is a need to explore further the future safety of rail passenger equipment.

Railroad passenger cars were, until recently, primarily owned by individual railroads, and their frequent operation over the lines of other railroads necessitated standard agreements about the interchange of these cars. These agreements generally reflected consensus opinions about design, inspection, testing, and maintenance requirements. With the emergence of a growing number of publicly funded bodies as the owners and operators of rail passenger equipment in circumscribed service areas, the need for agreements and consensus standards has decreased significantly. One illustration of this trend is the recent decision of the Association of American Railroads to delete from its interchange rules the provisions relating to passenger cars effective January 1, 1984.

Although these provisions can now be found in the AAR Manual, that document has a more limited distribution and a less binding effect. In addition, many passenger service operators are not members of the AAR and do not necessarily subscribe to the AAR recommendations. For example, after investigating a particular type of commuter car during 1982, FRA determined that both the design and the recommended maintenance practices of the AAR for the suspension system of that equipment were not being adhered to by the equipment operator. FRA's investigatory efforts in this area are detailed in a January 1983 report. A copy of that report has been placed in the docket.

FRA believes that these events could portend a trend in which the individual operators become more insular. Such a trend, if it occurs, could generate a need to establish some other mechanism to assure uniform minimum criteria for design and component maintenance for all passenger equipment. FRA is also concerned because the AAR

recommended practices do not address issues such as the flammability and smoke emission characteristics of the components used in the construction of passenger equipment.

Although the occurrence of injury-threatening fires on rail passenger cars is rare, the fire that occurred aboard a sleeping car near Gibson, California on June 23, 1982 illustrates the existence of a potential problem. To address this issue, at least on an interim basis, FRA will publish in a subsequent issue of the Federal Register recommended guidelines on the flammability and smoke emission characteristics for materials to be used in all new and rebuilt passenger cars. The degree of voluntary adherence to these guidelines must still be determined and will strongly influence the need for future additional action in this important area.

A second factor prompting FRA's analysis of the possible need to adopt uniform standards is the technological developments and operational changes in passenger service that may have reduced the effectiveness of some of FRA's existing rules. These changes, which have been introduced gradually, have been widely adopted. For example, passenger cars of recent vintage are usually equipped with disc brakes rather than the traditional clasp brakes found on freight cars, and the use of cab control equipment is now widespread. The use of disc brakes is not addressed by the FRA's rules, and the operational changes due to cab control equipment limit the necessity of meeting certain FRA inspection and testing requirements that are triggered by the disassembly and reassembly of passenger trains.

FRA believes that the future import of these technological and operational changes should be explored in a public forum. Although FRA has responded elsewhere in today's Federal Register to the AAR interchange rule elimination so as to obviate any potential confusion about the proper inspection and testing intervals for passenger car brakes, there may still be a need for additional changes to these rules.

Public Participation Requested

FRA is initiating this Safety Inquiry to facilitate a discussion of these issues and to provide an opportunity for meaningful participation by all affected parties. Accordingly, a public hearing will be held on May 29, 1984 in Washington, D.C.

FRA specifically requests that the National Railroad Passenger Corporation (Amtrak), the American Public Transit Association (APTA), the Association of American Railroads (AAR), the American Short Line

Railroad Association (ASLRA), public authorities that operate commuter rail passenger service, other rail carriers that transport passengers, rail passenger organizations, rail labor and employee organizations, and other interested parties, participate actively in the hearing by providing knowledgeable witnesses and pertinent technical, manufacturing, safety and cost data. FRA asks that these witnesses be prepared to present detailed information on their positions.

Prepared statements should be submitted at least seven days before the hearing date to the Docket Clerk, Office of Chief Counsel (RCC-30), Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

Persons desiring to participate in the hearing should notify the Docket Clerk at least seven days before the appropriate hearing and indicate the amount of time they will need to present their views.

(Secs. 202 and 208, Federal Railroad Safety Act of 1970 (45 U.S.C. 431 and 437). Sec. 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49(n)).

Issued in Washington, D.C. on January 13, 1984.

John H. Riley,
Administrator.

Appendix A—Long Distance Rail Passenger Operators and Commuter Operators/Authorities

Long Distance Rail Passenger Operators

Alaska Railroad
National Railroad Passenger Corporation (Amtrak)

Commuter Operators and Authorities

—Private Railroads Providing Contract Service—

Boston and Maine Corporation
Burlington Northern Railroad Company
Baltimore and Ohio Railroad Company
Chicago and North Western Transportation Company
Chicago South Shore and South Bend Railroad
Grand Trunk Western Railroad Company
Illinois Central Gulf Railroad
National Railroad Passenger Corporation (Amtrak)
Norfolk and Western Railway Company
Southern Pacific Transportation Company

—Public Railroads and Authorities—

Long Island Rail Road Company
Metro North Commuter Railroad

New Jersey transit Rail Operations,
Inc.
Northeast Illinois Regional Commuter
Rail Corporation

Pittsburgh and Lake Erie Railroad
Port Authority Trans-Hudson
San Diego Metropolitan Transit
Development Board

Southeastern Pennsylvania
Transportation Authority
Staten Island Rapid Transit Operating
Authority

RAIL PASSENGER SERVICE OPERATORS

Metropolitan area and operation	Authorizing agency	Route miles	Employees		Equipment		Passenger miles (annual) (millions)	No. of passengers (annual) (millions)	No. of trains (annual)
			Operating	Mechanical	Locomotives ¹	Coaches			
I. Long Distance:									
Nationwide: National Railroad Passenger Corporation	U.S. Department of Transportation	23,000	2,100	5,941	364	2,003	4,002	19.0	76,683
State of Alaska: Alaska Railroad	U.S. Department of Transportation	654	156	158	14	44	14	0.2	554
Subtotal: Long Distance		23,654	2,256	6,099	378	2,047	4,016	19.2	77,237
II. Commuter: Boston & Maine Corp.									
Massachusetts Bay Transportation Authority	Massachusetts Bay Transportation Authority	242	352	292	153	82	175	10.0	70,200
New York/New Jersey/Connecticut:									
Long Island Railroad	Metropolitan Transportation Authority	323	1,882	2,185	856	246	2,319	83.0	231,556
Metro North Commuter Railroad	Metropolitan Transportation Authority	268	1,500	1,700	682	152	1,326	47.7	194,000
Staten Island Rapid Transit Oper. Authority	Metropolitan Transportation Authority	15	84	40	52		47	5.7	45,656
New Jersey Transit Rail Operations	New Jersey Transit Corporation	272	1,342	772	619	292	721	33.5	132,236
Port Authority Trans. Hudson	Port Authority of New York and New Jersey	15	298	246	298		255	53.0	312,569
Subtotal: NY/NJ/CN		893	5,106	4,923	2,507	680	4,668	222.9	916,017
Philadelphia: Southeastern Pennsylvania Transit Authority	Southeastern Pennsylvania Transit Authority	260	433	380	351		115	19.6	195,846
Baltimore/Washington, D.C.:									
Baltimore and Ohio Railroad Company	Maryland Department of Transportation	111	68	26	15	22	17	1.3	4,572
National Railroad Passenger Corporation	Maryland Department of Transportation	40	9	N/A	12	0	14	5	2,520
Pittsburgh:									
Pittsburgh and Lake Erie Railroad	Beaver County Transportation Authority	31	14	16	2	4	2	0.1	512
Baltimore and Ohio Railroad Company	Port Authority of Allegheny County	17	44	17	5	7	5	0.3	5,080
Detroit: Grand Trunk Western Railroad Company (not in service)	Southeastern Michigan Transportation Authority	26	15	15	5	30	4	0.3	1,530
Chicago:									
Northeast Illinois Regional Commuter Rail Corporation	Regional Transportation Authority	133	338	271	107	144	274	13.0	37,250
Burlington Northern	Regional Transportation Authority	38	115	124	51	105	220	11.6	19,552
Chicago and Northwestern Transit Company	Regional Transportation Authority	168	240	337	126	232	505	21.8	47,151
Illinois Central Gulf	Regional Transportation Authority	77	168	235	171		228	12.0	57,824
Norfolk and Western	Regional Transportation Authority	23	10	22	4	11	16	0.8	1,040
Chicago South Shore and South Bend Railroad	Northern Indiana Transportation District	90	59	52	44		63	2.4	3,120
Subtotal		529	930	1,041	503	492	1,306	61.6	165,937
San Francisco: Southern Pacific Transportation Company	California Department of Transportation	47	192	62	11	83	116	4.5	13,954
San Diego: San Diego Trolley Incorporated	City of San Diego	16	29	25	24		33	4.0	49,244
Subtotal: Commuter		2,212	7,192	6,797	3,598	1,410	6,455	325.1	1,425,212
Grand Total		25,866	9,448	12,996	3,966	3,457	10,471	344.3	1,502,449

¹ Also includes passenger cars capable of being self-propelled.

² Does not include carrier personnel.

[FR Doc. 84-1260 Filed 1-16-84; 8:45 am]

BILLING CODE 4910-06-M

UNITED STATES INFORMATION AGENCY

Advisory Panel on International Educational Exchange; Meeting

The Advisory Panel on International Educational Exchange will hold its

fourth meeting on Saturday and Sunday, January 28 and 29, 1984, at the Time-Life Building, Avenue of the Americas and West 51st Street, New York City.

The meeting will have as its main business the drafting of an interim report to the Director of the U.S. Information Agency identifying issues of major concern in international

educational exchange. Discussions at the meeting will center on the national interest in international educational exchange affecting programs in both the public and private sectors. Premature disclosure of this information is likely to frustrate significantly implementation of Advisory Panel recommendations because they will involve a discussion

of future Agency policies and programs (5 U.S.C. 552(c)(9)(B)).

The agenda for this meeting follows:

Saturday, January 28, 1984

9:00 a.m.—12:30 p.m.

Formal approval of the minutes of the third meeting of the Advisory Panel

Work on draft interim report to the Director of the U.S. Information Agency on Advisory Panel activities

12:30 p.m.—2:00 p.m.

Luncheon

2:00 p.m.—4:30 p.m.

Continue work on draft interim report

Sunday, January 19, 1984

10:00 p.m.—12:30 p.m.

Continue work on draft interim report

12:30 p.m.—2:00 p.m.

Luncheon

2:00 p.m.—3:30 p.m.

Finalize and approve interim report

3:30 p.m.—4:30 p.m.

Discussion of arrangement for formal presentation of the interim report to the Director of the U.S. Information Agency
Discussion of arrangements for fifth and sixth meetings of the Advisory panel

Adjournment

Determination to Close Advisory Panel Meeting of January 28/29, 1984

Based on the information provided to the United States Information Agency by the Advisory Panel on International Educational Exchange, I hereby determine that the meeting scheduled by the Panel for January 28 and 29, 1984, may be closed to the public.

The Advisory Panel on International Educational Exchange has requested that its January 28-29, 1984, meeting be closed because it will involve the drafting of an interim report to the Director of the United States Information Agency identifying issues of major concern in international educational exchange. Premature disclosure of this information is likely to frustrate significantly implementation of Advisory Panel recommendations because they will involve a discussion of future Agency policies and programs.

(5 U.S.C. 552b(c)(9)(B))

Dated: January 10, 1984.

Charles Z. Wick,
Director.

[FR Doc. 84-1130 Filed 1-16-84; 8:45 am]

BILLING CODE 8230-01-M

United States Advisory Commission on Public Diplomacy; Meeting

The United States Advisory Commission on Public Diplomacy will

meet on January 18, 1984 at 11 a.m. in Room 840, 301 Fourth Street, SW., Washington, D.C. Thomas Harvey, General Counsel of the U.S. Information Agency, will discuss Congressional relations activities with USIA. Because the Chairman of the Commission has been out of the country, a decision to hold this meeting could not be made previously.

Please call Elizabeth Fahl, (202) 485-2468, if you plan to attend the meeting because entrance to the building is controlled.

Dated: January 11, 1984.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 84-1131 Filed 1-16-84; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration 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). This document contains a proposed new collection, an extension, and a revision and lists the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (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 fill out the form; and (8) An indication of whether section 3504(h) of Public Law 96-511 applies.

ADDRESS: Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-6880.

DATES: Comments on the forms should be directed to the OMB Desk Officer on or before March 19, 1984.

Dated: January 12, 1984.

By direction of the Administrator,

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Extension

1. Department of Veterans Benefits
2. Verification of Pursuit of Course Leading to a Standard College Degree
3. VA Form 22-6553
4. On occasion
5. Farms, non-profit institutions, small business or organizations
6. 4,326 responses
7. 71,379 hours
8. Not applicable

Revision

1. Department of Veterans Benefits
2. Claim for Monthly Payments, National Service Life Insurance
3. VA Form 29-4125a
4. On occasion
5. Individuals or households
6. 14,420 responses
7. 3,605 hours
8. Not applicable

New Collection

1. Department of Veterans Benefits
2. Verification of VA-Related Indebtedness
3. VA Form 26-8937
4. On occasion
5. Individuals or households
6. 80,000 responses
7. 6,667 hours
8. Not applicable

[FR Doc. 84-1024 Filed 1-16-84; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30367]

Pocono Northeast Railway, Inc.—Trackage Rights Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts Pocono Northeast Railway, Inc., from the requirements of prior approval under 49 U.S.C. 11343 in connection with its acquisition of overhead trackage rights over a 3.2-mile line owned by Delaware and Hudson Railway Company in Scranton, PA.

DATES: Exemption effective on January 16, 1984. Petitions to reopen must be filed by February 6, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30367 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423;
- (2) Petitioner's representative: Peter A. Gilbertson, Witkoski, Weiner, McCaffrey and Brodsky, P.C., 1575 Eye Street, NW., Washington, DC 20005, (202) 628-2000.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: January 10, 1984.

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

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1420 Filed 1-16-84; 11:27 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 49, No. 11

Tuesday, January 17, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION

January 11, 1984.

Change in Time for Closed Meeting To Issue Instructions Following Oral Argument

The Federal Communications Commission previously announced on December 21, 1983 its intention to hold a closed meeting for issuing instructions after hearing Oral Arguments in the Chicago cellular proceeding (CC Docket No. 82-721) and the Pittsburg cellular proceeding (CC Docket No. 82-796).

This closed meeting has now been rescheduled to be held following the Regular Open and Closed Meetings, Thursday, January 12, 1984, in Room 856, at 1919 M Street NW., Washington, D.C.

The meeting may be continued the following work day to allow the Commission to complete appropriate action.

The prompt and orderly conduct of Commission business requires this change and no earlier announcement of the change was possible.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-1206 Filed 1-12-84; 5:03 pm]

BILLING CODE 6712-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 11, 1984.

TIME AND DATE: 10:00 a.m., Wednesday, January 18, 1984.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Roger Sammons v. Mine Services, Inc., Docket No. SE 82-15-D. (Issues include whether the judge erred in concluding that the miner was not discriminatorily discharged in violation of the Mine Act.)

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen, agenda clerk; (202) 653-5632.

Jean Ellen,

Agenda Clerk.

[FR Doc. 84-1236 Filed 1-13-84; 10:24 am]

BILLING CODE 6735-01-M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 12, 1984.

TIME AND DATE: 10:00 a.m., Wednesday, January 25, 1984.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Secretary of Labor, MSHA on behalf of Phillip Cameron, and United Mine Workers of America v. Consolidation Coal Company, Docket No. WEVA 82-190-D. (Issues include whether the judge erred in dismissing the miners' discrimination complaint)

TIME AND DATE: Following oral argument.

STATUS: Closed (pursuant to 5 U.S.C. § 552b(c)(10))

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the above case.

It was determined by a majority vote of Commissioners that this meeting be closed.

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen, agenda clerk; (202) 653-5632.

Jean Ellen,

Agenda Clerk.

[FR Doc. 84-1305 Filed 1-13-84; 3:21 pm]

BILLING CODE 6735-01-M

4

INTERNATIONAL TRADE COMMISSION [USITC SE-84-5]

TIME AND DATE: 2:30 p.m., Tuesday, January 24, 1984.

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. Ratifications.
4. Petitions and complaints:
 - a. Certain vacuum bottles (Docket No. 1010).
5. Investigation TA-406-10 (Ferrosilicon from the U.S.S.R.)—briefing and vote on injury.
6. 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. 84-1311 Filed 1-13-84; 3:59 pm]

BILLING CODE 7020-02-M

5

INTERNATIONAL TRADE COMMISSION: EXECUTIVE RESOURCES BOARD (ERB)

[USITC ERB-84-1]

TIME AND DATE: 11:00 a.m., Tuesday, January 24, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Issues

1. OPM Sponsored Women's Executive Leadership Program.
2. New Executive Development Program Participants Individual Development Plans.
3. Presidential Exchange Nominations.
4. Robert Hughes' SES Developmental Program.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason, Secretary; (202) 523-0161.

Kenneth R. Mason,
Secretary.

[FR Doc. 84-1312 Filed 1-13-84; 3:59 pm]

BILLING CODE 7020-02-M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE-84-6]

TIME AND DATE: 10:00 a.m., Thursday, January 26, 1984.**PLACE:** Room 117, 701 E Street, NW., Washington, D.C. 20436.**STATUS:** Open to the public.**MATTERS TO BE CONSIDERED:**

1. Investigation TA-406-10 (Ferrosilicon from the U.S.S.R.)—briefing and vote on remedy, if necessary.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary; (202) 523-0161.
Kenneth R. Mason,
Secretary.

[FR Doc. 84-1313 Filed 1-13-84; 3:59 pm]

BILLING CODE 7020-02-M

7

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-84-4]

TIME AND DATE: 9 a.m., Tuesday, January 24, 1984.**PLACE:** Conference Rooms 8 ABC, 8th Floor, 800 Independence Ave., SW., Washington, D.C. 20594.**STATUS:** Open.**MATTERS TO BE CONSIDERED:**

1. *Aircraft Accident Report:* Eastern Air Lines, Inc., Lockheed L-1011, N3343EA, Miami, Florida, May 5, 1983.

2. *Recommendations* to the Federal Aviation Administration regarding flightcrew and flight attendant emergency training, lifevest standards, and FAA maintenance surveillance activities.

3. *Recommendation* to Federal Aviation Administration regarding installation of evacuation devices meeting TSO-C69A on newly manufactured aircraft and removal from service of devices which do not meet order.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming; (202) 382-6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

January 13, 1984.

[FR Doc. 84-1279 Filed 1-13-84; 8:45 am]

BILLING CODE 4910-58-M

8

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

AGENCY HOLDING THE MEETING: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council)

ACTION: Notice of meeting to be held pursuant to the Government in the Sunshine Act (5 U.S.C. 552b).

STATUS: Open.**TIME AND DATE:** 10:00 a.m., January 17, 1984.**PLACE:** Small Auditorium, Sea-Tac Airport, Seattle, Washington.

MATTERS TO BE CONSIDERED: This will be a portion of a meeting of the Council's Fish and Wildlife Committee at which a quorum of the full Council may be present. That portion of the meeting will consist of a consultation to discuss Phase I of the Anadromous Fish Program Goals Study. The consultation was publicly announced on January 9, 1984 with the mailing of a notice to the 60 entities on the Council's fish and wildlife consultation mailing list and the Council's Fish Propagation Panel. At its January 12 meeting in Seattle, Washington, the Council, by recorded vote, determined that agency business required that notice of the potential presence of a quorum of the Council at the consultation could not be issued earlier. Such notice was subsequently issued at the earliest practicable time.

FOR FURTHER INFORMATION CONTACT:

Ms. Bess Wong (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-1264 Filed 1-13-84; 12:11 pm]

BILLING CODE 0000-00-M

federal register

**Tuesday
January 17, 1984**

Part II

**Department of
Justice**

**Office of Juvenile and Delinquency
Prevention**

**Position Statement on Minimum
Requirements of Section 223(a)(14) of
the JJDP Act, as Amended; Notice**

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and
Delinquency PreventionPosition Statement on Minimum
Requirements of Section 223(a)(14) of
the JJDP Act, as Amended

AGENCY: Office of Juvenile Justice and
Delinquency Prevention.

ACTION: Notice of issuance of position
statement on the minimum requirements
of the jail removal mandate of Section
223(a)(14) of the Juvenile Justice and
Delinquency Prevention (JJDP) Act, as
amended.

SUMMARY: The Office of Juvenile Justice
and Delinquency (OJJDP) is issuing a
position statement on the minimum
requirements of Section 223(a)(14) of the
JJDP Act. The position statement
addresses the jail removal requirements
when a juvenile facility and an adult jail
or lockup is in the same building or on
the same grounds.

In determining whether or not a
facility in which juveniles are detained
or confined is an adult jail or lockup
under the requirements of Section
223(a)(14), OJJDP will assess the
separateness of the two facilities by
determining whether four requirements
contained in the position statement are
met.

SUPPLEMENTARY INFORMATION:

Position Statement: Minimum
Requirements for Juvenile Justice and
Delinquency Prevention Act, Section
223(a)(14) (Jail Removal)

I. Background

Section 223(a)(14) of the Juvenile
Justice and Delinquency Prevention Act
of 1974, as amended, requires States, as
a condition for the receipt of formula
grant funds, to: "provide that . . . no
juvenile shall be detained or confined in
any jail or lockup for adults. . . ."

States have until December, 1985 to
achieve compliance with this statutory
provision. Section 223(c) of the Act
allows two additional years, if
substantial compliance is achieved by
December, 1985.

The definitions of an adult jail and an
adult lockup, as contained in 28 CFR
Part 31, Subpart 31.304 (m) and (n),
dated December 31, 1981, are:

Adult jail. A locked facility,
administered by State, county, or local
law enforcement and correctional
agencies, the purpose of which is to
detain adults charged with violating
criminal law, pending trial. Also
considered as adult jails are those
facilities used to hold convicted adult

criminal offenders sentenced for less
than one year.

Adult Lockup. Similar to an adult jail
except that an adult lockup is generally
a municipal or police facility of a
temporary nature which does not hold
persons after they have been formally
charged.

States and localities have told OJJDP
that the application of the definition of
an adult jail and lockup has presented
difficulty where a separate juvenile
detention facility and an adult jail or
lockup share a common building or are
on common grounds. To assist in
resolving this issue an OJJDP position
statement is being provided.

In determining whether removal,
pursuant to the statute, has been
accomplished when the juvenile and
adult facilities are in a common building
or on common grounds, OJJDP will, upon
request by the State, assess whether the
juvenile and adult facilities are separate;
i.e., that there are separate structural
areas, staffs, administrations, and
programs.

Set forth below are requirements
which will be used to determine
acceptability in the event both juveniles
and adults are detained in one physical
structure. Additionally, while these
requirements are mandatory, it is noted
that special and unique conditions may
allow deviations from the statute. Such
conditions will be addressed on a case-
by-case basis.

Following the statement of
"MANDATORY REQUIREMENTS" is a
discussion of factors which are
recommended to the states and which
will be used by OJJDP in determining
whether the criteria have been met. In
addition, OJJDP has available many
standards, policies and conditions of
juvenile detention which will help
jurisdictions meet the norm of good
practice, meet accreditation standards,
and meet legal requirements associated
with detaining juveniles. This
information is available from OJJDP.

II. Mandatory Requirements

In determining whether or not a
facility in which juveniles are detained
or confined is an adult jail or lockup
under the requirements of Section
223(a)(14), in circumstances where the
juvenile and adult facilities are located
in the same building or on the same
grounds, each of the following four
criteria must be met in order to ensure
the requisite separateness of the two
facilities:

A. Total separation between juvenile
and adult facility spatial areas such that
there could be no haphazard or
accidental contact between juvenile and

adult residents in the respective
facilities.

B. Total separation in all juvenile and
adult program activities within the
facilities, including recreation,
education, counseling, health care,
dining, sleeping, and general living
activities.

C. Separate juvenile and adult staff,
including management, security staff,
and direct care staff such as
recreational, educational, and
counseling. Specialized services staff,
such as cooks, bookkeepers, and
medical professionals who are not
normally in contact with detainees or
whose infrequent contacts occur under
conditions of separation of juveniles and
adults, can serve both.

D. In states that have established
state standards or licensing
requirements for secure juvenile
detention facilities, the juvenile facility
meets the standards and is licensed as
appropriate.

III. Discussion

The four mandatory requirements
must be fully met to ensure juveniles are
not placed in, or subjected to, the same
environment as adult offenders, thus
meeting the minimum requirements of
Section 223(a)(14) of the JJDP Act, as
amended. In determining whether the
criteria are met, the following list of
factors is provided and will be used by
OJJDP. Although the list is not
exhaustive, it does enumerate
conditions which enhance the
separateness of juvenile and adult
facilities when they are located in the
same building or on the same grounds.

A. Juvenile staff are employee full-
time by a juvenile service agency or the
juvenile court with responsibility only
for the conduct of the youth-serving
operations. Juvenile staff are specially
trained in the handling of juveniles and
the special problems associated with
this group.

B. A separate juvenile operations
manual, with written procedures for
staff and agency reference, specifies the
function and operation of the juvenile
program.

C. There is minimal sharing between
the facilities of public lobbies or office/
support space for staff.

D. Juveniles do not share direct
service or access space with adult
offenders within the facilities including
entrance to and exit from the facilities.
All juvenile facility intake, booking and
admission processes take place in a
separate area and are under the
direction of juvenile facility staff. Secure
juvenile entrances (sally ports, waiting
areas) are independently controlled by

juvenile staff and separated from adult entrances. Public entrances, lobbies and waiting areas for the juvenile detention program are also controlled by juvenile staff and separated from similar adult areas. Adult and juvenile residents do not make use of common passageways between intake areas, residential spaces, and program/service spaces.

E. The space available for juvenile living, sleeping and the conduct of juvenile programs conforms to the requirements for secure juvenile detention specified by prevailing case law, prevailing professional standards of care, and by State code.

F. The facility is formally recognized as a juvenile detention center by the State agency responsible for monitoring, review, and/or certification of juvenile detention facilities under State law.

Certification of an area to hold juveniles within an adult jail or lockup (as provided by some State codes) may not conform to this. Basically, the State does not license the facility in which juveniles are held as a jail or lockup.

These and other conditions would serve to enhance the separateness of juvenile and adult facilities located in the same building or on the same grounds, thus ameliorating the destructive nature of juvenile jailing cited by Congress as the foundation for the 1980 amendment requiring removal of juveniles from adult jails and lockups.

In most cases, the States should have little difficulty in applying these four requirements and related factors to determine if sufficient separation exists to justify OJJDP concurring with a state finding that a separate juvenile

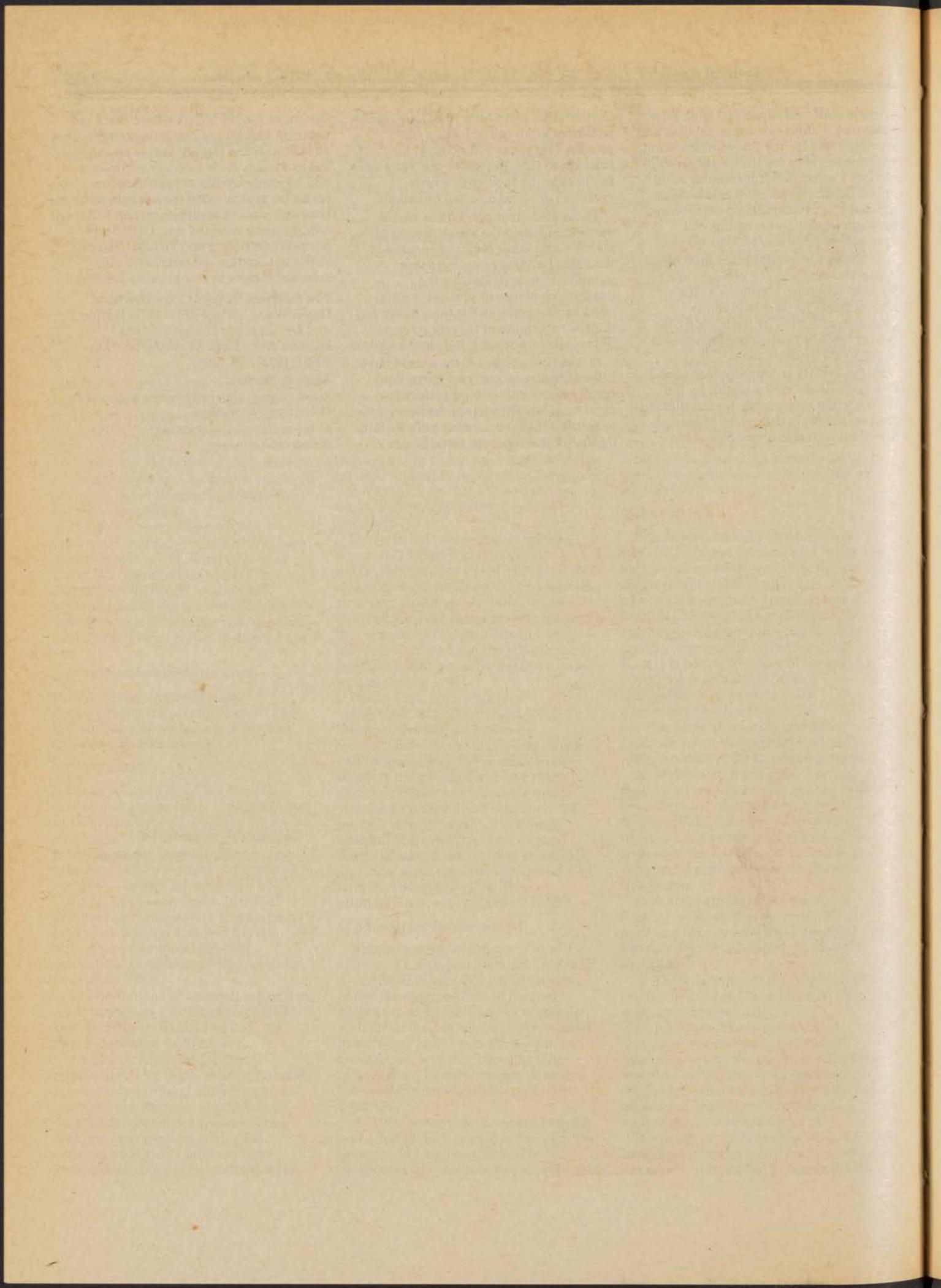
detention facility exists where there is a common building or common grounds situation with a facility that is an adult jail or lockup. A *de minimis* allowance will be made for the occasions when juveniles are detained for a length of time and under conditions not in conformance with the Act. OJJDP will provide assistance and advice to States in the application of the criteria and relevant factors to any specific situation.

FOR FURTHER INFORMATION CONTACT:
Doyle Wood, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Ave., NW., Washington, D.C. 20531, (202) 724-8491.

Alfred S. Regnery,
Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 84-1143 Filed 1-16-84; 8:45 am]

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federal register

Tuesday
January 17, 1984

Part III

Environmental Protection Agency

40 CFR Part 60

**Standards of Performance for New
Stationary Sources; Fluid Catalytic
Cracking Unit Regenerators; Proposed
Rule and Public Hearing**

**ENVIRONMENTAL PROTECTION
AGENCY**
40 CFR Part 60
[AD-FRL-2184-8]
**Standards of Performance for New
Stationary Sources; Fluid Catalytic
Cracking Unit Regenerators**
AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed standards would limit emissions of sulfur oxides (SO_x) from new, modified, and reconstructed fluid catalytic cracking unit (FCCU) regenerators. The proposed standards implement Section 111 of the Clean Air Act and are based on the Administrator's determination that emissions from petroleum refineries cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intent is to require new, modified, and reconstructed FCCU regenerators at petroleum refineries to use the best demonstrated system of continuous emission reduction, considering costs, environmental, energy, and nonair quality health impacts.

A public hearing will be held to provide interested persons and opportunity for oral presentations of data, views, or arguments concerning the proposed standards.

DATES: *Comments.* Comments must be received on or before April 3, 1984.

Public Hearing. If any one contacts EPA requesting to speak at a public hearing by February 28, 1984. A public hearing will be held on March 6, 1984 beginning at 9:00 a.m. Persons interested in attending the hearing should call Mrs. Shelby Journigan at (919) 541-5578 to verify that a hearing will occur.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by February 28, 1984.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-79-09, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by February 28, 1984, the public hearing will be held at ERC Auditorium RTP, North Carolina. Persons interested in attending the hearing should call Mrs. Shelby Journigan at (919) 541-5578 to verify that a hearing will occur. Persons

wishing to present oral testimony should notify Mrs. Shelby Journigan Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

Background Information Document. The background information document (BID) for the proposed standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Fluid Catalytic Cracking Unit Regenerators—Background Information for Proposed Standards," EPA-450/3-82-013a.

Docket. Docket Number A-79-09, containing supporting information used in developing the proposed standards, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Susan Wyatt, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

SUPPLEMENTARY INFORMATION: A background information document has been prepared that contains information on fluid catalytic cracking unit operations, available control technologies for sulfur oxides (SO_x) emissions, and analysis of the environmental, energy, and economic impacts of regulatory alternatives. The information contained in this document is summarized in this preamble. All references used for the information contained in the preamble can be found in this document.

Proposed Standards

The proposed standards would limit SO_x emissions from new, modified, and reconstructed FCCU regenerators. The proposed standards would require 90 percent SO_x (reported as SO₂) emission reduction or 50 vppm SO_x in the flue gas, whichever is less stringent.

However, if the emissions with no add-on control device are less than 9.8 kg of SO_x/1,000 kg of coke burn-off in the regenerator or the sulfur content of the fresh FCCU feed is less than 0.30 weight percent, the regenerator would not be required to meet the limit of 90 percent emission reduction or 50 vppm. The 90 percent emission reduction or 50 vppm requirement is based on the use of flue gas desulfurization (FGD)

equipment. Plant owners or operators may choose, however, to use SO_x reduction catalysts, hydrotreaters, or low sulfur feeds to meet the 9.8 kg SO_x/1,000 kg coke burn-off or 0.30 cut-offs. For the purposes of the proposed standards, the regenerator combustion air blower(s) is considered part of the regenerator.

The proposed standards define a "fluid catalytic cracking unit" to include fluidized bed treatment processes requiring the continuous regeneration of catalyst or contract materials by burning off coke and other deposits. New, modified, and reconstructed refinery process units fitting this definition would be required to achieve the FCCU carbon monoxide, particulate, and opacity standards and the proposed SO_x standard.

To determine compliance with the proposed standard (except for the feed sulfur level requirement), Reference Methods 1 through 4 and Method 8 in Appendix A of 40 CFR Part 60 would be used. Continuous monitoring of the concentration of SO₂ in the regenerator flue gas would be required to ensure that SO_x control systems are being properly operated and maintained. To determine compliance with the proposed alternate feed sulfur level standard, ASTM methods D129, D1266, D1552, or D2622 would be used. A regular sampling and analysis program would be required to ensure that the sulfur content of the fresh feed to the FCCU remains, on average, below 0.3 weight percent. For the proposed standards, reporting of periods of excess SO₂ emissions or excess feed sulfur levels is required. Refiners would have to keep records of all monitoring data for 2 years in accordance with the General Provisions.

The proposed standards would also amend the standards in Subpart J for fuel gas combustion devices by deleting an incorrect duplication of the definition of excess emissions of SO₂.

Summary of Environmental, Energy, and Economic Impacts

The proposed emission standard is based in the use of flue gas scrubbers, which have been demonstrated on FCCU's. However, it is expected that many refiners would use an SO_x reduction catalyst, naturally occurring low sulfur FCCU feeds, or hydrotreated FCCU feeds to meet the proposed standards. The proposed standards would reduce the estimated nationwide SO_x emissions from a projection of 17 newly constructed, modified, and reconstructed FCCU regenerators by about 69,000 Mg/year, assuming FGD is

used for all facilities with feed sulfur levels above 0.30 percent, or by about 63,000 Mg/yr, assuming those same facilities are able to use SO_x reduction catalysts to maintain emissions below 9.8 kg SO_x/1,000 kg coke burn-off.

If sodium-based flue gas scrubbers were used to control SO_x emissions from newly constructed, modified, and reconstructed FCCU regenerators, wastewater discharges would increase by about 2.2 Mm³/yr in the fifth year of the standards. The treated discharges from sodium-based systems would contain about 90 Mg/yr of suspended solids and chemical oxygen demand (COD), and about 110 Gg/yr of dissolved solids in the fifth year of the standards. These wastewater discharges would constitute a small portion of the total refinery wastewater flow. Sodium-based scrubbers may not be applicable in inland refinery locations or areas where water availability or wastewater discharge is restricted. Other SO_x control systems which can reduce the quantity of water required or wastewater discharged are available. The Wellman-Lord, dual alkali, citrate, and spray drying systems have lower water and wastewater requirements than sodium-based scrubbers. These systems are similar in cost to the sodium-based scrubber. Wastewater discharges would not increase with the use of SO_x reduction catalysts.

Solid waste impacts occur as a result of particulate capture and sludge production by scrubbers. The particulates captured by scrubbing systems are mainly catalyst fines. Emissions of particulates are limited to 1.0 kg of particulate/1,000 kg of coke burn-off in the regenerator under an existing standard. Since particulate control would be required in the absence of an SO_x standard, the proposed standard does not incrementally increase the dry weight of solid wastes due to particulate capture. In a scrubber, these solids would be wet and thus be heavier and encompass a larger volume than the dry wastes which would be collected if an electrostatic precipitator were used to meet the particulate standard.

Sodium-based scrubbers would produce about 14 Gg/yr of solid wastes in the fifth year of the standard. Other types of scrubber systems also produce solid wastes. The amount of sludge produced varies significantly depending on the type of scrubber system. In the worst case situation, if the proposed standards were met by only using dual alkali scrubbers, solid waste discharges would increase by about 250 Gg/yr in the fifth year of the standard. The use of

SO_x reduction catalysts would cause no increase in solid waste.

The proposed standards would have small impacts on nationwide energy consumption. Scrubbers would increase FCCU energy consumption for new and modified/reconstructed units from about 0.2 to 2.0 percent, depending on the regeneration mode of the FCCU and type of venturi scrubber used. SO_x reduction catalysts would have a negligible impact on FCCU energy consumption.

The proposed standards would result in a total nationwide capital cost for SO_x control during the first 5 years after the effective date of the standards of about \$72 million, assuming scrubbers are used for all facilities with feed sulfur levels above 0.30 percent. The use of the catalyst technology would require little outlay for capital equipment. Fifth-year annual cost if the same facility operate scrubbers would be about \$35 million under the proposed standards. Operational costs of using the emerging catalyst technology would be about \$10 million to \$20 million if SO_x reduction catalysts were used by all affected facilities with feed sulfur levels above 0.30 percent to meet the proposed standards.

The economic impact of the proposed standards would be small even if all plants use flue gas scrubbers. Price increases in refined products to account for costs of meeting the proposed standards are, at most, 0.4 percent. Even without passing through price increases, the proposed standards are not expected to reduce the profitability of FCCU operations to the point where planned investments would be postponed. The proposed standards would not adversely affect the construction of new FCCU's.

Rationale

Selection of Source and Pollutants

New source performance standards (NSPS) for petroleum refineries were promulgated on March 8, 1974 (39 FR 9315). These standards regulate the emission of particulate matter and carbon monoxide, and the opacity of flue gases from FCCU regenerators and FCCU regenerator carbon monoxide incinerator-waste heat boilers. These regulations apply to any affected facility which commenced construction or modification after June 11, 1973. Standards promulgated on March 15, 1978, (43 FR 10868) regulate the emissions of SO₂ from fuel gas combustion devices.

Catalytic cracking is a petroleum refinery process in which hydrocarbon molecules in the presence of a catalyst

are fractured or broken into smaller molecules. The catalyst allows the selective fracturing of heavy distillates to light products. At many petroleum refineries, catalytic cracking is used to convert gas oils or residual feedstocks into gasoline and middle distillate blending stocks. Catalytic cracking is also used to produce light olefins, such as propylenes and butylenes, for gasoline alkylation and petrochemical production, and to produce cycle oils for use as blending components in heating oils and fuel oils.

Fluid catalytic cracking is a continuous process that involves the mixing of the feedstock with a stream of fine, suspended, catalyst particles. Upon completion of the cracking reactions, the cracked hydrocarbon vapors pass to a fractionating column where the vapors are distilled into the desired products. The spent catalyst, deactivated during the cracking process, is transferred to a regenerator. There, a carbon residue called coke, which deposits on the catalyst particles during the cracking reaction, is burned off. The reactivated catalyst is then recycled back to the catalytic cracking process. Particulate matter, carbon monoxide (CO), SO_x, nitrogen oxides (NO_x), and volatile organic compounds (VOC) are emitted to the atmosphere from the regenerator as a consequence of coke combustion.

The Clean Air Act amendments of 1977 require that the Administrator review and, if appropriate, revise established standards for new stationary sources at least every 4 years (Section 111(b)(1)(B)). On the basis of a review of compliance data available in the Agency's regional offices and a review of literature describing recent control technologies applicable to FCCU regenerators, the Agency concluded on October 22, 1979, (44 FR 60759) that the existing regulations for particulates and CO accurately reflect the performance capability of best demonstrated control technologies (considering cost, nonair quality, health and environmental, and energy impacts) and, hence, that revisions are not necessary at this time. The proposed amendments to Subpart J do not change the existing standards for particulates and CO. The existing regulations do not include emission limits for NO_x, SO_x, and VOC.

The potential SO_x emissions from new, modified, and reconstructed FCCU regenerators are significant. FCCU regenerators emit both SO₂ and sulfur trioxide (SO₃). Data from source tests indicate that SO₃ usually comprises less than 10 percent of the total SO_x emissions. However, with high excess air and certain types of catalysts or

catalyst additives, SO₂ can comprise a substantial portion of the SO_x emissions. FCCU's currently emit an estimated 413,000 Mg/year of SO_x. Over 100 Mg/day of SO_x can be emitted by a large unit. These values are expected to increase in the future as the availability of low sulfur feeds decreases. Baseline emissions of SO_x from new, modified, and reconstructed FCCU's are expected to be about 78,800 Mg/yr by 1987.

The 4-year review of standards for petroleum refineries identified technologies that are demonstrated for the control of SO_x emissions from FCCU regenerators. Based on the existence of these control technologies, it was concluded in the review that a program should be undertaken to assess the applicability, cost, performance, and nonair environmental impacts of these technologies. As a result of this assessment, the Agency concluded that there exists for controlling these emissions a system that is adequately demonstrated within the meaning of Section 111(a)(1). Therefore, the Agency decided to develop a standard for SO_x emissions. Such a standard would control both SO₂ and SO₃ emissions from FCCU regenerators.

Nitrogen oxides form mainly from the oxidation of nitrogen compounds in the catalyst coke. New, modified, and reconstructed FCCU's could, by 1987, emit 700 to 7,000 Mg of NO_x per year, based on current emission levels. NO_x emissions may increase beyond these projected levels if the nitrogen content of FCCU feedstocks increases. There are no demonstrated technologies for the control of NO_x emissions from FCCU's. Results of a program undertaken by EPA to assess baseline NO_x emissions do not indicate that an SO_x standard which would increase the use of the emerging SO_x reduction catalyst technology would increase NO_x emissions. NO_x emissions can be reassessed at the next 4-year review of this standard when SO_x reduction catalysts are in commercial use to determine if these catalysts increase NO_x emissions from FCCU's.

VOC emissions are of concern because of their roles as oxidant precursors and as potentially hazardous compounds. VOC emission levels from FCCU regenerators using high temperature (*in situ*) regeneration or from regenerators using CO oxidation promoting catalysts, however, are unknown. The 4-year review of new source performance standards for petroleum refineries (October 2, 1979, 44 FR 60759) identified this as an area for future study by EPA's Office of Research and Development. VOC emissions from FCCU regenerators were

not considered for regulatory development at this time.

Three types of catalytic cracking units, Houdrflow, Thermoform, and fluid, are employed by the petroleum refining industry to produce gasoline blending stocks and other products. As of January 1980, 2 refineries used the Houdrflow process, and 15 refineries used the Thermoform process. The number of operating Houdrflow and Thermoform units has steadily decreased in the last 10 years as refiners replace these units with more profitable FCCU's. This trend is expected to continue. Since no Houdrflow or Thermoform units are expected to be built, modified, or reconstructed in the next 5 years, these units were not considered further in the development of the standards. Because of this, the proposed standards apply only to FCCU regenerators. The technological and economic advantages of FCCU's, as compared to Thermoform and Houdrflow units, would outweigh the cost increase of meeting the proposed FCCU SO_x emission limit.

Several refining companies have developed fluid catalytic cracking units which can process residual feedstocks. These are known as heavy oil crackers. An analysis comparing SO_x emissions from heavy oil FCC units to typical FCC units was performed. Results of this analysis showed that the control technology upon which the proposed standard is based is applicable to heavy oil crackers. For this reason, heavy oil crackers are covered by the proposed SO_x standards.

To upgrade residual feedstocks and to increase gasoline and middle distillate product yields, a new process termed asphalt residual treatment (ART) is being offered to refining companies. An ART unit is similar to an FCCU in equipment configuration and operation. The major differences between the two processes are an ART unit uses a noncatalytic contact material and does not require a fractionating column. Coke, metals, sulfur, and nitrogen compounds in the feedstock accumulate on the contact material. The spent contact materials is transferred to a regenerator where the coke and other deposits are burned off. The regenerated contact materials is recycled back to the riser/reactor. An FCCU can be converted to an ART unit by replacing the catalyst with a noncatalytic contact material. Because coke containing sulfur is burned in the ART process regenerator as in the FCCU regenerator, the flue gases from both processes contain SO₂, CO, and particulates. For this reason, the proposed standards require that an ART unit or any other

similar type of fluidized bed treatment unit achieve the FCCU CO, particulate, and opacity standards and the proposed FCCU SO_x standard. The proposed standards define a "fluid catalytic cracking unit" to include fluidized bed treatment units such as the ART unit.

The FCCU is a pivotal unit in many refineries. Up to 50 percent of the total crude oil input to a refinery is ultimately processed in the FCCU. There are an estimated 129 petroleum refineries presently operating one or more FCCU's. Individual unit processing throughput capacities range from about 380 day to about 21,500 m³ day. It is estimated that 10 new units will be built and that approximately seven FCCU's will be modified or reconstructed, such that they would be affected by standards, in the first 5 years of the standards (1982-1986). This will occur in spite of decreasing gasoline demand because growth in FCCU processing is an integral part of refiner's efforts to increase residual processing capacity and obtain more valuable products from feedstocks of decreasing quality. The FCCU also is an important contributor to the high octane unleaded gasoline pool and the distillate product inventory for which demand is increasing.

Selection of the Affected Facility

The FCCU is composed of a reactor, regenerator, and fractionator. SO_x is produced when sulfur-laden coke deposits are burned off the cracking catalyst or contact material in the regenerator. The amount of SO_x emitted to the atmosphere is directly dependent on the amount of coke burned off the cracking catalyst or contact material and on the amount of sulfur on the coke. Coke burn-off rates and coke sulfur contents vary routinely in an FCCU regenerator in response to changing feedstocks and product demand. Maximum SO_x emissions occur when the FCCU regenerator is operating at its maximum design coke burn-off rate and when sulfur content coke is being burned off.

In choosing the affected facility, the Agency must decide which piece or group of equipment is the appropriate unit for separate emission standards in the particular industrial context involved. The Agency must do this by examining the situation in light of the terms and purpose of Section 111. One major consideration in this examination is that the use of a narrower designation results in bringing replacement equipment under standards of performance sooner. If, for example, and entire plant is designated as the affected facility, no part of the plant would be

covered by the standard unless the plant as a whole is "modified" or "reconstructed." If, on the other hand, each piece of equipment is designated as the affected facility, then as each piece is replaced, the replacement piece will be a new source subject to the standard. Since the purpose of Section 111 is to minimize emissions by application of the best demonstrated control technology at all new and modified sources (considering cost, other health and environmental effects, and energy requirements), there is a presumption that a narrower designation of the affected facility is proper. This ensures that new emission sources within plants will be brought under the coverage of the standards as they are installed. This presumption can be overcome, however, if the Agency concludes either that (a) a broader designation of the affected facility would result in greater emissions reduction than would a narrow designation, or where (b) the narrower designation, while yielding greater emission reductions, would do so only with exorbitant incremental impacts, as compared to the broader designation.

In the case of FCCU's, SO_x is generated in and emitted to the atmosphere from the regenerator. The designation of each regenerator of each individual FCCU as the affected facility would lead to bringing replacement equipment under the NSPS sooner than any other designation and would adhere to the purpose of Section 111 as described above. In addition, a narrow (single regenerator) designation would not have unreasonable impacts. Therefore, in the proposed standards, each FCCU regenerator is designated as the affected facility. Thus, multiple FCCU regenerators at a refinery would each be considered separately.

FCCU regenerator operations and components were examined to determine which parts should be included in the affected facility designation. The maximum amount of coke that can be burned off in a regenerator, and thus the maximum SO_x emission rate, is limited by the regenerator combustion air blower and by regenerator vessel design constraints. An air blower provides air to support coke combustion and maintain catalyst or contact material particle fluidization in the regenerator. The maximum blower air delivery rate determines the maximum oxygen input rate to the regenerator and thus the maximum design coke burn-off rate. Because the combustion air blower can affect the amount of emissions from a regenerator, it was decided to include the blower and

its associated ducting and valves in the affected facility.

When suitable blower capacity is available, the regenerator vessel design may influence the maximum coke burn-off rate and SO_x emissions. During coke burn-off, heat is released. As the coke burn-off rate increases, regenerator internal temperatures may exceed design specifications. To maintain the coke burn-off rate, and thus the FCCU throughput, a refiner may have to improve the regenerator operation. This may involve alteration or replacement of such regenerator internal components as the air distribution system, standpipes, slide valves, plenum chamber, overflow weirs, regenerator grid and seals, the refractory lining, and cyclones. Because these components are integral to the operation of an FCCU regenerator, they are included in the affected facility. Component replacement usually occurs during a turnaround, when the FCCU is shutdown for repair. Typically, FCCU's are scheduled for a turnaround every 2 to 4 years.

In summary, due to the direct influence of the regenerator and the regenerator combustion air blower on SO_x emissions, the FCCU regenerator is designated the affected facility. This affected facility includes the combustion air blower and regenerator internal components and is consistent with the affected facility for the CO and particulate standards (40 CFR 60.102, 40 CFR 60.103).

Control Technology

There are three basic techniques applicable to reducing SO_x emissions from FCCU regenerators. These techniques are flue gas desulfurization (FGD), SO_x reduction catalysts, and feed hydrotreating. In addition, certain FCCU process changes may affect SO_x emissions. Transfer line (riser) cracking, and high temperature or CO-promoted regeneration can reduce coke production and therefore SO_x mass emissions on a per unit of feed basis. However, as is often the case, these modifications increase FCCU processing capacity. Thus, SO_x mass emissions from the unit may actually increase as owners operate their units at higher throughput levels. FGD processes remove SO_x from the regenerator flue gases and convert it into liquid waste, solid waste, or salable product. An emerging technique for controlling regenerator SO_x emissions involves the use of special FCCU SO_x reduction catalysts. These catalysts integrate the SO_x control mechanism with the FCCU process so that SO_x emissions control is achieved without add-on control devices. Feed

hydrotreating is a refinery process used to improve products and process operations that also reduces regenerator SO_x emissions indirectly by reducing the sulfur content of the FCCU feed.

FGD systems are operating on seven FCCU regenerator flue gas streams at five refineries to reduce particulate and SO_x emissions. All of these operating systems are sodium-based wet gas venturi scrubbers. They have been installed on new and existing FCCU regenerators and are applicable to heavy oil crackers. Some of these FCCU regenerators operate in the high temperature regeneration mode, and others operate in the conventional regeneration mode followed by CO incinerator waste heat boilers. A citrate scrubber is currently being constructed to control SO_x emissions from an FCCU operating in the high temperature regeneration mode.

Two types of sodium-based wet gas venturi scrubbers are in use on FCCU regenerator flue gas streams. Selection of the appropriate type of scrubber for a specific application depends on the pressure of the flue gas entering the scrubber. The flue gas from conventional regenerators followed by CO incinerator waste heat boilers does not have sufficient pressure to pass through a venturi throat. In these instances, jet ejector venturi scrubbers have been installed.

The jet ejector venturi consists of a spray nozzle and venturi throat. The scrubbing liquor is sprayed into the venturi through the nozzle, inducing a draft and drawing the regenerator flue gas into the scrubber. Flue gas originating in regenerators which operate in the complete CO combustion mode has sufficient pressure to pass through a venturi throat. Wet-wall type high energy venturis have been applied under these conditions. Because jet ejector venturi scrubbers must supply energy to the flue gas, they consume more energy than high energy venturi scrubbers. There are, however, no differences in the emissions control achieved by the two scrubbing systems. Based on the fact that high energy venturi scrubbers have been used effectively on new FCCU regenerators and jet ejector venturi scrubbers have been retrofitted onto existing regenerators, it is judged that this control technology could be applied to all FCCU regenerators.

Sodium-based FGD systems use an aqueous solution of sodium hydroxide, sodium carbonate, or sodium bicarbonate to absorb SO_x from the regenerator flue gas reacts with the sodium-based scrubbing liquor to form

primarily sodium sulfite, bisulfite, and sulfate. These salts are purged from the system in the form of dissolved solids and released with the refinery wastewater. The purge also removes particulate matter, mainly catalyst fines, from the scrubbing system. The catalyst fines are settled from the purge stream and disposed as solid waste to landfills or other disposal sites.

One sodium-based high energy venturi scrubber system, installed on a newly constructed FCCU regenerator, was evaluated by the Agency. The regenerator at this plant was operated in the high temperature regeneration mode. The test program included 12 days of continuous monitoring for SO₂ at the inlet and outlet of the scrubber and a total of 23 modified Reference Method 8 tests to measure SO_x concentrations at the inlet and outlet. Reference Method 8 was modified by adding (a) a heated glass fiber filter between the probe and isopropanol impinger to remove particulate matter, and (b) slightly acidifying the isopropanol to eliminate any potential ammonia interference. Reference Method 8 was used in this testing program to enable the Agency to determine SO₂ content of the flue gas. Test periods for each run were about 1 hour at the inlet and 1.5 hours at the outlet. Continuous monitoring results were averaged over a 1-hour period from a series of data points taken every 5 minutes. These hourly values were also averaged over a 24-hour period to yield daily values. The relative accuracy of the continuous monitoring system was within 20 percent of the manual Method 8 results.

The scrubber inlet SO_x concentrations varied between about 10.7 and 13.2 kg SO_x/1,000 kg coke burn-off during Method 8 sampling. The sulfur content of the FCCU feed ranged between 0.3 and 0.6 weight percent. Outlet SO_x concentrations determined by the Method 8 tests varied from about 0.6 to 1.2 kg SO_x/1,000 kg coke burn-off. During these tests, the scrubber achieved an average emission reduction of 92 percent. All of these tests showed emissions of less than 50 vppm.

The continuous monitor used during this testing program measured the concentration of SO₂ in the FCCU flue gas. Scrubber inlet SO₂ concentrations, as measured by this continuous monitor, varied from about 410 to 740 vppm in response to FCCU feed sulfur fluctuations between 0.3 and 0.6 weight percent during the 12-day continuous monitoring period. These emissions were also expressed in terms of process rate variables, specifically coke burn-off. The inlet mass loading ranged from

12.6 to 24.4 kg SO₂/1,000 kg of coke burn-off. The mean inlet loading over the test period was 18.6 kg SO₂/1,000 kg of coke burn-off. Scrubber outlet SO_x concentrations, determined by continuous monitoring, varied from about 12 to 120 vppm. In terms of coke burn-off, scrubber SO₂ emissions varied from about 0.4 to 4.0 kg SO₂/1,000 kg coke burn-off, with a mean emission rate of about 1.3 kg SO₂/1,000 kg of coke burn-off. During continuous monitor testing, the scrubber achieved SO₂ emission reductions ranging from 82 to 98 percent, with an average emission reduction of 93 percent. Emission reductions of less than 90 percent were the result of operation of the scrubber system in a manner that did not represent its technological capabilities.

State compliance and company guarantee tests using EPA Reference Methods 6 and 8 have been performed on FCCU regenerators with sodium-based jet ejector and high energy venturi scrubbers. In four Method 6 on two scrubber systems, average outlet SO₂ concentrations ranged between about 5 and 100 vppm. In four Method 8 tests on four scrubber systems, average outlet SO_x concentrations ranged from 9 to 92 vppm. For these tests, emissions were not reported in terms of coke burn-off. Additional information concerning sodium-based venturi scrubber performance can be found in Appendix C of the background information document.

No FCCU's processing high sulfur feeds were available for testing. Since regenerator flue gas SO_x concentrations may be as high as 2,700 vppm, scrubber outlet concentrations under these conditions were evaluated. Information on sodium-based scrubber operation at high inlet SO_x concentrations was obtained from Agency tests of a coal-fired industrial boiler. FCCU regenerator flue gas is similar to the flue gases generated by fossil fuel-fired boilers in flow rate, temperature, and in the composition of nitrogen, oxygen, carbon dioxide (CO₂), CO, particulates, SO_x, and NO_x. Thus, SO_x control technologies applicable to fossil fuel-fired boilers are also applicable to FCCU regenerators.

Fossil fuel-fired boilers emit high concentrations of SO_x when burning high sulfur fuels. At one facility the Agency conducted a continuous monitoring program on a sodium-based scrubber system installed on a boiler that was burning coal with 3.25 to 3.73 weight percent sulfur. This scrubber was designed for 90 percent removal of SO₂ at 2,000 vppm inlet. Daily average SO₂ emissions ranged from 1,653 to 2,154 vppm at the scrubber inlet and 21 to 66

vppm at the scrubber outlet. The 36-day average was 1,798 vppm SO₂ at the scrubber inlet and 46 vppm at the scrubber outlet with an average SO₂ removal efficiency of 97 percent. Fifteen minute average SO₂ emissions reached a high of 2,790 vppm at the scrubber inlet. The corresponding outlet concentration was 41 vppm, which represents a scrubber removal efficiency of 98 percent. Thus, sodium-based scrubbing systems will substantially reduce high flue gas SO_x concentrations and are applicable over the expected range of FCCU regenerator SO_x emissions.

Other FGD systems are not presently used on FCCU regenerator flue gas streams. However, because of the above discussed similarities between FCCU regenerator flue gases and the flue gases generated by coal-fired industrial and utility boilers, FGD systems that are being used on industrial and utility boilers to control SO_x emissions may also be used on FCCU regenerators. FGD systems presently installed on industrial and utility boilers include calcium-based, double alkali, Wellman-Lord, spray drying, magnesium oxide, citrate, and other systems. SO_x control efficiencies of 90 percent or greater are demonstrated for scrubbing systems installed on coal-fired boilers having flue gas SO_x emissions similar to the expected range of FCCU regenerator SO_x emissions.

An emerging technology for the control of FCCU regenerator SO_x emissions uses special catalysts which influence the movement of sulfur within the FCCU. SO_x formed during catalyst regeneration are captured on these special catalysts, thus preventing emissions to the atmosphere. In the FCCU reactor and separator vessel, the captured SO_x is transformed into hydrogen sulfide and vented with the cracked hydrocarbon vapors to the fractionator and ultimately to the refinery sulfur plant. Reductions of 50 to 90 percent have been achieved in small scale bench and pilot plant tests. In two commercial scale tests, SO_x emissions went from 12.2 and 9.9 kg SO_x/1,000 kg coke burn-off before addition of the SO_x reduction catalyst to 2.5 and 4.2 kg SO_x/1,000 kg coke burn-off with the catalyst in place for 1 percent sulfur feeds. These results represent SO_x reduction catalyst performance of 80 and 60 percent, respectively. Tests of developmental SO_x reduction catalyst performance are located in the docket for these proposed standards. Based on commercial and developmental test data, the Agency anticipates that SO_x reduction catalysts will achieve 80 percent control of SO_x emissions from FCCU regenerators

processing a 1 to 2 percent sulfur feed when fully developed.

Tests of SO_x reduction catalyst performance on FCCU's with conventional, CO-promoted regenerators indicate that these catalysts could increase emissions of NO_x from FCCU regenerators. In an effort to determine whether the use of SO_x reduction catalysts would increase NO_x emissions, an NO_x emissions assessment program was conducted. Most of the units which would be affected by an SO_x standard are expected to use high temperature regeneration. The data show no significant NO_x emissions difference between high temperature regenerators operating with and without SO_x reduction catalysts. Consequently, the results of the assessment program do not indicate that the use of SO_x reduction catalysts by sources affected by a standard would increase NO_x emissions. NO_x emissions can be reassessed at the next 4-year review of the standard.

Hydrotreating is a refinery process used to pretreat catalytic cracking feeds and other process feeds by removing sulfur, nitrogen, and metals compounds. Also, hydrotreating is used to stabilize and to improve the quality of finished products (e.g., kerosene, fuel oils, lubricating oils) prior to being sold. The decision by a refiner to install a hydrotreating unit is based primarily on process and economic considerations. Feeds are hydrotreated to remove sulfur to lower the sulfur content of refinery products; to remove metal, nitrogen, and sulfur compounds to prevent poisoning of catalysts used in refinery processes and, consequently, achieve longer runs, better cracking selectivity, and improved product yield; and to remove the corrosive compounds to prolong the operating life of refinery process equipment.

In feed hydrotreating, all or a portion of the FCCU feed is heated and passed over or through a catalyst bed in the presence of hydrogen at high pressures. The hydrogen replaces the sulfur in the hydrocarbon molecules, forming primarily saturated hydrocarbons, and reacts with the sulfur to form hydrogen sulfide. The hydrogen sulfide is converted to elemental sulfur in the refinery sulfur plant. When the desulfurized feed is charged to an FCCU, the sulfur content of the coke which is burned-off the cracking catalyst in the regenerator is lower than if the same undesulfurized feed is charged to the FCCU. Lower SO_x emissions from the regenerator result when the lower sulfur coke is burned.

Hydrotreating units are technically capable of reducing FCCU feedstock sulfur levels by over 98 percent. Feed sulfur contents in the range of 0.1 to 0.3 weight percent can be achieved by hydrotreating either high sulfur gas oil or residuum. For example, commercial performance data reported by one oil company for hydrotreating a Middle East vacuum gas oil showed a feed sulfur content reduction from 2.2 to 0.2 weight percent. Similar levels of sulfur reduction have been reported for hydrotreating gas oils obtained from domestic crude oil stocks. Hydrotreating Kuwait residuum containing 3.8 weight percent sulfur has resulted in feed sulfur content reductions to levels as low as 0.1 weight percent. Desulfurized feed sulfur level of 0.3 weight percent has been reported for hydrotreating Alaskan residuum.

Although hydrotreating processes are capable of reducing FCCU feed sulfur contents to levels less than 0.3 weight percent, refiners sometimes choose to hydrotreat to higher sulfur levels due to economic considerations. The investment required by a refiner to install and operate a hydrotreating unit varies significantly depending on the type of hydrotreating process selected, characteristics of the feedstock treated, and the level of sulfur reduction desired. Typical capital costs for hydrotreating units range from \$2,000 to over \$10,000 per cubic meter of feed per stream day (m³/sd). In general, the costs for hydrotreating gas oils are at the lower end of the range, and the costs for hydrotreating residuum are at the upper end of the range. For example, the capital costs for a 2,500 m³/sd hydrotreating unit processing Middle East vacuum gas oil at 90 percent desulfurization is approximately \$8 million.

The capital cost for an 8,000 m³/sd hydrotreating unit processing Arabian heavy residuum at 93 percent desulfurization is approximately \$80 million. Because a net consumption of hydrogen occurs during hydrotreating, hydrogen costs can be significant. In most refineries, sufficient hydrogen to handle normal hydrotreating requirements is available as a by product from catalytic reforming. However, if separate hydrogen manufacturing facilities are needed, the capital costs for a new hydrotreating unit at a specific refinery will be higher than the costs estimated for the example hydrotreating units. Due to these large capital costs associated with the process, hydrotreating was not considered as a candidate for best

demonstrated technology for control of SO_x emissions from FCCU regenerators.

Regulatory Alternatives.

Regulatory alternatives were developed which represent technically feasible levels of control for reducing SO_x emissions from FCCU regenerators. Based on a review of technical support data and an evaluation of control system performance, four regulatory alternatives were selected.

Model plants were developed for new, modified, and reconstructed FCCU regenerators to allow the Agency to analyze and to compare the environmental, energy, and economic impacts of each regulatory alternative. Six model plant types were selected to represent future FCCU processing throughputs and feed sulfur contents. FCCU throughputs selected for the model plants were 2,500 m³/day and 8,000 m³/day. Three feed sulfur contents were selected; 0.3, 1.5, and 3.5 weight percent sulfur. Model plant SO_x emissions were calculated from these FCCU throughputs and feed sulfur contents. Ten new FCCU regenerators were projected by the Agency to be constructed in the first 5 years of the standard. The projected number of new FCCU regenerators were equally divided among the large and small model units. The majority of these regenerators were assumed to be processing 1.5 weight percent sulfur feed. This is because most FCCU's are projected to process feeds with sulfur contents between 1 and 2 weight percent in the future. From growth and size information presented in the background information document, Appendix E, the Agency projected that seven FCCU regenerators would be modified or reconstructed during the first 5 years of the standard and that they would be best represented by the large model unit. The majority of these regenerators were also assumed to process 1.5 weight percent sulfur feed.

Under Regulatory Alternative I, no Federal standards would be developed. Instead, State regulations would be relied upon to limit SO_x emissions from FCCU regenerators. The format of State regulations applicable to SO_x emissions from the FCCU regenerator vary from concentration limits to mass limits. In some States, a bubble concept is used and an emission limit is set for the whole refinery rather than specifically for the FCCU regenerator. When the regulatory alternatives were developed, one of the formats being considered for the proposed standards was kg SO_x/1,000 kg coke burn-off. This was chosen as the format for the analysis of

comparing the alternatives, Model plant SO_x emissions under Alternative I would range from less than 13 to about 90 kg of SO_x/1,000 kg coke burn-off depending on the sulfur content of the feed processed by the FCCU. Existing units are subject to the particulate NSPS. Because of this, the cost and impact of particulate control is considered a part of the baseline case.

Three other alternations reflect levels of control achievable with flue gas scrubbing. The three alternatives represent successively increasing levels of control and emissions reductions. Different levels were examined to allow for an assessment of the SO_x reduction catalyst technology. The flue gas scrubber system considered controls particulate as well as SO_x emissions, therefore, addition of an electrostatic precipitator (ESP) for particulate control is not required. Because the cost and impacts of particulate control are included in the baseline case, ESP costs have been credited to the cost of these scrubber systems in order to determine the net costs of the three alternatives.

Regulatory Alternatives II, III, and IV are 13.0 kg of SO_x/1,000 kg coke burn-off in the regenerator (approximately 400 vppm of SO_x in the flue gas); 9.8 kg SO_x/1,000 kg coke burn-off (about 300 vppm); and 6.5 kg SO_x/1,000 kg coke burn-off (about 200 vppm), respectively. The most stringent of these, Alternative IV, was established based on the performance of sodium-based scrubbers during testing. As discussed in the section, Control Technology, the average scrubber outlet SO_x emission rate during a 12-day continuous monitoring test period was about 1.3 kg SO_x/1,000 kg of coke burn-off in the regenerator. These emissions reflect a mean scrubber SO_x removal efficiency of about 93 percent. To account for the higher FCCU regenerator SO_x emissions which result when high sulfur content feeds are charged to the FCCU, Regulatory Alternative IV was established as 6.5 kg SO_x/1,000 kg of coke burn-off (about 200 vppm).

Alternative III, 9.8 kg SO_x/1,000 kg coke burn-off, and Alternative II, 13.0 kg SO_x/1,000 kg coke burn-off, reflect lower scrubber performance and use of SO_x reduction catalysts. Regulatory Alternative III, 9.8 kg of SO_x/1,000 kg of coke burn-off (about 300 vppm), can be met over the expected range of FCCU feeds by flue gas scrubbers. Regulatory Alternative II, 13.0 kg SO_x/1,000 kg coke burn-off (about 400 vppm) would require a lesser degree of FCCU regenerator SO_x emission control than Alternatives III or IV.

The model plants were used to evaluate the impacts of implementing

the regulatory alternatives. These impacts, discussed in the following section, were calculated based on the use of sodium-based scrubbers to meet the regulatory alternatives, because scrubbers are the only technology which has been "adequately demonstrated" in the context of Section 111 of the Clean Air Act for the control of SO_x emissions from FCCU regenerators.

Impacts of Regulatory Alternatives

Under Alternative I, in the absence of additional standards of performance, nationwide FCCU regenerator SO_x emissions would increase by 78,800 Mg/yr in the fifth year of the standard due to new, modified, and reconstructed FCCU regenerators. There are no other environmental, energy, and economic impacts since Alternative I does not require the use of SO_x emission control systems other than those already in use of meet State regulations.

The use of flue gas scrubbers to meet Alternatives II, III, and IV would result in increased nationwide water, solid waste, energy, and economic impacts. Under Alternative II, SO_x emissions from FCCU regenerators would be reduced by about 58,700 Mg/yr from the baseline level in the fifth year of the standard.

The use of flue gas scrubbers to meet Regulatory Alternative II would result in water impacts since these control devices use water to collect particulates and SO_x. Under Alternative II, wastewater discharges would increase by about 2.2 Mm³/yr in the fifth year of the standard. Typical treatment presently employed to improve the quality of scrubber wastewater includes aeration for removal of chemical oxygen demand (COD) and settling for removal of suspended solids. The treated wastestream would contain about 87 Mg/yr of suspended solids, at least 109 Gg/yr of dissolved solids, and 87 Mg/yr of COD. These wastewater discharges would constitute a small portion of the total refinery wastewater flow.

During normal FCCU regenerator operation, particulate matter is emitted to the atmosphere. These emissions are limited by the particulate new source performance standard to 1.0 kg of particulate matter/1,000 kg of coke burn-off in the regenerator. Under Alternative II, use of sodium-based venturi flue gas scrubbers does not result in incremental discharges, on a dry basis, of solid waste over the amount which would be discharged in the absence of additional regulations. The dry weight of solid wastes generated in the normal operation of the FCCU under all the regulatory alternatives is about 14 Gg/yr in the fifth year of the standard. Sodium

scrubber solid waste would be wet, however, and would be heavier and encompass a larger volume than the dry solid wastes which would be collected from electrostatic precipitators in the absence of additional regulations. Under Regulatory Alternative II, the increment of solid wastes generated over baseline levels would be about 13 Gg/yr in the fifth year of the standard, assuming the wastes consists of 50 percent by weight of water. Other SO_x control systems, which require less water and discharge less wastewater than sodium-based scrubbers, produce solid wastes. Negligible increases in solid wastes over baseline levels would occur if Regulatory Alternative II is met with the Wellman-Lord scrubber system. In the worst case situation, if dual alkali scrubbing systems are used to meet Alternative II, about 230 Gg/yr of incremental solid wastes would be discharged in the fifth year of the standard.

Energy is required to operate scrubber and waste treatment systems pumps, valves, and instruments. Under Alternative II, the incremental energy requirements associated with the use of sodium-based flue gas scrubbers on newly constructed and modified units are from 0.2 to 2.0 percent of the energy required to operate the FCCU depending on the regeneration mode of the FCCU and type of venturi scrubber used. Energy impacts for scrubbers would thus be relatively small.

The total capital and annual costs of meeting Alternative II were calculated for the petroleum refinery industry. Capital costs include the purchase and installation of flue gas scrubbing equipment, waste treatment facilities, and materials handling equipment. Annual costs include capital charges, utilities, maintenance and repairs, and routine operating labor.

The total nationwide capital cost to refiners for the installed sodium-based flue gas scrubbing systems to meet Alternative II on the 17 new, modified, and reconstructed FCCU regenerators through the first 5 years of the standard would be about \$72 million. The nationwide annual cost of using sodium flue gas scrubbers in the fifth year of the standard would be about \$32 million.

Under Regulatory Alternative III, SO_x emissions from FCCU regenerators would be reduced by about 64,000 Mg/yr from the baseline level in the fifth year of the standard. The use of flue gas scrubbing systems to meet Alternative III would increase nationwide wastewater discharges by about 2.4 Mm³/yr in the fifth year of the standard. With sodium-based scrubbers, the

treated wastewater discharges would contain about 100 Mg/yr of suspended solids and COD, and about 120 Gg/yr of dissolved solids in the fifth year of the standard. Incremental solid waste discharges from sodium-based scrubbers would be about 14 Gg/yr in the fifth year of the standard. Incremental solid wastes would be negligible if the Wellman-Lord scrubber system were used to meet Alternative III. In the worst case, incremental solid waste discharges would be about 250 Gg/yr in the fifth year of the standard if dual alkali systems were used to meet Alternative III. Energy impacts associated with using scrubbers to meet Alternative III are the same as those for Alternative II since the majority of the energy consumed by a scrubbing system is used to pump the scrubbing liquor and waste slurries through the system. The use of scrubbers would increase the total amount of energy consumed by new and modified/reconstructed FCCU's by 0.2 to 2.0 percent.

The total nationwide capital cost to refiners for the installed sodium-based flue gas scrubbers to meet Alternative III on the 17 new, modified, and reconstructed FCCU regenerators through the first 5 years of the standard would be about \$81 million. Fifth-year nationwide annual costs of the standard with flue gas scrubbing would be about \$35 million.

Regulatory Alternative IV would require the highest degree of SO_x emissions control. Under Alternative IV, SO_x emissions from FCCU regenerators would be reduced by about 68,700 Mg/yr from the baseline level in the fifth year of the standard. Under Alternative IV, wastewater discharges would increase by about 2.4 Mm³/yr in the fifth year of the standard. Wastewater discharges are about the same as those under Alternative III because of the need to remove suspended solids from the scrubbing system. The quantity of suspended solids, consisting mainly of captured catalyst fines, and the incremental solid wastes generated are the same for Alternatives III and IV. The treated wastestream under Alternative IV would contain about 100 Mg/yr of suspended solids and COD, and about 130 Gg/yr of dissolved solids in the fifth year of the standard. No increase in incremental solid wastes would occur if the Wellman-Lord scrubber system were used, while the dual alkali system would increase incremental solid waste discharges by approximately 260 Gg/yr in the fifth year of the standard. Energy impacts, as with Alternatives II and III, account for about 0.2 to 2.0 percent of the energy consumed by new and

modified/reconstructed FCCU regenerators.

The total nationwide capital cost to refiners of using sodium-based flue gas scrubbing to meet Regulatory Alternative IV through the first 5 years of the standard is about \$81 million. The nationwide annual cost of using flue gas scrubbing to meet Alternative IV is about \$37 million.

The economic impacts of each of the regulatory alternatives are small. Expected price increases in refined products to account for the costs of meeting the standard are, at most, 0.4 percent for new, modified, and reconstructed units with flue gas desulfurization. Even without passing through price increases, none of the regulatory alternatives are expected to reduce the profitability of FCCU operations to the point where planned investments would be postponed.

Selection of Basis of Proposed Standard

Standards of performance for new sources established under Section 111 of the Clean Air Act must reflect the application of the best technological system of continuous emission reduction, taking into consideration the cost, any nonair quality health and environmental impacts, and energy requirements of achieving such emission reduction, which the Administrator determines has been adequately demonstrated.

Flue gas scrubbers which meet Regulatory Alternative IV, 6.5 kg of SO_x/1,000 kg of coke burn-off (200 vppm), have been designed and are presently in operation at several refineries. The Agency has concluded that scrubbers would consistently achieve the emission limit of Alternative IV over the complete range of expected FCCU feedstock sulfur contents. Further, the nonair environmental, energy, cost, and economic impacts of using flue gas scrubbers to meet Regulatory Alternative IV, discussed in the Impacts of Regulatory Alternatives section, are considered reasonable in light of emissions reductions achieved by this technology. In addition, the costs of flue gas scrubbers applied to heavy oil crackers are about the same in terms of emission reduction achieved as those FCCU's used in the model plant analysis. Thus, Regulatory Alternative IV is a reasonable basis for the standard.

It appears, however, that regenerator SO_x emissions can be limited with significantly reduced costs and negligible water, energy, and solid waste impacts through the use of SO_x reduction catalysts. Actual annual costs of using SO_x reduction catalysts are

uncertain due to the limited commercial experience with the technology; however, no capital costs are anticipated. Cost estimates, provided from commercial scale tests, indicate that the annual cost of the catalyst technology is about \$0.30 to \$0.60/m³ of feed processed by the FCCU. If all affected facilities used SO_x reduction catalysts, SO_x emissions control would cost about \$10 million to \$20 million in the fifth year of the standard.

Nonair impacts associated with the use of SO_x reduction catalysts may also be significantly less than scrubber nonair impacts. If the emerging catalyst technology were used to meet the regulatory alternatives, refinery wastewater discharges would not increase significantly. Since the catalyst technology achieves *in-situ* control of SO_x, incremental solid waste impacts would also be negligible. The solid waste generated by the FCCU is not expected to increase through application of the catalyst technology. The catalyst technology would increase the sulfur production at the refinery sulfur plant by approximately 3 percent. This incremental sulfur would be sold with the other sulfur already produced by the refinery. The incremental energy requirements associated with using the emerging SO_x reduction catalyst technology would be very small.

Based on preliminary commercial-scale tests, the Agency expects that SO_x reduction catalysts will allow refiners to achieve 80 percent reduction in FCCU regenerator SO_x emissions. To meet Regulatory Alternative IV, catalysts could be used in FCCU's which process feeds with up to about 1.0 weight percent sulfur. It is anticipated, however, that most refiners will be processing FCCU feeds with sulfur contents greater than 1.0 weight percent. Thus, few refiners would be able to use the emerging, less costly catalyst technology to reduce SO_x emissions if Alternative IV were used as the sole basis of the proposed standard. SO_x reduction catalysts could be used to meet Regulatory Alternative III in FCCU's which process feeds with up to about 1.7 weight percent sulfur. This is within the range of sulfur contents for commonly expected future FCCU feedstocks since most FCCU's are expected to be processing feeds with 1 to 2 weight percent sulfur.

High sulfur feeds may produce excessive amounts of coke which inhibit FCCU throughput, produce less desirable high sulfur products, contaminate cracking catalysts due to high metals or other constituents, or produce unfavorable product yields.

Refiners may not effectively use these feedstocks without upgrading. Upgrading of potential FCCU feeds may be accomplished through blending of the undesirable feeds with high quality feeds or through hydrotreating. If refiners with undesirable feeds hydrotreat or blend, the resulting feed would probably have a sulfur content of less than 1.7 weight percent sulfur to enable SO_x reduction catalysts to be used to meet Alternative III. Thus, it is expected that SO_x reduction catalysts would be an option for many refiners to use to meet Regulatory Alternative III.

The nationwide annual fifth-year costs for Regulatory Alternative IV using flue gas scrubbing alone are about \$37 million. Nationwide annual fifth-year costs for Regulatory Alternative III using flue gas scrubbing alone are about \$35 million. In contrast, the costs associated with using SO_x reduction catalysts alone to meet Regulatory Alternative III are \$10 million to \$20 million. Catalysts would be an option available to many refiners for meeting Regulatory Alternative III. Since these catalysts would have limited applicability to refiners for meeting Regulatory Alternative IV, significant control cost increases would be incurred by refiners if the proposed standard were based solely on the alternative achievable by presently demonstrated control technology, Alternative IV. Therefore, because of the large differences in control costs and the relatively small difference in emissions reduction between the use of catalyst technology under Alternative III and flue gas scrubbers under Alternative IV (i.e., 63,800 vs. 68,700 Mg/yr), the Agency is establishing an alternative standard at the level of Alternative III. A refiner meeting the alternative standard (i.e., 9.8 kg SO_x /1,000 kg coke burn-off) without an add-on control device such as a flue gas scrubber would not be required to use such additional control. This alternative standard allows refiners the flexibility to use effective SO_x control technologies which may be significantly less costly than flue gas scrubbing systems. Also, incremental water, solid waste, and energy impacts may be reduced through the use of the catalyst technology. Although many refiners are expected to use catalysts, a few refiners feeding the highest sulfur feeds to the FCCU may use scrubbers. The cost per Mg emission reduction of using scrubbers are judged to be reasonable when the emissions are higher than 9.8 kg SO_x /1,000 kg coke burn-off. For this reason, Alternative II was not considered further.

In summary then, the basis of the standard is Alternative IV, which represents flue gas scrubber technology. Flue gas scrubbers are the best demonstrated technology with reasonable costs and environmental impacts for new, modified, and reconstructed FCCU regenerators. However, an alternative standard is included to provide refiners the option to use the emerging SO_x reduction catalyst technology. The cost of scrubbers, while reasonable and affordable in itself, is expensive when compared to the cost of the catalyst technology which is capable of meeting 9.8 kg SO_x /1,000 kg of coke burn-off.

Selection of Format of Proposed Standards

Section 111(h) of the Clean Air Act requires the promulgation of standards of performance, establishing allowable emission limitations for a category of stationary sources, whenever it is feasible to promulgate and enforce standards which meet these requirements. Emission limitations are applicable to FCCU regenerators and several formats were considered for the standard including percent reduction, concentration, and mass/unit production.

As discussed earlier, SO_x emissions are generated in the FCCU regenerator during the combustion of sulfur containing coke deposits on the cracking catalyst. The SO_x is vented with other flue gases to the atmosphere through a stack.

A percent reduction format, unlike mass or concentration formats, has the advantage of reflecting best demonstrated technology for all plants regardless of the uncontrolled emission rate. The uncontrolled emission rate can vary significantly depending on the feed sulfur level. With the other formats, the control technology may not need to perform at the level of efficiency which it is capable of achieving on gas streams will low uncontrolled emissions in order to comply with the standard. Determination of compliance with a percent reduction standard requires measurement of both uncontrolled and controlled emissions. If a scrubber or other type of add-on control device is used to comply with the standard, uncontrolled emissions can be determined by measuring the SO_x in the flue gas before it enters the control device. Because the percent reduction format would reflect best demonstrated technology regardless of the feed sulfur level, and both uncontrolled and controlled emissions can be measured, a percent reduction format was chosen for

flue gas scrubbers or other add-on control devices. The Agency requests comments on this approach.

EPA wants to make clear that the use of percent reduction in this standard does not reflect a change in EPA's policy toward the use of percent reduction requirements as it may be applied in any other new source standards. In this case EPA believes a percent control standard is appropriate because it best reflects the performance of add-on control devices while, as discussed below, not limiting the use of other potentially lower cost control alternatives.

The percent reduction format was also considered for the SO_x reduction catalyst technology. If SO_x reduction catalyst is used to comply with the standard, uncontrolled emissions cannot be measured. Consideration was given to calculating the uncontrolled emissions based on the amount of sulfur in the feed. However, the ratio of uncontrolled SO_x emissions to the sulfur content of the feed varies widely for a given feedstock. In addition, SO_x emissions resulting from a given feedstock can differ from one FCCU to another and can vary over time at a given unit, depending on unit design and operation. Consequently, the level of uncontrolled emissions cannot be satisfactorily determined based on the amount of sulfur in the feedstock. Therefore, the concentration and mass/unit production formats were considered for the use of SO_x reduction catalysts.

A format expressed in terms of concentration would limit the SO_x concentration in the FCCU regenerator exhaust. When SO_x emissions are expressed in volume parts per million (vppm), the allowable emissions do not vary with FCCU throughput for a given feed sulfur content. SO_x emissions reported in vppm are independent of coke production. In addition to the dependence of SO_x concentration on FCCU feedstock sulfur, the concentration of SO_x in FCCU regenerator flue gas is sensitive to the coke hydrogen content.

Two forms of the mass unit production format were considered. The first of these mass formats would limit, for example, the number of kilograms of SO_x that could be emitted by an FCCU regenerator with each cubic meter of FCCU feed that is processed. The disadvantage of the kg/m³ format is that SO_x emissions are not necessarily related to the FCCU throughput, but are directly related to coke production. In the course of normal FCCU operations, refiners may periodically adjust the coke production rate with only minor changes in FCCU throughput to optimize

the yields of certain products. Thus, emissions on a kg/m³ basis may vary, even with a given FCCU feedstock, as the refiner optimizes the FCCU product slate.

The second mass/unit production format considered would limit the kilograms of SO_x that could be emitted by FCCU regenerators for each 1,000 kg of coke burned-off in the regenerator. The advantage of this format is the direct relationship between format and regenerator operations. The FCCU regenerator is a coke burning process subunit that emits SO_x in amounts dictated by the coke sulfur content. The kg/1,000 kg coke burn-off format recognizes the importance of the coke burning process by accounting for variations in coke production. For this reason, the format chosen for the proposed standard for technologies which are not add-on control devices, such as SO_x reduction catalysts, is kg of SO_x/1,000 kg coke burn-off.

In summary, the format of the proposed standard for add-on control technologies, such as flue gas scrubbers, is a percent reduction format. However, in order not to preclude the use of SO_x reduction catalysts to comply with the standard, an alternate format of kg SO_x/1,000 kg of coke burn-off is provided for control technologies which are not add-on control devices.

Selection of the Numerical Emission Limit

As described in the section titled Selection of Basis of Proposed Standard, flue gas scrubbers were selected as the best demonstrated technology. A percent reduction format was selected for flue gas scrubbers. As discussed in the Control Technology section, SO_x emission reductions of 90 percent or concentrations of 50 vppm, whichever results in greater emissions, have been demonstrated for sodium-based scrubbers on FCCU regenerators with low sulfur feeds. A 50 vppm ceiling exists because of the difficulty of achieving 90 percent reduction on very low sulfur flue gas. For high sulfur flue gas, sodium-based scrubbers can achieve emission reductions of greater than 90 percent, as demonstrated on coal-fired boilers. In addition, other types of scrubbing systems applied to coal-fired boilers have been demonstrated to achieve 90 percent emission reduction or better. Because flue gas scrubbers are capable of achieving 90 percent SO_x emission reduction or 50 vppm SO_x in the flue gas, whichever is less stringent, these values were chosen as the numerical limits for add-on control devices.

As concluded in the section titled Basis of Proposed Standard, the proposed standard would also include an alternative standard at the level of Alternative III to allow refiners the option to use sulfur oxides reduction catalysts. The format selected in the Format of Proposed Standards section for the catalyst technology is kg SO_x/1,000 kg of coke burn-off. Alternative III is 9.8 kg SO_x/1,000 kg of coke burn-off. Therefore, if a refiner can achieve 9.8 kg SO_x/1,000 kg of coke burn-off without using an add-on control device, no additional control would be required.

Catalyst regeneration is a continuous process. As a result, the SO_x emissions from the catalyst regenerator are almost constant for a constant FCCU feed type. Thus, the numerical emission limit is not very sensitive to the time interval over which a compliance test is taken. The proposed standard requires a performance test consisting of three runs. Each run is to consist of at least 1 hour of sampling. Thus, the effective averaging time of the proposed standard is 3 hours. Test data showing the achievability of the proposed standard, discussed in the section title Control Technology, were taken over periods of about 1 to 1.5 hours per run.

Because the format of the standard is different from the format used in the regulatory alternative analysis, the emission reduction and annualized costs of the standard are slightly different from those for Alternative IV. Assuming all 17 projected new, modified, or reconstructed FCCU regenerators use flue scrubbers to meet the standard of 90 percent SO_x emission reduction or 50 vppm, whichever is less stringent, nationwide emission reduction in the fifth year of the standard would be about 71,000 Mg/yr. The nationwide annualized costs would be \$37 million in the fifth year. If all 17 units use sulfur oxides reduction catalysts to achieve 9.8 kg SO_x/1,000 kg of coke burn-off, the fifth-year nationwide emission reduction would be about 64,000 Mg/yr and annualized costs in the range of \$10 million to \$20 million.

Selection of Alternative Feed Sulfur Standard

The sulfur content of feedstocks processed by catalytic cracking is a primary factor affecting SO_x emissions from an FCCU regenerator. The amount of sulfur contained in coke deposits on the cracking catalysts is determined by the type and amount of sulfur compounds in the FCCU feed. In general, processing a high sulfur FCCU feed results in higher SO_x emissions than processing a low sulfur FCCU feed. The sulfur compound composition of the

FCCU feed will vary depending on the crude oil source. Hydrotreating of feedstocks prior to processing by catalytic cracking removes sulfur compounds from the FCCU feed.

Hydrotreating of FCCU feeds reduces the sulfur content of gasoline and other refinery products obtained by catalytic cracking. Lower sulfur contents in gasoline results in reduced SO_x emissions to the atmosphere from the combustion of gasoline in motor vehicles. The petroleum refining industry has argued that the contribution made by hydrotreating FCCU feeds to overall reduction of SO_x emissions to the atmosphere should be credited towards achieving the FCCU regenerator emission level. The decision by a refiner to hydrotreat FCCU feeds, however, is based primarily on process and economic considerations. Hydrotreating units are so expensive that the decision of whether to install a hydrotreating unit will be made by a refiner independent of whether there is an emission standard for FCCU regenerators. That is, a refiner having an FCCU subject to the NSPS and hydrotreating the FCCU feed would install the hydrotreating unit regardless of whether or not the FCCU was subject to the standard. The applicability of FGD systems for reducing FCCU regenerator emissions is the same in terms of technical feasibility and reasonableness of costs and economics when an FCCU is using a feed with a certain sulfur level, regardless of whether the feed has been hydrotreated or not. Accordingly, the credits from hydrotreating should not be considered in determining best demonstrated technology for an emissions standard for FCCU's. It is appropriate, however, to consider whether the costs are reasonable for using an FGD system to control FCCU regenerator SO_x emissions when the FCCU feed sulfur levels are very low due either to hydrotreating or to naturally occurring low sulfur contents. Therefore, the Agency analyzed the costs of using FGD systems at different FCCU feed sulfur levels to determine if the costs were unreasonable for any cases.

The approach selected for analyzing FGD system costs required estimating the cost per megagram of SO_x emission reduction by using a sodium-based FGD system to control regenerator SO_x emissions from a 2,500 m³/day model plant FCCU. A sodium-based FGD system was selected for the analysis because this type of system has been installed on new and existing FCCU regenerators, and serves as the basis for the proposed standard. By calculating

annual costs as well as the quantity of SO_x controlled for representative feed sulfur levels, it was possible to plot a curve showing the cost per Mg of SO_x emission reduction as a function of FCCU feed sulfur level. The cost curve allows the comparison of FGD system cost per Mg of SO_x emission reduction over the entire range of feed sulfur levels refiners could process in the future.

The cost curve does not necessarily represent the actual amounts of money that will be spent to install and to operate an FGD system for any particular FCCU regenerator. Rather, the costs are estimates and are representative of facilities likely to be built. The costs for an FGD system will vary according to FGD system design, FCCU feed sulfur composition and content, FCCU size, refinery layout and land availability, refinery geographic location, characteristics and quantity of chemicals required for the FGD system, sludge disposal method and disposal site location, and company preferences and policies. However, the cost curve does provide a useful guide for judging the reasonableness of using FGD systems at different FCCU feed sulfur levels.

As expected, the cost curve shows that the cost per megagram of SO_x emission reduction increases as FCCU feed sulfur level decreases. Although there is no precise point where costs are clearly unreasonable, the curve begins to rise steeply around a feed sulfur content of 0.3 weight percent. The Agency also noted that FCCU feed sulfur levels around 0.3 weight percent often occur as a result of refiners processing naturally occurring low sulfur feed or hydrotreating high sulfur feeds. However, even though hydrotreating units have been shown to be capable of reducing FCCU feed sulfur levels to less than 0.3 weight percent, a particular refiner may choose to hydrotreat to a higher level due to economic considerations. If refiners were allowed to meet an FCCU feed sulfur standard of 0.3 weight percent, then some refiners who would otherwise hydrotreat to a somewhat higher level may decide to adjust unit performance to achieve a level of 0.3 weight percent.

If an alternative FCCU feed sulfur level standard was set at 0.3 weight percent, then the cost per megagram of SO_x emission reduction using an FGD system would be greatest for refiners processing FCCU feeds containing slightly greater than 0.3 weight percent sulfur. The cost curve for the application of an FGD system to the small FCCU shows that the potential cost per

megagram of SO_x emission reduction is approximately \$1,700 for FCCU feed sulfur levels of 0.3 weight percent. However, these are the refiners who are most likely to be able to use and to choose SO_x reduction catalysts. The costs of controlling SO_x emissions from FCCU regenerators using SO_x reduction catalysts are estimated to be lower than the costs of using FGD systems. Thus, the Agency does not expect refiners processing feeds with sulfur levels slightly greater than 0.3 to actually incur a cost near \$1,700 to remove a megagram of SO_x emission. However, because the possibility exists that a refiner may still have to use an FGD system to control FCCU regenerator SO_x emissions even when processing low sulfur feeds, it is reasonable to provide refiners with the alternative FCCU feed sulfur level of 0.3 weight percent. The Agency requests comments on this feed sulfur cut-off level.

For purposes of analyzing and comparing the environmental, energy, and economic impacts of each regulatory alternative, the Agency projected that 17 FCCU regenerators will be newly constructed, modified, or reconstructed by the fifth year of an NSPS. The impacts of the proposed standards will differ from the regulatory alternative impacts because the model plants assumed to be processing feeds containing 0.3 weight percent sulfur would comply with the alternative feed sulfur standard. Therefore, the impacts of the proposed standard that are presented in the section "Summary of Environmental, Energy, and Economic Impacts" were projected assuming that 15 FCCU's processing 1.5 or 3.5 weight percent sulfur feed would use FGD systems or catalyst technology, and that 2 FCCU's would meet the alternative feed sulfur standard and would not need additional controls. No credits or impacts were attributed to the two FCCU's meeting the alternative feed sulfur standard.

Modification/Reconstruction Considerations

Modification, as defined in § 60.14 of 40 CFR Part 60, occurs when any physical or operational change to an existing facility results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies.

Investigation of FCCU's indicated that there are several physical changes in the regenerator which could increase emissions. Increases in SO_x emissions can occur when physical changes are performed to increase the coke burn-off rate of the regenerator. This can be accomplished by increasing the

combustion air flow rate, increasing regenerator internal pressure, or enriching the regenerator combustion air with oxygen. However, according to § 60.14(e)(2), such changes would not be considered a modification unless they required a capital expenditure, as defined in § 60.2. For example, the replacement of or addition to the regenerator combustion air blower could be considered a modification if SO_x emissions increased and if capital expenditure as defined in § 60.2 were incurred.

SO_x emissions from the FCCU regenerator may be increased by increasing the sulfur content of the FCCU feedstock. The FCCU feed sulfur content varies routinely because of variations in the crudes processed by a refinery. However, according to § 60.14(e)(4), the use of an alternative fuel or raw material, if the existing facility was designed to accommodate that alternative fuel or raw material, does not constitute a modification. Thus, in most instances, a change in the sulfur content of the FCCU feedstock would not be considered a modification. If physical changes were performed on the regenerator to accommodate a particular FCCU feed, however, the changes could be considered a modification.

Reconstruction, as defined in § 60.15 of 40 CFR Part 60, occurs when the fixed capital cost of replacement components of an existing facility exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and it is shown that it is technically and economically feasible to meet the applicable standards. If the owner or operator proposes a replacement of components that would exceed the 50 percent criterion, the Administrator would determine, on a case-by-case basis, whether a reconstruction had taken place and whether the existing facility would become an affected facility under the standards. The Agency promulgated the reconstruction provisions to ensure that essentially new facilities due to reconstruction would be subject to "new source" performance standards.

If one considers the 50 percent cost factor which triggers reconstruction strictly on a project-by-project basis, a wide variety of interpretations can arise as to what a "project" during which components are replaced entails. In many cases, it would not be possible to determine the original intent of the FCCU owner or operator. In order to reduce the number of subjective determinations concerning intent in these cases, the reconstruction provisions will be applied on a basis

which considers the expenditures made toward a facility over a fixed time period.

To eliminate the ambiguity in the current wording of Section 60.15 and further the intent underlying Section 111 (as described above), the Agency is clarifying the meaning of "proposed" component replacements in § 60.15. Specifically, the Agency is interpreting "proposed" replacement components under § 60.15 to include components which are replaced pursuant to all continuous programs of component replacement which commence (but are not necessarily completed) within the period of time determined by the Agency to be appropriate for the individual NSPS involved. The Agency is selecting a 2-year period as the appropriate period for purposes of the proposed FCCU NSPS. Thus, the Agency will count toward the 50 percent reconstruction threshold the "fixed capital cost" of all depreciable components replaced pursuant to all continuous programs of reconstruction which commence within any 2-year period following proposal of these standards. In the Administrator's judgment, the 2-year period provides a reasonable, objective method of determining whether an owner of an FCCU is actually "proposing" extensive component replacement, within the Agency's original intent in promulgating Section 60.15.

FCCU regenerators usually operate 2 to 4 years continuously before maintenance is performed. The brief period in which the FCCU is shut down for maintenance and repair is called a turnaround. During a typical turnaround, such items as the air distribution system, standpipes, slide valves, plenum chamber, catalyst overflow weirs, regenerator grid and seals, and the regenerator refractory lining are inspected and repaired or replaced as required. Replacement of these items would be included in the determination of the 50 percent replacement cost. However, typical FCCU regenerator repairs and replacements during a turnaround are expected to cost less than 50 percent of the replacement cost of a new regenerator. Therefore, with a 2-year reconstruction period, the FCCU would not become reconstructed due to typical turnarounds.

One FCCU modernization that may be considered a reconstruction of the FCCU regenerator is conversion of a conventional regenerator to a high temperature regenerator. This type of conversion normally requires the replacement of cyclones, the plenum chamber, cyclone diplegs, the

regenerator grid and seals, and the catalyst overflow weir. These components must be constructed from stainless steel rather than carbon steel in order to withstand the higher temperatures. Consequently, the costs of conversion to high temperature regeneration may be greater than 50 percent of the cost to construct a new FCCU regenerator.

Selection of Performance Test Method

To determine compliance with the proposed 90 percent emission reduction standard, EPA Method 8 would be used to measure the concentration of SO_x in the FCCU regenerator flue gas both upstream and downstream of the add-on control device. Testing must be conducted upstream and downstream from the control device simultaneously to determine the percent reduction in regenerator SO_x emissions. EPA Reference Method 2 would be used to determine the velocity and volumetric flow rate of the flue gas stream before and after the control device. Velocity traverses would be performed as specified in EPA Reference Method 1. Moisture in the flue gas would be measured by EPA Reference Method 4.

To determine compliance with the proposed alternative standard of 9.8 kg of SO_x per 1,000 kg of coke burn-off, EPA Reference Method 8 would be used to measure the concentration of SO_x in the FCCU regenerator flue gas. If a fired CO incinerator is used for control of CO emissions from an FCCU regenerator, testing will be conducted upstream from the CO incinerator. EPA Reference Method 2 would be used to determine the velocity and volumetric flow rate of the flue gas stream after the control device. Velocity traverses would be performed as specified in EPA Reference Method 1. Reference Methods 3 and 4 would be used to determine gas composition and moisture content, respectively. The results of these tests would be used to calculate the SO_x emission rate in terms of coke burn-off.

The coke burn-off rate in kg/hour would next be determined in accordance with the procedure described in 40 CFR 60.106(a)(4), using the results of the reference method tests. To calculate the SO_x emission rate in kg SO_x/1,000 kg of coke burn-off in the regenerator, the SO_x emission rate is divided by the coke burn-off rate and multiplied by 1,000.

If an owner or operator elected to meet the proposed standards by limiting the feed sulfur level to 0.3 weight percent, the performance test method would require the sampling of the FCCU fresh feed. For FCCU's processing a single fresh feed stream, refiners would

be required to sample the feed at only one location. Where the fresh feed is injected into the FCCU at multiple locations, sampling the fresh feed at each location would be necessary. Refiners can vary the FCCU fresh feed components and, thus, change the sulfur content of the fresh feed on a daily or even hourly basis. Currently, most refiners manually sample the FCCU fresh feed once per day. Automated sampling equipment for sampling the hot, pressurized FCCU fresh feed has not been demonstrated. Consequently, the required frequency at which samples are to be collected must be comprehensive to ensure that fluctuations in FCCU feed sulfur levels are measured, yet at the same time, be practical with respect to manual sampling techniques. Although FCCU fresh feed sulfur content may change on an hourly basis, requiring samples to be collected once per hour is not practical using manual sampling techniques. An alternative interval is to sample once per 8-hour shift. This interval is frequent enough to measure major fluctuations in the fresh feed sulfur level and is reasonable considering current refinery sampling practices. Therefore, the performance test method would require the sampling of FCCU fresh feed once every 8-hour shift.

The American Society for Testing and Materials (ASTM) has specified four analytical test methods for determination of sulfur in petroleum products. These are ASTM D129 (General Bomb Method), ASTM D1266 (Lamp Method), ASTM D1552 (High Temperature Method), and ASTM D2622 (X-Ray Spectrographic Method). All four of the ASTM methods yield results having similar repeatability and reproducibility. However, none of the methods appear to be universally applicable to all FCCU fresh feeds. Since all four ASTM methods yield similar results in terms of repeatability and reproducibility, it is reasonable to allow a refiner to utilize any one of the four methods for FCCU fresh feed sulfur determinations provided proper attention to potential interferences, as specified in the individual methods, is assured.

The level of the alternate feed sulfur standard was selected based on consideration of the cost per Mg of sulfur removed for applying scrubbers to FCCU's with different feed sulfur levels. The level selected, 0.3 weight percent, represents an average rather than an instantaneous feed sulfur level. Refiners who select to comply with this alternate standard may do so either through the use of low sulfur feeds or hydrotreating.

The sulfur content of FCCU fresh feed at any one refinery varies with time due to changes in the crude oils processed by the refinery. Processing units, such as the hydrocracker, coker, and vacuum distillation unit, contribute to the FCCU fresh feed. Normal fluctuations in these process units, even with a constant crude source, also affect the sulfur content of the FCCU fresh feed. These factors can interact and result in complex sulfur variability patterns which may be difficult for refiners to predict. Consequently, it is impractical to determine compliance with the FCCU feed sulfur standard based on the sulfur content of each FCCU fresh feed sample analyzed. However, it is reasonable to determine compliance based on an average of feed sulfur samples.

A daily averaging time was considered, however, it was judged to be too short to account for sampling variability. Also, a daily averaging time would constrain the operator's flexibility in combing multiple feeds. A weekly averaging time would reduce sampling variability. In addition, the operator would maintain operational flexibility in selecting the feed mix. Therefore, a weekly averaging time was selected.

To ensure compliance with the 0.3 weight percent fresh feed standard, refiners would sample and analyze the FCCU fresh feed once each 8-hour shift. Where the fresh feed is injected into the FCCU at multiple locations and sampling the fresh feed at each location is necessary, the volumetric flow rate at each location at the time of sampling would need to be determined. The sulfur content of the fresh feed for each 8-hour shift would be calculated as the flow weighted average of all the points sampled. Compliance would be based on a 7-day average of these feed sulfur determinations. A 7-day average would provide 13 data points per quarter. This is considered adequate for evaluating compliance.

Selection of Monitoring Requirements

Continuous monitoring is necessary to ensure proper operation and maintenance of SO_x emission control equipment. There are presently no demonstrated continuous monitoring systems commercially available which monitor FCCU regenerator SO_x emissions. Equipment is available, however, to continuously monitor SO₂ emissions in a concentration format. Monitoring the concentration of SO₂ in the FCCU regenerator flue gas would indicate whether the SO_x emission control system is being properly operated and maintained. The performance specifications for

continuous SO₂ monitors are found in Appendix B of 40 CFR 60. For any system installed to monitor SO₂ concentration, a recording device must also be installed so that a permanent time record of the results is produced.

Anticipated costs for continuous monitoring depend on the type of monitor used. The capital cost for a typical extractive SO₂ monitoring system, including installation and a data acquisition system, is \$59,000 (1981 dollars). The capital cost for a typical *in-situ* SO₂ monitor, including installation and data acquisition system, is \$80,000. Anticipated annual costs for either system, including operation and maintenance labor, equipment, and supplies, is \$11,000. Costs for these monitoring systems are reasonable in terms of the emission reductions realized through proper operation and maintenance of the control equipment. Detailed technical and cost information is provided in the background information document, Volume I, Appendix D.

For those plants using add-on control technology to attain the 90 percent reduction (or 50 vppm) limit, a vppm level needs to be defined as an indicator of excess emissions. To do so, an indicator of excess emissions for the proposed percent reduction standard would be established during an initial compliance test. During this test, inlet and outlet scrubber SO_x concentration would be measured, and a representative feed (in terms of sulfur content) would be used. The excess emissions level would be defined as the scrubber outlet concentration (dry, O₂-free basis) measured during the performance test. SO_x emission levels greater than this value would indicate that the scrubber may not be operating or maintained properly.

EPA recognizes that an excess emission level based on outlet concentration does not provide as precise an indicator of scrubber performance as would be provided by two monitors—one before and one after the control device. Comments are invited on this approach.

For those plants that are seeking to demonstrate compliance with the 9.8 kg SO_x/1,000 kg coke burn-off emission limit, a method of equating SO₂ emissions in vppm with the emission limit is needed. This equivalent level in vppm would then be used to define excess emissions.

An analysis using the model plant parameters showed that the proposed 9.8 kg SO_x/1,000 kg coke burn-off emission limit is approximate equivalent to an SO_x concentration of 300 vppm.

The hydrogen content of the catalyst coke, however, influences the relationship between SO_x emissions reported in terms of coke burn-off and vppm. Normal changes in coke hydrogen would cause up to a 5 percent variation between SO_x emissions reported in vppm and coke burn-off. And, since continuous SO_x monitors are not demonstrated, excess emissions are defined as SO₂ emissions, recorded by the continuous monitoring device, in excess of 300 vppm (dry, O₂-free basis). However, refiners whose equivalency differs from 300 vppm may use an alternative approach to defining excess emissions upon approval by the Administrator. By this alternate approach, the equivalency between SO₂ emissions reported in vppm and coke burn-off would be established during stack testing and equated to the proposed SO_x emission standard. Comparing the averaged continuous monitoring readings to 300 vppm or equivalent level (dry, O₂-free basis), as described above, will enable the enforcement agency to examine continuous monitor records and documentation of periods of excess emissions to determine proper operation and maintenance of the SO_x control system.

Sulfur trioxide usually constitutes less than 10 percent of SO_x emissions from FCCU's. An increase in the excess O₂ content of the regenerator flue gas or use of certain catalysts or additives, such as CO promoters SO_x reduction catalysts, within the FCCU regenerator may substantially increase the SO₃ content of the FCCU flue gas. Since any increase in SO₃ would not be measured by a continuous SO₂ monitor, it is reasonable to require the use of continuous monitors to measure the O₂ content of the flue gas. Recording the addition of promoters and SO_x reduction catalysts along with the O₂ content of the flue gas will give an indication of potential increases in SO₃ emissions. Because refiners routinely monitor the O₂ content of the FCCU regenerator flue gas on a continuous basis as well as catalyst additions, no additional costs to the refiner are expected as a result of these requirements. These requirements would serve to further ensure proper operation and maintenance of the SO_x control system. The performance specifications for continuous oxygen monitors are found in Appendix B of 40 CFR Part 60. Continuous feed sulfur monitors are not demonstrated and are, therefore, not required for the alternative feed sulfur level standard.

Impacts of Reporting/Recordkeeping Requirements

The proposed standards FCCU regenerators require refiners to submit notification and compliance reports in accordance with the General Provisions (40 CFR Part 60, Subpart A). Notification requirements include notification of construction, notification of anticipated initial start-up, notification of initial start-up, and notification of modification or reconstruction. These notifications enable the Agency to keep abreast of facilities subject to the standards of performance. Refiners are required to report the results of performance tests and evaluations of continuous monitor performance. These reports would show that a facility is meeting the standard initially. In addition, refiners are required to submit reports of excess emissions on a quarterly basis.

The proposed SO₂ emission standards require continuous monitoring systems which would indicate whether the emission control system installed to comply with the standard is being properly operated and maintained. The alternate feed sulfur standard requires that feed sulfur samples be collected and analyzed to ensure compliance. Monitoring and the compilation of continuous monitoring or feed sulfur test data are essential for both the owner or operator and the Agency to ensure proper operation and maintenance of control equipment or to ensure compliance with the alternate feed sulfur standard. A responsible owner or operator would need to compile continuous monitoring and feed sulfur test data in a usable form to determine when adjustments to the control system are needed to ensure that it is performing at its intended effectiveness level regardless of whether the Agency requires it.

For the proposed percent reduction standard, excess emissions are established by a compliance test and are equal to the SO₂ concentration on a dry, O₂-free basis of the stack gases at the scrubber outlet. For the proposed 9.8 kg SO₂/1,000 kg coke burn-off emission limit, excess emissions are defined as SO₂ emissions in excess of 300 vppm on a dry, O₂-free basis. For the proposed alternate feed sulfur standard, excess emissions are defined as averaged FCCU feed sulfur levels in excess of 0.3 weight percent. Quarterly reporting of all periods of excess emissions is required. Records of continuous monitoring data, addition of promoters or SO₂ reduction catalysts, excess emissions, and continuous monitoring calibrations must be maintained by the operator of the affected facility and be

available for inspection by the Agency for 2 years.

The resources needed by the industry to complete necessary reports, maintain records, and to collect, prepare, and use the reporting through the first 5 years after proposal of the standard would be a total of 13.0 person-years for the 17 projected units covered by the proposed standards.

Correction of the Standard for Fuel Gas Combustion Devices

This proposed rule would amend the standard in Subpart J for fuel gas combustion devices to delete an incorrect paragraph. The paragraph to be deleted (40 CFR 60.105(e)(4)) contains the definition of excess SO_x emissions for fuel gas combustion devices that was in effect before the standard was amended on March 15, 1978. The 1978 amendments redefined excess SO_x emission for fuel gas combustion devices in paragraph 40 CFR 60.105(e)(3)(i) but failed to delete the former definition.

Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked "Attention: Desk Office for EPA." The final rule will respond to any OMB or public comments on the information collection requirements.

Public Hearing

A public hearing will be held to discuss the proposed standard in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact the Agency at the address given in the ADDRESSES section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the ADDRESSES section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, D.C. (see ADDRESSES section of this preamble).

Docket

The docket is an organized and complete file of all the information

submitted to or otherwise considered in the development of this proposed rulemaking. The principal purposes of the docket are (1) to allow interested parties to readily identify and locate documents so that they can effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review (except for interagency review materials (section 307(d)(7)(A)).

Miscellaneous

In accordance with Section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. The Administrator will welcome comments on all aspects of the proposed regulation, including economic and technological issues, and on the proposed test methods.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under Section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to ensure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the background information document.

"Major Rule" Determination

Under Executive Order 12291, the Agency is required to judge whether a regulation is a "major rule" and, therefore, is subject to certain requirements of the Order. The Agency has determined that this regulation would result in none of the economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be a "major rule." Fifth-year annual costs of the proposed standards would be less than \$35 million for the 17 newly constructed, modified, and reconstructed units projected to be affected by the standards during the first 5 years. This corresponds to a cost of \$510/Mg SO₂ removed for flue gas

scrubbers. If SO_x reduction catalysts are used, fifth-year annual costs are expected to be from \$10 million to \$20 million or \$200 to \$400/Mg SO_x removed. Price increases less than 0.4 percent are expected to result from implementation of these proposed standards. The Agency has also concluded that this rule is not "major" under any of the criteria established in the Executive Order. The Agency has concluded, therefore, that the proposed regulation is not a "major rule" under Executive Order 12291.

This regulation was submitted to OMB for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection in Docket Number A-79-09, Central Docket Section, at the address given in the ADDRESSES section of this preamble.

Regulatory Flexibility

The Regulatory Flexibility Act of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a Regulatory Flexibility Analysis in those instances where small business impacts are possible. Determination of the need to perform a Regulatory Flexibility Analysis is based upon the definition and consideration of three factors: (1) the maximum size of a small business, (2) the number of small businesses affected, and (3) the expected economic impacts.

The Small Business Administration (SBA) has defined small petroleum refineries as those that employ fewer than 1,500 persons. This total number of employees, which includes subsidiaries and other affiliated operations, has been specified by SBA (13 CFR Part 121) for the purpose of its various loan and assistance programs. Based on this definition, 18 of the FCCU's located in the United States are currently operated by small businesses.

If the respective affected facilities were distributed proportionately between large and small refineries, two or three units would be built by small refineries. However, due to the discontinuance of the entitlements program, very little construction is anticipated at small refineries. Thus, the percentage of the small refining businesses affected will be well below the level of concern.

Regardless of the number of small businesses affected, economic impacts are expected to be small. The cost of the proposed standards should be capable of being included in the prices of refined petroleum products, and in all cases price increases are expected to be less

than 0.4 percent. Therefore, because the proposed standards do not affect a substantial number of small businesses and will not entail significant economic impacts, a Regulatory Flexibility Analysis has not been conducted.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators.

Dated: December 29, 1983.

Alvin L. Alm,
Acting Administrator.

PART 60—[AMENDED]

It is proposed to amend 40 CFR Part 60, Subpart J, as follows:

1. Section 60.100 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 60.100 Applicability and designation of affected facility.

(b) Any fluid catalytic cracking unit regenerator or fuel gas combustion device under paragraph (a) of this section which commences construction or modification after June 11, 1973, or any Claus sulfur recovery plant under paragraph (a) of this section which commences construction or modification after October 4, 1976, is subject to the requirements of this part except as provided in paragraph (c).

(c) Any fluid catalytic cracking unit regenerator under paragraph (b) of this section which commences construction or modification before January 17, 1984 is exempted from § 60.104(b), except if modification or reconstruction occurs after January 17, 1984.

2. Section 60.101, is amended by adding paragraphs (m), (n), (o), and (p) to read as follows:

§ 60.101 Definitions.

(m) "Fluid catalytic cracking unit" means a refinery process unit in which

petroleum derivatives are continuously charged; hydrocarbon molecules in the presence of a catalyst suspended in a fluidized bed are fractured into smaller molecules, or react with a contact material suspended in a fluidized bed to improve feedstock quality for additional processing; and the catalyst or contact material is continuously regenerated by burning off coke and other deposits. The unit includes the riser, reactor, regenerator, air blowers, spent catalyst or contact material stripper, catalyst or contact material recovery equipment, and regenerator equipment for controlling air pollutant emissions and for heat recovery.

(n) "Fluid catalytic cracking unit regenerator" means the portion of the fluid catalytic cracking unit in which coke burn-off and catalyst or contact material regeneration occurs, and includes the fluid catalytic cracking unit regenerator combustion air blower(s).

(o) "Fresh feed" means any petroleum derivative feedstock stream charged directly to the riser or reactor of a fluid catalytic cracking unit except for petroleum derivatives recycled within the fluid catalytic cracking unit.

(p) "Contact material" means any substance formulated to remove metals, sulfur, nitrogen, or any other contaminant from petroleum derivatives.

3. Section 60.104 is amended by revising the section heading and adding paragraph (b) to read as follows:

§ 60.104 Standards for sulfur oxides.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, each owner or operator subject to the provisions of this subpart shall comply with one of the following conditions for each affected facility:

(1) Reduce sulfur oxides (SO_x) emissions to the atmosphere by 90 weight percent averaged over three hours and measured simultaneously at the inlet and outlet to the add-on control device, or to 50 vppm on a dry, O₂-free basis, averaged over three hours and measured after the add-on control device, whichever is less stringent.

(2) Maintain emissions to the atmosphere, using no add-on control device, so that they are no greater than 9.8 kg of sulfur oxides, reported as sulfur dioxide (SO₂), per 1,000 kg of coke burn-off, averaged over 3 hours.

(3) Process in the fluid catalytic cracking unit no fresh feed which contains sulfur in quantities greater than 0.30 percent by weight of fresh feed, averaged over 7 days.

4. Section 60.105 is amended by removing paragraph (e)(4), and by revising paragraphs (c) and (e)(3) introductory text, and adding paragraphs (a)(7), (a)(8), (a)(9), (e)(3)(iii), (e)(3)(iv), and (e)(3)(v) to read as follows:

§ 60.105 Emission monitoring.

(a) * * *

(7) An instrument for continuously monitoring and recording concentrations of sulfur dioxide (SO₂) in the gases discharged into the atmosphere from any fluid catalytic cracking unit regenerator for which the owner or operator has elected to comply with § 60.104(b)(1) or (2). The span of this continuous monitoring system shall be set at 500 ppm.

(8) An instrument for continuously monitoring and recording concentrations of oxygen (O₂) in the gases discharged into the atmosphere from any fluid catalytic cracking unit regenerator for which the owner or operator has elected to comply with § 60.104(b)(1) or (2). If an incinerator-waste heat boiler is used to combust the exhaust gases from the fluid catalytic cracking unit regenerator then concentrations of O₂ shall be monitored at a location between the regenerator outlet and the incinerator-waste heat boiler inlet. The span of this continuous monitoring system shall be set at 10 percent.

(9) The use of carbon monoxide promoter catalysts or sulfur oxides reduction catalysts for any fluid catalytic cracking unit regenerator for which the owner or operator has elected to comply with § 60.104(b)(1) or (2) shall be recorded daily.

(c) The average coke burn-off rate (thousands of kilograms per hour) and hours of operation shall be recorded daily for any fluid catalytic cracking unit regenerator subject to § 60.102 or § 60.103, or for which the owner or operator has elected to comply with § 60.104(b)(2).

(e) For purposes of reports under § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) * * *

(2) * * *

(3) Sulfur oxides.

(iii) Any 3-hour period during which the average concentration of SO₂ at 0 percent oxygen on a dry basis in the gases discharged into the atmosphere from any fluid catalytic cracking-unit regenerator for which the owner or operator has elected to comply with § 60.104(b)(1) exceeds the add-on

control device outlet 3-hour SO₂ concentration at 0 percent oxygen on a dry basis measured during the most recent compliance test, as measured by a continuous monitoring device outlined in paragraph (a)(7) of this section. The owner or operator may apply to use an alternate method of determining excess emissions subject to the approval of the Administrator.

(iv) Any 3-hour period during which the average concentration of SO₂ in the gases discharged into the atmosphere from any fluid catalytic cracking unit regenerator for which the owner or operator has elected to comply with § 60.104(b)(2) exceeds 300 vppm at 0 percent oxygen on a dry basis, as measured by a continuous monitoring device outlined in paragraph (a)(7) of this section. The owner or operator may apply to use another level for excess emissions based on an equivalency of vppm to the standard established from emission testing subject to the approval of the Administrator.

(v) Any 7-day period during which the average sulfur content of the fresh feed charged directly to a fluid catalytic cracking unit for which the owner or operator has elected to comply with § 60.104(b)(3) exceeds 0.3 weight percent of fresh feed.

5. Section 60.106 is amended by adding paragraphs (e), (f), and (g) to read as follows:

§ 60.106 Test methods and procedures.

(e) For the purpose of determining compliance with § 60.104(b)(1), the following reference methods and calculation procedures shall be used:

(1) For gases released to the atmosphere from the fluid catalytic cracking unit regenerator: Method 8 shall be used for the concentration of SO_x; Method 1 shall be used for velocity traverses; Method 2 for determining velocity and volumetric flow rate; Method 3 for determining gas composition; and Method 4 for determining moisture content. Testing shall be conducted at the add-on control device inlet and outlet simultaneously to determine the percent emission reduction achieved by the control device. Sampling time for each run shall be at least 60 minutes.

(2) Percent reduction in sulfur oxides emissions shall be determined by the following equation:

$$R = (100 \text{ percent}) (S_i - S_o) / S_i$$

Where:

R = SO_x emission reduction, percent

S_i = SO_x emission rate measured at the inlet to the add-on control device, kg/hr

S_o = SO_x emission rate measured at the outlet from the add-on control device, kg/hr

(3) Outlet concentrations of SO_x from the add-on control device less than 50 vppm, reported on a dry O₂-free basis shall be determined by using Method 8 for the concentration of SO_x; Method 1 for velocity traverses; Method 2 for velocity and volumetric flow rates; and Method 3 for gas compositions. Testing shall be conducted at the add-on control device outlet. Sampling time for each run shall be at least 60 minutes.

(f) For the purpose of determining compliance with § 60.104(b)(2), the following reference methods and calculation procedures shall be used:

(1) For gases released to the atmosphere from the fluid catalytic cracking unit regenerator: Method 8 shall be used for the concentration of SO_x; Method 1 shall be used for velocity traverses; Method 2 for determining velocity and Volumetric flow rate; Method 3 for gas analysis; and Method 4 for determining moisture content. The sampling site for determining SO_x concentration by Method 8 shall be the same as for determining volumetric flow rate by Method 2. Sampling time for each run shall be at least 60 minutes.

(2) Where the gases discharged by the fluid catalytic cracking unit regenerator pass through an incinerator-waste heat boiler in which auxiliary or supplemental gaseous, liquid, or solid fossil fuel is burned, the testing described in § 60.106(f)(1) shall be performed at a point between the regenerator outlet and the incinerator-waste heat boiler inlet.

(3) Coke burn-off rate shall be determined using the procedure outlined in paragraph (a)(4) of this section.

(4) Sulfur oxides emission shall be determined by the following equation:

$$S_E = (60 \times 10^{-9}) Q_{RV} C_{SO}$$

Where:

S_E = sulfur oxides emission rate, kg/hr.

60 × 10⁻⁹ = conversion factor, min-kg/hr-mg.

Q_{RV} = volumetric flow rate of gases

discharged into the atmosphere from the fluid catalytic cracking unit regenerator following the emission control system, as determined by Method 2, dscm/min.

C_{SO} = sulfur oxides concentration reported as SO₂ discharged into the atmosphere, as determined by Method 8, mg/dscm.

(5) For each run, emissions expressed in kg/1,000 kg coke burn-off in the regenerator shall be determined by the following equation:

$$S_3 = 1,000 (S_E / R_C)$$

Where:

S₃ = sulfur oxides emission rate, kg/1,000 kg of coke burn-off in the fluid catalytic cracking unit regenerator.

1,000 = conversion factor, kg to 1,000 kg.

S_F = sulfur oxides emission rate expressed as SO_2 , kg/hr
 R_C = coke burn-off rate, kg/hr.

$$S_F = \sum_{i=1}^n \frac{S_i Q_i}{Q_T}$$

Where:

S_i = fresh feed sulfur content expressed in percent by weight of fresh feed.

n = number of separate fresh feed streams charged directly to the riser or reactor of the fluid catalytic cracking unit.

Q_T = total volumetric flow rate of fresh feed charged to the fluid catalytic cracking unit.

S_i = fresh feed sulfur content expressed in percent by weight of fresh feed for the "ith" sampling location.

Q_i = volumetric flow rate of fresh feed stream for the "ith" sampling location.

(4) Compliance with § 60.104(b)(3) shall be determined once per 7-day period by calculating the arithmetic 7-day average fresh feed sulfur content expressed in percent by weight of fresh feed using all 21 of the fresh feed sulfur content values for the 7-day period.

6. Section 60.107 is added to read as follows:

§ 60.107 Reporting and recordkeeping requirements.

(a) Each owner or operator subject to § 60.104(b) shall notify the Administrator of the specific provisions of § 60.104(b) [§ 60.104 (b)(1), (b)(2), or (b)(3)] with which the owner or operator has elected to comply. Notification shall be submitted with the notification of initial startup required by § 60.7(a)(3). If an owner or operator elects at a later date to use an alternative provision of

§ 60.104(b) with which he or she will comply, then the Administrator shall be notified by the owner or operator 90 days before implementing a change and, upon implementing the change, a performance test shall be performed as specified by § 60.106.

(b) Owners or operators who have elected to comply with § 60.104(b) (1) or (2) shall conduct continuous monitoring system performance evaluations during each performance test of the fluid catalytic cracking unit regenerator SO_2 control system. These results shall be reported to the Agency along with the results of the performance test.

7. Section 60.108 is added to read as follows:

§ 60.108 Reconstruction.

For purposes of this subpart:

(a) Under § 60.15, the "fixed capital cost of the new components" includes the fixed capital cost of all depreciable components which are or will be replaced pursuant to all continuous programs of component replacement which are commenced within any 2-year period following January 17, 1984. For purposes of this paragraph, "commenced" means that an owner or operator has undertaken a continuous program of component replacement or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of component replacement.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

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Federal Register

Tuesday
January 17, 1984

Part IV

Office of Management and Budget

Budget Deferrals

**OFFICE OF MANAGEMENT AND
BUDGET****Budget Deferrals****To the Congress of the United States:**

In accordance with the Impoundment Control Act of 1974, I herewith report seven new deferrals of budget authority totaling \$1,832,465,000 and seven revised deferrals of budget authority totaling \$2,734,156,870.

The actions affect programs in Funds Appropriated to the President, the Departments of Agriculture, Commerce, Defense (Military and Civil), Health and Human Services, Justice, State and the United States Information Agency.

The details of the deferrals are contained in the attached reports.

Ronald Reagan,

The White House, January 12, 1984.

BILLING CODE 3110-01-M

SUMMARY OF SPECIAL MESSAGES
FOR FY 1984
(in thousands of dollars)

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority	Rescissions	Deferrals
	Funds Appropriated to the President			
	International Security Assistance			
	Foreign military sales credit.....	1,315,000	---	1,832,465
	Economic support fund.....	2,571,571	---	2,314,199
	Military assistance.....	426,970	---	4,146,684
	Department of Agriculture			
	Forest Service			
	Expenses, brush disposal.....	55,072	---	
	Timber salvage sales.....	15,421	---	
	Department of Commerce			
	International Trade Administration			
	Participation in U.S. expositions.....	550	---	419,958
	Department of Defense (Military)			
	Environmental restoration, defense.....	75,000	---	4,566,622
	Department of Defense (Civil)			
	Wildlife conservation, military reservations	1,162	---	
	Department of Health and Human Services			
	Office of the Assistant Secretary for Health			
	Scientific activities overseas (special			
	foreign currency program).....	7,034	1,700	2,482,902
	Department of Justice			
	Bureau of Prisons			
	Buildings and facilities.....	45,777	---	
	Department of State			
	Bureau of Refugee Programs			
	United States emergency refugee and migration			
	assistance fund.....	38,120	---	
	United States Information Agency			
	Salaries and expenses.....	2,400	---	
	Salaries and expenses (special foreign			
	currency program).....	2,900	---	
	Acquisition and construction of radio			
	facilities.....	9,645	---	
	Total, deferrals.....	4,566,622	1,700	7,049,524

Fifth special message:
New items.....
Revisions to previous special messages.....
Effects of fifth special message.....
Amounts from previous special messages that
are changed by this message (change noted
above).....
Subtotal, rescissions and deferrals.....
Amounts from previous special messages that
are not changed by this message.....
Total amount proposed to date in all
special messages.....

SUPPLEMENTARY REPORT

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority (P.L. 98-151)	\$ 1,315,000,000
Bureau International Security Assistance	Other budgetary resources	
Appropriation title & symbol	Total budgetary resources	1,315,000,000
Foreign Military Sales Credit	Amount to be deferred:	
1141082 1/	Part of year	1,315,000,000
	Entire year	
OMB identification code:	Legal authority (in addition to sec. 1013):	
11-1082-0-1-152	<input type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Other	
Type of account or fund:	Type of budget authority:	
<input checked="" type="checkbox"/> Annual	<input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> Bi-year	<input type="checkbox"/> Other	

Report Pursuant to Section 1014(c) of P.L. 93-344.
This report updates Deferral No. D84-24, transmitted to the Congress on December 14, 1983.

This revision to a previous International Security Assistance deferral in the Economic support fund increases the amount deferred from \$303,880,000 to \$2,571,571,000, an increase of \$2,267,691,000. The increase reflects the additional funds available under P.L. 98-151.

Justification: The President is authorized by the Arms Export Control Act to sell or finance by credit or guarantees articles and defense services to friendly countries to facilitate the common defense. Public Law 98-151 provides appropriations of \$1,315,000,000 for fiscal year 1984 to enable the President to carry out those authorities. Under section 2 of the Arms Export Control Act, the Secretary of State determines whether there shall be a sale to a country and the amount thereof. Executive Order 11958 further requires the Secretary of State to obtain the prior concurrence of the Secretaries of Defense and Treasury, respectively, regarding standards and criteria for credit and guaranty transactions that are based upon national security and financial policies.

These funds have been deferred pending approval of specific loans to eligible countries by the Departments of State, Defense and the Treasury. Consultation among these Departments will ensure that each approved program is consistent with the foreign, national security and financial policies of the United States and will not exceed the limits of available funds.

Estimated Program Effect: None.

Outlay Effect: None.

This account was the subject of a similar deferral in 1983 (D83-21).

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority (P.L. 98-151)	\$ 510,000,000
Bureau International Security Assistance	Other budgetary resources	5,470,000
Appropriation title & symbol		Total budgetary resources 515,470,000
Military Assistance		Amount to be deferred:
1141080	1/	Part of year 426,970,000
Entire year		
OMB identification code: Legal authority (in addition to sec. 1013):		
11-1080-0-1-152	<input type="checkbox"/> Antideficiency Act	
Grant program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of account or fund:		
<input checked="" type="checkbox"/> Annual	<input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> No-year	<input type="checkbox"/> Other	

JUSTIFICATION

Pursuant to the Foreign Assistance Act (FAA) of 1961, as amended, the President is authorized to furnish grant military assistance to any friendly country or international organization if he finds that it will strengthen the security of the United States or promote world peace. Public Law 98-151 makes continuing appropriations of \$510,000,000 of grant Military Assistance (MAP) funds for fiscal year 1984 to enable the President to carry out this authority. Executive Order No. 12163 of September 29, 1979, as amended, delegates certain of the President's functions under the FAA to the Secretaries of State and Defense. \$426,970,000 is being deferred pending approval of specific country programs by the Departments of State, Treasury, and Defense. Consultation among these Departments will ensure that each approved program is consistent with the foreign, national security and financial policies of the United States and will not exceed the limit of available funds.

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in 1983 (D83-29)

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President (AID)	New budget authority (P.L. 98-151)	\$ 2,903,250,000*
Bureau International Security Assistance	Other budgetary resources	
Appropriation title & symbol		Total budgetary resources 2,903,250,000*
Economic Support Fund		Amount to be deferred:
1141037	1/	Part of year 2,571,571,000*
Entire year		
OMB identification code: Legal authority (in addition to sec. 1013):		
11-1037-0-1-152	<input type="checkbox"/> Antideficiency Act	
Grant program	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of account or fund:		
<input checked="" type="checkbox"/> Annual	<input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> No-year	<input type="checkbox"/> Other	

Justification: Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish assistance to promote economic or political stability in foreign countries on such terms and conditions as he may determine. P.L. 98-151 provides continuing appropriations of \$2,903,250,000 of grant and loan Economic Support Funds to enable the President to carry out those authorities. Under Part II, Chapter 4 of the Foreign Assistance Act, the Secretary of State is responsible for policy decisions and justifications for such economic support programs, including the countries and amounts to be provided. Executive Order No. 12163 of September 29, 1979, further delegates the President's responsibilities under chapter 4 to the Secretary of State insofar as they relate to policy decisions and justifications for economic support programs. These functions will be exercised in cooperation with the Administrator of the Agency for International Development.

The funds are deferred pending approval of specific loans and grants to eligible countries by the Secretary of State. This will insure that each approved program is consistent with the foreign, national security and financial policies of the U.S. and will not exceed the limits of available funds.

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in 1983 (D83-22)
* Revised from previous report.

Report Pursuant to Section 1014(c) of P.L. 93-344.

This report updates Deferral No. D84-3 transmitted to the Congress on October 3, 1983.

This revision to a deferral of Department of Agriculture funds for brush disposal increases the amount previously reported as deferred from \$42,674,154 to \$55,072,019. This net increase of \$12,397,865 is attributable to an adjustment in the balance brought forward on October 1, 1983.

Agency Department of Agriculture Bureau Forest Service	New budget authority (P.L. 16 USC 490) Other budgetary resources	\$ 48,300,000 55,072,019 *
Appropriation title & symbol Expenses, Brush Disposal 12X5206 1/	Total budgetary resources	103,372,019 *
OMB identification code: 12-9922-0-2-302	Amount to be deferred: Part of year Entire year	55,072,019 *
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Legal authority (in addition to sec. 1012): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification: * Purchasers of National Forest timber deposit the estimated cost to the Forest Service of disposing of brush and other debris resulting from their cutting operations pursuant to 16 USC 490. Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring use of deposits until the following fiscal year. The current fiscal year reserve of \$55.1 million was established pursuant to the Antideficiency Act (31 U.S.C. 1512) as a reserve for contingencies, compared with reserves of \$42.7 million in 1983 and \$49.3 million in 1982.

Estimated Program Effect: None.

Outlay Effect: None.

This account was the subject of a similar deferral in FY 1983 (D83-3).
* Revised from previous report.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Agriculture	New budget authority (P.L. 94-588)	\$ 12,775,000
Bureau	Forest Service	Other budgetary resources	15,420,710 *
Appropriation title & symbol	Timber Salvage Sales 12X5204 1/	Total budgetary resources	28,195,710 *
OMB identification code:	12-9922-0-2-302	Amount to be deferred:	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Part of year	
Type of account or fund:		Entire year	15,420,710 *
<input type="checkbox"/> Annual		Legal authority (in addition to sec. 1013):	
<input type="checkbox"/> Multiple-year (expiration date)		<input checked="" type="checkbox"/> Antideficiency Act	
<input checked="" type="checkbox"/> No-year		<input type="checkbox"/> Other	
Type of budget authority:		<input checked="" type="checkbox"/> Appropriation	
		<input type="checkbox"/> Contract authority	
		<input type="checkbox"/> Other	

Justification: The Secretary is authorized to require purchasers of sales involving dead, damaged, insect infested, or down timber to make monetary deposits into a designated fund to cover the costs associated with such sales.

The National Forest Management Act of 1976 provided the salvage sale fund to meet catastrophes that occur during a given year or when other market conditions occur so that immediate action can take place to harvest the dead and dying trees. Sufficient reserves must be held in order to meet these catastrophes.

This deferral is necessary in this account because of the time lag between the deposit of receipts from salvage sales and the expenditures of funds to cover costs associated with making additional sales on that National Forest. The collections becoming available in the current year are estimated and the related salvage sale operations may not necessarily be planned in the same year.

Estimated Program Effect: None.

Outlay Effect: None.

* This account was the subject of similar deferral in FY 1983 (083-2). Revised from previous report.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(C), P.L. 93-344

This report updates Deferral No. 084-2 transmitted to the Congress on October 3, 1983.

This revision to a deferral of Department of Agriculture timber salvage funds increases the amount previously reported as deferred from \$6,211,000 to \$15,420,710. This net increase of \$9,210,710 is attributable to an adjustment in the balance brought forward on October 1, 1983.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Bureau	Department of Defense - Military	New budget authority (P.L. 98-212)	\$150,000,000
Appropriation title & symbol Environmental Restoration, Defense 9740810		Other budgetary resources	0
		Total budgetary resources	150,000,000
		Amount to be deferred: Part of year	\$ 75,000,000
		Entire year	
OMB identification code: 97-0810-0-1-051		Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input type="checkbox"/> No-year			

Justification: This new appropriation was created by Congress for the purpose of consolidating the separate efforts of three military departments and the Defense Logistics Agency. The amounts originally programmed by DOD for restoration of the environment at military installations for this program in 1984 totaled \$59 million. The Congress has appropriated \$150 million to fund both the \$59 million Administration program, and to encourage the departments to develop and execute a more aggressive program aimed at reducing the nationwide backlog of hazardous waste, demolition of deteriorated buildings, and clean-up of debris on military installations.

Of the appropriated amount, \$75 million can be constructively used at this time. The military services and Defense Logistics Agency's new program for use of the remaining \$75 million is still under review by the staff of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics). Release from reserve and apportionment of the remainder will be made at such time as the unreviewed portion of this program has been approved.

Estimated Program Effect: None.

Outlay Effect: None.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Bureau	Department of Commerce	New budget authority (P.L. _____)	\$ 4,353,000
Appropriation title & symbol Participation in United States Expositions (132-51805) 1/		Other budgetary resources	4,353,000
		Total budgetary resources	4,353,000
		Amount to be deferred: Part of year	\$
		Entire year	554,000
OMB identification code: 13-1805-0-3-376		Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year September 30, 1985 (expiration date) <input type="checkbox"/> No-year			

Justification: This account provides for Federal participation in the Louisiana World Exposition to be held in New Orleans, Louisiana, in 1984. Funding requirements are determined by the construction and operation schedules of the Federal exhibits at the exposition and the amount being deferred will not be needed until FY 1985. This deferral is made under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Program Effect: None.

Outlay Effect: None.

This account was the subject of a similar deferral during FY 1983 (DB-4).

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Report Pursuant to Section 1014(c) of Public Law 93-344
This report updates Deferral No. D84-7 transmitted to the Congress on October 3, 1983.

This revision to a deferral of Department of Defense wildlife conservation funds increases the amount previously reported as deferred from \$776,775 to \$1,161,531. This net increase of \$384,756 is attributable to increased estimates of receipts and adjustments in unobligated balances brought forward on October 1, 1983.

Agency Department of Defense - Civil	New budget authority (16 U.S.C. 670f)	\$ 1,590,000
Bureau	Other budgetary resources	1,181,531 *
Appropriation title & symbol	Total budgetary resources	2,871,531 *
See coverage section below	Amount to be deferred: Part of year	\$
	Entire year	1,161,531 *
OMB identification code: See coverage section below	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year		

Coverage: * 1/

Appropriation	Symbol	OMB Code	Identification Code	Amount Deferred
Wildlife Conservation, Army	21X5095	21-5095-0-2-303		5824,109 *
Wildlife Conservation, Navy	17X5095	17-5095-0-2-303		141,225 *
Wildlife Conservation, Air Force	57X5095	57-5095-0-2-303		196,197 *
				\$1,161,531 *

Justification: These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law--to carry out a program of natural resources conservation. These funds are being deferred because: (1) installations may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified. This deferral is made under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effect: None.

Outlay Effect: None.

* These accounts were the subject of a similar deferral during FY 1983 (D83-7).

* Revised from previous report.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health & Human Services Bureau Office of the Assistant Secretary for Health Appropriation title & symbol Scientific Activities Overseas (Special Foreign Currency Program) 75X1102 1/	New budget authority (P.L. 93-344) Other budgetary resources 12,680,399 * Total budgetary resources 12,680,399 * Amount to be deferred: Part of year Entire year 7,034,371 *
OMB identification code: 75-1102-0-1-352	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account of fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	

Justification: The Scientific Activities Overseas Program is funded with appropriations which consist of excess foreign currencies owned by the United States. The currencies of Burma, Guinea, India, and Pakistan held by the Treasury have been designated as excess to normal U.S. needs. Funds for this program, which remain available until expended, are used for scientific research projects in those countries.

The amount of funds to be obligated during FY 1984 and the amount to be deferred for the entire year were determined after a careful review of the scientific merit of project proposals in the countries for which excess currency is available. The research projects in those countries that will continue toward meeting U.S. scientific needs have been selected for funding in FY 1984. The amount being deferred is excess to current program requirements and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

This account was the subject of a similar deferral in FY 1983 (83-10A).
* Revised from previous report.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates Deferral No. D84-9 transmitted to the Congress on October 3, 1983.

This revision of a deferral for the Scientific Activities Overseas Program of the Department of Health and Human Services increases the previously reported deferral amount from \$6,463,119 to \$7,034,371. This increase results from an actual unobligated balance brought forward into fiscal year 1984 that is higher than estimated.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344.

This report updates Deferral No. D84-28, transmitted to the Congress on December 14, 1983.

This revision to a previous Federal Prison System deferral increases the amount deferred from \$22,025,000 to \$45,777,000, an increase of \$23,752,000. This increase reflects increased budgetary resources available for building and facilities.

Agency Department of Justice	New budget authority (P.L.)	\$ 47,711,000 *
Bureau Federal Prison System	Other budgetary resources	103,422,082 *
Appropriation title & symbol Buildings and Facilities	Reimbursements	11,972,000 *
15X1003 1/	Total budgetary resources	163,105,082 *
OMB identification code: 15-1003-0-1-753	Amount to be deferred:	
Grant program	Part of year	
	Entire year	45,777,000 *
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year <input checked="" type="checkbox"/> No-year	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	
Estimated Program Effect: None.	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Outlay Effect: None.		

Justification: * This appropriation finances planning, acquisition of sites and construction of new penal and correctional facilities as well as construction, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions. Projects are undertaken to reduce overcrowding, close old and antiquated penitentiaries and provide a safe and humane environment for staff and inmates. The deferral contains \$19,915,000 for the Los Angeles Metropolitan Correctional Center, \$1,060,000 for the Phoenix FCI, \$1,060,000 for Oakdale Alien Detention Center, \$1,700,000 for the Northeast Level 2/3, \$16,874,000 for the Northeast Level 4, and \$5,178,000 for modernization. Due to the time required for planning design efforts and selection of contractors, it would be impossible to complete those projects, for which funding is deferred, during FY 1984.

1/ This account was the subject of a similar deferral in 1983 (D83-35).

* Revised from previous report.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Report Pursuant to Section 1014(c) of Public Law 93-344
This report revises Deferral No. D84-12 transmitted to the Congress on October 3, 1983.
The amount deferred for the United States Emergency Refugee and Migration Assistance Fund is \$38,120,239, an increase of \$192,239 from the amount previously reported as deferred. This increase results from higher unobligated balances carried forward into fiscal year 1984 than originally estimated.

Agency Department of State	New budget authority (P.L.) \$
Bureau Bureau of Refugee Programs	Other budgetary resources \$ 38,120,239
Appropriation title & symbol United States Emergency Refugee and Migration Assistance Fund, Executive 1/ 11X0040	Total budgetary resources \$ 38,120,239
	Amount to be deferred Part of Year \$ 38,120,239 *
	Entire Year \$
OMB identification code: 11-0040-0-1-151	Legal authority (in addition to Section 1013): <input checked="" type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other

Justification: *Section 501(a) of the Foreign Relations Authorization Act, 1976 (Public Law 94-141) and Section 414(b)(1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed \$30 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

Executive Order No. 11922 of June 16, 1976, allocated all funds appropriated to the President for the Emergency Fund to the Secretary of State but reserved for the President the determination of assistance to be furnished and the designation of refugees to be assisted by the fund.

The Emergency Fund contains \$38,120,239 in unobligated balances from prior-year authority. This amount has been deferred pending Presidential decisions acquired by Executive Order No. 11922 and to achieve the most economical use of appropriations. Funds will be released as the President determines assistance to be furnished and designates refugees to be assisted by the fund. This deferral action is taken under the provisions of 31 U.S.C. 1512.

Estimated Program Effects: None.

Outlay Effect: None.

This account was the subject of a similar deferral during FY 1983-083-12. Revised from previous report.

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency	U.S. Information Agency	New budget authority (P.L. 98-166)	\$471,853,000
Bureau		Other budgetary resources	6,370,912
Appropriation title & symbol		Total budgetary resources	478,223,912
67X0201 - 67X0201 Salaries and Expenses (no Year)		Amount to be deferred:	\$
		Part of year	
		Entire year	2,400,000
Legal authority (in addition to sec. 1013):			
<input checked="" type="checkbox"/> Antideficiency Act			
<input type="checkbox"/> Other			
Type of budget authority:			
<input checked="" type="checkbox"/> Appropriation			
<input type="checkbox"/> Contract authority			
<input type="checkbox"/> Other			

Justification: The United States Information Agency (USIA) is authorized by the United States Information and Educational Exchange Act of 1949, as amended (22 U.S.C. 1431, et. seq.), the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451, et. seq.), Executive Order 11034 of June 25, 1962, as amended, and Reorganization Plan No. 2 of 1977 to carry out international communication, cultural and education exchange programs.

The Departments of Commerce, Justice, and State, the Judiciary, and related agencies Appropriations Act, 1984 (P.L. 98-166, approved November 28, 1983), appropriated \$471,853,000 for expenses required to carry out international communication activities. Of this amount, \$5,509,000 shall remain available until expended.

We estimate that \$2,400,000 of funds budgeted for U.S. participation in the International exposition in Tsukuba, Japan will not be obligated during 1984. These funds will be used, in later years, primarily to cover onsite expenses that will accrue shortly before the official opening of the exposition.

This deferral action is taken in accordance with 31 U.S.C. 1512.

Estimated Program Effect: None.

Outlay Effect: None.

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency	U.S. Information Agency	New budget authority (P.L. 98-166)	\$10,450,000
Bureau		Other budgetary resources	3,367,446
Appropriation title & symbol		Total budgetary resources	13,817,446
67X0205 Salaries and Expenses 1/ (Special Foreign Currency Program)		Amount to be deferred:	\$
		Part of year	
		Entire year	2,900,000
Legal authority (in addition to sec. 1013):			
<input checked="" type="checkbox"/> Antideficiency Act			
<input type="checkbox"/> Other			
Type of budget authority:			
<input checked="" type="checkbox"/> Appropriation			
<input type="checkbox"/> Contract authority			
<input type="checkbox"/> Other			

Justification:

The Appropriations Act for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984 (P.L. 98-166, approved November 28, 1983) appropriated \$10,450,000 to remain available until expended for the "Salaries and Expenses (Special Foreign Currency Program)" account.

The account is used for payment of USIA local program expenses in U.S.-owned foreign currencies in those countries where the Department of Treasury determines that the supply of local currency is in excess of the normal requirement of the U.S. Government. In fiscal year 1984, the "excess currency" countries are Burma, Guinea, India and Pakistan.

As a result of exchange rate savings and recoveries of prior year obligations realized during fiscal year 1983 the beginning-of-year unobligated balance for this account was \$3,367,446, which is significantly more than the sum estimated in the 1984 Budget. The deferred amount of \$2,900,000 represents funds that will not be obligated during this fiscal year under current program plans. Accordingly, these funds are reserved for use in succeeding years.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in 1983 (083-87).

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-304

Agency U.S. Information Agency Bureau	New budget authority (P.L. 98-166) \$31,000,000 Other budgetary resources 65,489,573 Total budgetary resources 96,489,573
Appropriation title & symbol 67X0204 1/ Acquisition and Construction of Radio Facilities	Amount to be deferred: Part of year \$ Entire year 9,645,000
OMB identification code: 67-0204-0-1-154	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple Year <input checked="" type="checkbox"/> No-Year (expiration date)	

Justification

The Appropriations Act for the Departments of Commerce, Justice, and State, the Judiciary and related agencies for the fiscal year ending September 30, 1984 (P.L. 98-166, approved November 28, 1983) appropriated \$31,000,000 to remain available until expended for the acquisition and construction of radio facilities' account primarily to enhance the transmitting capacity of the Voice of America's world-wide broadcasting system.

This \$31,000,000, together with funds appropriated in prior years, will be used to maintain and improve existing VOA facilities and to modernize and expand transmitter facilities in East Asia, Africa, the Near East and Europe. It is now estimated that \$9,645,000 will not be obligated during fiscal year 1984. These funds will be utilized in succeeding years for major construction projects in the Philippines, Sri Lanka, Liberia, and Botswana.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

1 This amount was the subject of a similar deferral in 1983 (083-87)

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