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Thursday
February 2, 1984

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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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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Inspection of Tobacco Under the Tobacco Inspection Act, Particularly Relating to the Flue-Cured Tobacco Advisory Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The regulations governing the establishment of the Flue-Cured Tobacco Advisory Committee are amended to permit an additional member and alternate representing a producer association. The amendment will result in more adequate representation of the various segments of the flue-cured tobacco industry.

EFFECTIVE DATE: February 2, 1984.

FOR FURTHER INFORMATION CONTACT: Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–2567.

SUPPLEMENTARY INFORMATION: Pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 *et seq.*), notice is hereby given that the Department is amending Subpart G of 7 CFR Part 29, particularly relating to the Flue-Cured Tobacco Advisory Committee.

The Department is amending § 29.9403 (c), of Subpart G—policy statement and regulations governing availability of tobacco inspection and price support services to flue-cured tobacco on designated markets.

The Department received a request for Committee representation from the Tobacco Growers Association of North Carolina, Inc.

This organization, founded in 1981, represents the interests of tobacco producers in North Carolina, the largest producer of tobacco in the United States. Since its inception in 1974, the Flue-Cured Tobacco Advisory Committee has assisted the Secretary in making an equitable apportionment and assignment of tobacco inspectors by recommending opening dates for marketing areas within the flue-cured tobacco growing areas and recommending selling schedules for marketing areas and each warehouse therein. All segments of the flue-cured tobacco industry—producers, warehousemen, and buyers—are represented on the Committee, and representatives and alternates are appointed by the Secretary, after nomination by the individual sectors of the industry. Accordingly, the Department has approved the request of the Tobacco Growers Association of North Carolina, Inc., for membership on the Committee in an effort to more adequately represent the various segments of the flue-cured tobacco industry, in this instance, the producers. Therefore, § 29.9403(b) of the regulations is amended to increase membership on the Committee from 37 members and alternates to 38 and thereby increase the number of producer representatives from 20 to 21 members.

Additionally, the Department is also amending § 29.9403(c) of the regulations to reflect the addition of the Tobacco Growers Association of North Carolina, Inc., to the list of organizations that may submit nominations to fill the seats assigned to producers.

This final rule has been reviewed under the USDA procedure established in accordance with Executive Order 12291 and the Secretary's Memorandum 1512–1, and has been classified as "nonmajor" because it does not meet the criteria contained therein for major regulatory actions.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because (1) most tobacco warehousemen and producers fall within the definition of "small business" as defined in the Regulatory Flexibility Act; (2) however, certain of these entities are not considered "small business" because they are dominant in their respective areas of operation; (3) the duties of this Committee are solely advisory; and (4) this action imposes no additional duties or obligations on the business entities involved and will not affect normal competition in the market place.

List of Subjects in 7 CFR Part 29

Administrative practice and procedure, Tobacco.

PART 29—TOBACCO INSPECTION

Accordingly, the Regulations under the Tobacco Inspection Act contained in 7 CFR Part 29 are amended as follows:

1. In § 29.9403, paragraphs (b) and (c) are revised to read as follows:

§ 29.9403 Flue-Cured Tobacco Advisory Committee

* * * * *

(b) The Committee shall consist of 38 representatives and 38 alternates of the flue-cured tobacco industry—21 producers, 9 warehousemen, and 8 buyers.

(c) Recommendations to the Secretary or producer membership on the Committee will be received from the following organizations: one each from the Florida Farm Bureau, the South Carolina Grange, and the Tobacco Growers Association of North Carolina, Inc., two each from the Georgia Farm Bureau, the South Carolina Farm Bureau, and the Virginia Farm Bureau, four from the North Carolina Grange, and eight from the North Carolina Farm Bureau.

* * * * *

Prior experience has shown that the process of solicitation, selection, confirmation, and appointment of members requires a minimum of 60 days. The Committee's present term expires April 23, 1984, and since the new Committee will need to meet before the end of April 1984, new members must be selected and confirmed by the expiration date of the current Committee. The standard procedure of proposed rulemaking providing thirty days notice of comments would not leave sufficient time to receive and process nominations for membership on the new Committee prior to the expiration date. Therefore, it is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and notice of the effective date

hereof are impractical, unnecessary, and contrary to the public interest in that this amendment is necessary to facilitate the operation of the Flue-Cured Tobacco Advisory Committee and thus to preserve and continue orderly marketing conditions in the flue-cured marketing area under the grower designation plan.

Dated: January 26, 1983.

Karen Darling,

Deputy Assistant Secretary, Marketing & Inspection Services.

[FR Doc. 84-2773 Filed 2-1-84; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1150

Dairy Promotion Program; Procedure for Certification of Milk Producer Organizations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Emergency interim final rule.

SUMMARY: This emergency interim final rule sets forth the procedures under which milk producer organizations are to be certified as being eligible to nominate milk producers to serve as members of the National Dairy Promotion and Research Board, as provided in the Dairy and Tobacco Adjustment Act of 1983, enacted November 29, 1983. The Act authorizes a national program for dairy product promotion, research and nutrition education to be administered by a Board appointed by the Secretary of Agriculture. The Secretary must implement the program within a certain time period which warrants prompt implementation of these procedural rules.

DATES: Effective February 2, 1984. Comments must be postmarked by February 24, 1984.

ADDRESS: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order Formulation Branch, Dairy Division, AMS, USDA, Washington, D.C. 20250 (202) 447-6274.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified 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 rules adopted herein pertain only to the procedure by which milk producer organizations are to make application to the Secretary for certification as being eligible to nominate milk producers to serve on the National Dairy Promotion and Research Board.

It is found that because of a statutory deadline, it is impracticable, unnecessary and contrary to the public interest to give preliminary notice and opportunity for public comment prior to issuance of these rules and good cause is also found for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The Dairy and Tobacco Adjustment Act of 1983, enacted November 29, 1983, authorizes the establishment of a national dairy promotion program that would be funded by all milk producers in the 48 contiguous States. The program would be governed by a Dairy Products Promotion and Research Order issued by the Secretary. Proposals for such an order are being published for comments concurrently with these rules. A final order must be made effective within 90 days of the date of publication of the proposals. The order will include provisions for a National Dairy Promotion and Research Board to administer the order. The Act requires that the eligibility of any organization to nominate milk producers to serve on the Board must be certified by the Secretary. In order for the Secretary to implement the program within the statutory deadline, it is necessary to proceed promptly with the certification of eligible organizations. The rules provided herein are necessary to implement the application and certification process with respect to the eligibility of organizations to nominate Board members. Comments on these interim rules will be solicited until February 24, 1984, and the certification rules will then be finalized.

This emergency interim final rule provides the procedure for organizations to apply for certification by the Secretary of their eligibility to represent milk producers and to nominate milk producers to serve as members of the National Dairy Promotion and Research Board. Any organization whose membership consists primarily of milk producers may apply for certification.

In order to be eligible for certification, applications for certification need to be received by the Department by March 5, 1984, since the Department plans to have the certifications completed and issue the final rules on a Dairy Products Promotion and Research Order by March 27, 1984.

Certification of organizations will be based, in addition to other available information, on a factual report submitted by the organization, which shall contain information deemed relevant and specified by the Secretary, including, but not limited to, the following:

(1) Geographic territory covered by the organization's active membership;

(2) Nature and size of the organization's active membership, including the total number of active milk producers represented by the organizations;

(3) Evidence of stability and permanency of the organization;

(4) Sources from which the organization's operating funds are derived;

(5) Functions of the organization; and

(6) The organization's ability and willingness to further the aims and objectives of the Act.

The primary considerations in determining the eligibility of an organization shall be whether its membership consists primarily of milk producers who produce a substantial volume of milk and whether the primary or overriding interest of the organization is in the production or processing of fluid milk and dairy products and promotion of the nutritional attributes of fluid milk and dairy products.

In addition, this interim final rule provides that the Secretary shall have the right to verify the information submitted by an applicant organization by inspection of all relevant materials maintained by the organization and to review any certification issued to determine whether the organization continues to meet the certification standards.

Information obtained from organizations will be kept confidential, except that the Secretary may release general statements based upon data obtained from a number of organizations, which do not identify the information obtained from any one organization.

The Paperwork Reduction Act of 1980 (Title 44, U.S.C. Chapter 35) seeks to minimize the paperwork burden imposed by the Federal Government while maximizing the utility of the information requested. In March 1983, the Office of Management and Budget (OMB) implemented the Act by adopting procedures contained in Part 1320 of 5 CFR Chapter III. According to these

procedures, the information collection request contained in this subpart has been approved by OMB and has been assigned OMB Control No. 0581–0147.

List of Subjects in 7 CFR Part 1150

Dairy promotion order, Milk, Dairy products.

Title 7 of the Code of Federal Regulation, Chapter X is amended by adding Part 1150 to read as follows:

PART 1150—DAIRY PROMOTION PROGRAM

Subpart—Procedure for Certification of Milk Producer Organizations

Sec.

Authority: Pub. L. 98–180, 97 Stat. 1128.

Subpart—Procedure for Certification of Milk Producer Organizations

§ 1150.270 General.

Organizations must be certified by the Secretary that they are eligible to represent milk producers and to participate in the making of nominations of milk producers to serve as members of the National Dairy Promotion and Research Board as provided in the Dairy and Tobacco Adjustment Act of 1983. Certifications of eligibility required of the Secretary shall be conducted in accordance with this subpart.

§ 1150.271 Definitions.

As used in this subpart:

(a) "Act" means the Dairy and Tobacco Adjustment Act of 1983, Pub. L. 98–180, 97 Stat. 1128, approved November 29, 1983.

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

(d) "Dairy Division" means the Dairy Division of the Department's Agricultural Marketing Service.

(e) "Producer" means any person engaged in the production of milk for commercial use.

(f) "Dairy products" means products manufactured for human consumption which are derived from the processing of milk, and includes fluid milk products.

(g) "Fluid milk products" means those milk products normally consumed in liquid form as a beverage.

§ 1150.272 Responsibility for administration of regulations.

The Dairy Division shall have the responsibility for administering the provisions of this subpart.

§ 1150.273 Application for certification.

Any organization whose membership consists primarily of milk producers may apply for certification. Applicant organizations should supply information for certification using as a guide "Application for Certification of Organizations," Form DA–26. Form DA–26 may be obtained from the Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 1150.274 Certification standards.

(a) Certification of eligible organizations shall be based, in addition to other available information, on a factual report submitted by the organization, which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including the following:

(1) Geographic territory covered by the organization's active membership;

(2) Nature and size of the organization's active membership including the total number of active milk producers represented by the organization;

(3) Evidence of stability and permanency of the organization;

(4) Sources from which the organization's operating funds are derived;

(5) Functions of the organization; and

(6) The organization's ability and willingness to further the aims and objectives of the Act.

(b) The primary considerations in determining the eligibility of an organization shall be whether its membership consists primarily of milk producers who produce a substantial volume of milk, and whether the primary or overriding interest of the organization is in the production or processing of fluid milk and dairy products and promotion of the nutritional attributes of fluid milk and dairy products.

(c) The Secretary shall certify any organization which he finds meets the criteria under this section and his determination as to eligibility shall be final.

§ 1150.275 Inspection and investigation.

The Secretary shall have the right, at any time after an application is received from an organization, to examine such books, documents, papers, records, files, and facilities of an organization as he deems necessary to verify the information submitted and to procure such other information as may be required to determine whether the organization is eligible for certification.

§ 1150.276 Review of certification.

Certifications issued pursuant to this subpart are subject to termination or suspension if the organization does not currently meet the certification standards. A certified organization may be requested at any time to supply the Dairy Division with such information as may be required to show that the organization continues to be eligible for certification. Any information submitted to satisfy a request pursuant to this section shall be subject to inspection and investigation as provided in § 1150.275.

§ 1150.277 Listing of certified organizations.

A copy of each certification shall be furnished by the Dairy Division to the respective organization. Copies also shall be filed in the Dairy Division where they will be available for public inspection.

§ 1150.278 Confidential treatment.

All documents and other information submitted by applicant organizations and otherwise obtained by the Department by investigation or examination of books, documents, papers, records, files, or facilities shall be kept confidential by all employees of the Department. Only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in the issuance of general statements based upon the applications of a number of persons, which do not identify the information furnished by any one person.

§ 1150.279 Paperwork Reduction Act assigned number.

The Office of Management and Budget has approved the information collection request contained in this subpart under the provisions of 44 U.S.C. Chapter 35 and OMB Number 0581–0147 has been assigned.

Effective Date: February 2, 1984.

Signed at Washington, D.C. on: January 27, 1984.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 84-2825 Filed 2-1-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-EA-23; Amendment No. 39-4703]

Airworthiness Directives; DeHavilland Model DHC-6 (All Series); Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects Airworthiness Directive (AD) 80-13-11, Amendment 39-3814, as revised by Amendment 39-4703 applicable to DeHavilland Model DHC-6 airplanes. This correction is necessary because the requirement for a dye penetrant inspection procedure in paragraph (d)(1) was inadvertently included.

EFFECTIVE DATE: February 7, 1984.

FOR FURTHER INFORMATION CONTACT: Charles Birkenholz, FAA, Aircraft Certification Office, ANE-172, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, Telephone (516) 791-6220; or Larry Werth, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: AD 80-13-11, Amendment 39-3814, applicable to all DeHavilland Model DHC-6 airplanes was published in the **Federal Register** June 26, 1980 (45 FR 43156 and 43157). A revision to AD 80-13-11, Amendment 39-4703 was published in the **Federal Register** on August 4, 1983 (48 FR 35355 and 35356). This revision made certain changes to paragraph (d) of the original AD 80-13-11.

Since this publication, the FAA has become aware that the dye penetrant method required by the revised paragraph (d)(1) is not recommended by the manufacturer and is unnecessary.

After investigation into this matter, FAA found that a visual inspection with at least a ten power glass is the proper and intended inspection procedure that should have been required by paragraph (d)(1). Accordingly, paragraph (d)(1) is being corrected by deleting the dye penetrant requirement for the inspection. Therefore, action is taken herein to make this correction. Since this action is clarifying in nature, notice and public procedure thereon are not considered necessary.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

§ 39.13 [Amended]

In FR Doc. 83-21074 (48 FR 35355, 35356), in the **Federal Register** of August 4, 1983, make the following correction on page 35356:

Correct existing paragraph (d)(1) to read as follows:

(d) * * *

(1) Remove external paint and visually inspect with at least a ten power glass in accordance with the above Service Bulletin those areas shown in Figure 1 on all tube ends of the rod assemblies listed in Column 4 or 5 of Table 2 of the Bulletin.

* * * * *

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); § 11.89, Federal Aviation Regulations (14 CFR 11.89))

Issued in Kansas City, Missouri, on January 20, 1984.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 84-2790 Filed 2-1-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ASW-49]

Alteration of Transition Area; Mineola, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Mineola, TX. The intended effect of the amendment is to provide controlled airspace for aircraft executing new standard instrument approach procedures (SIAPs) to the Mineola-Quitman Airport. This amendment is necessary since a new airport (Mineola-Quitman) will be constructed and SIAPs will be implemented using the Quitman very high frequency omni directional range station (VORTAC) for a circling approach and an area navigation (RNAV) Runway 18 approach.

EFFECTIVE DATE: May 10, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

SUPPLEMENTARY INFORMATION:

History

On December 9, 1983, a notice of proposed rulemaking was published in the **Federal Register** (48 FR 55136) stating that the Federal Aviation Administration proposed to alter the Mineola, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, is amended, effective 0901 G.M.T., May 10, 1984, as follows:

Mineola, TX [Revised]

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Mineola-Wisener Airport (latitude 32°40'45" N., longitude 95°31'00" W.), and within a 6.5-mile radius of the Mineola-Quitman Airport (latitude 32°44"26" N., longitude 95°29'46" W.).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on January 24, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-2786 Filed 2-1-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-ANM-1]

Alteration of Transition Area, Butte, Montana; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects the description of the newly designated 700' transition area at Butte, Montana.

EFFECTIVE DATE: February 2, 1984.

FOR FURTHER INFORMATION CONTACT: Kathy Paul, Airspace Technician, ANM-535, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, telephone (206) 431-2530.

SUPPLEMENTARY INFORMATION: A final rule was published in the **Federal Register** (48 FR 35365) on August 4, 1983, to designate controlled airspace at Butte, MT to accommodate Amendment 3 to the LOC/DME Rwy 15 Instrument Approach Procedure.

The Butte localizer NW course was incorrectly referred to as 313° and should read 347°. This mistake was made in converting from the magnetic heading to a true heading. The purpose of this amendment is to correct the transition area description published in the final rule. Since this action is editorial in nature, further notice and public procedures are not necessary and the change may be made effective in less than 30 days. To avoid confusion, the complete description, as corrected, is presented in the text of this amendment.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., upon **Federal Register** publication, as follows:

Butte, Montana (New)

"That airspace extending upwards from 700 feet above the surface within a five mile radius of the Bert Mooney Airport, Butte, Montana (45°57'N, 112°30'W) extending 9.5 miles southwest and 5 miles northeast of the Butte (I-BEY) localizer NW course 347 (330 m) extending 24.5 miles northwest of the airport."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); (Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an editorial correction to an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current.

It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979; (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and for the same reasons, (4) it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington February 2, 1984.

David E. Jones,

Acting Director, Northwest Mountain Region.

[FR Doc. 84-2788 Filed 2-1-84; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 83-ANM-17]

Establishment of Jet Routes and Area High Routes: Alteration of J-44 and J-130

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the discriptions of Jet Routes J-44 and J-130 located in the vicinity of Denver, CO. These jet route changes enhance air traffic control procedures in the Denver terminal area by providing unrestricted climbs for eastbound departures and unrestricted descents for westbound traffic into the terminal area. This action improves traffic flow, permits flexibility for maneuvering traffic in the Denver terminal area and reduces controller workload.

EFFECTIVE DATE: March 15, 1984.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

History

On November 28, 1983, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to alter the description of J-44 by extending the route from Denver, CO, via McCook, NE, to Lincoln, NE, and alter the description of J-130 by extending the route from Denver, CO, via McCook, NE, to Pawnee City, NE (48 FR 53569). This action eliminates the extensive radar vectors necessary to expedite departure/arrival traffic in the Denver terminal area. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations alters the descriptions of Jet Routes J-44 and J-130 located in the vicinity of Denver, CO. These jet routes changes enhance air traffic control procedures in the Denver terminal area by providing unrestricted climbs for eastbound departures and unrestricted descents for westbound traffic into the terminal area.

List of Subjects in 14 CFR Part 75

Jet routes, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended, effective 0901 G.m.t., March 15, 1984, as follows:

J-44 [Amended]

By deleting the words "to Denver, CO." and substituting the words "Denver; McCook, NE; to Lincoln, NE."

J-130 [Amended]

By deleting the words "to Denver." and substituting the words "Denver; McCook, NE; to Pawnee City, NE."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is

certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on January 25, 1984.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 84-2789 Filed 2-1-84; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9138]

Big Three Industries, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violation of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits respondent from having on its board of directors any person who is a board member of a competing company whose revenues derived from the relevant product or service exceeds 5 million dollars. Respondent must, among other things, institute an annual monitoring program designed to detect unlawful interlocks; permit only those persons who have submitted the information required by Paragraph III(a) of the order to serve as board members; and provide present and future directors and prospective directors, including those of its subsidiaries, with a copy of the order.

DATES: Complaint issued June 17, 1980. Decision issued Jan. 16, 1984.*

FOR FURTHER INFORMATION CONTACT: Steven E. Weart, 5R, Dallas Regional Office, Federal Trade Commission, 8303 Elmbrook Dr., Dallas, TX 75247, (214) 767-7050.

SUPPLEMENTARY INFORMATION: On Friday, Oct. 28, 1983, there was published in the **Federal Register**, 48 FR 49865, a proposed consent agreement with analysis In the Matter of Big Three Industries, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements. Subpart—Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

List of Subjects in 16 CFR Part 13

Interlocking directorates, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19)

Emily H. Rock,

Secretary.

[FR Doc. 84-2851 Filed 2-1-84; 8:45 am]

BILLING CODE 6750-01-M

*Copies of the Complaint and the Decision and Order filed with the original document.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 177 and 178

[Docket No. 83F-0312]

Indirect Food Additives; Polymers, Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 4-[[4,6-bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol as a stabilizer in rubber articles intended for repeated use in contact with food. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective February 2, 1984, objections by March 5, 1984.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 13, 1983 (48 FR 46626), FDA announced that a food additive petition (FAP 3B3750) had been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of 4-[[4,6-bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol as a stabilizer in rubber articles intended for repeated use that comply with 21 CFR 177.2600.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 177

Food additives, Polymeric food packaging.

21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), Parts 177 and 178 are amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. Part 177 is amended in § 177.2600(c)(4)(iii) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 177.2600 Rubber articles intended for repeated use.

* * * * *

(c) * * *

(4) * * *

(iii) * * *

4-[[4,6-Bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol (CAS Reg. No. 991-84-4) for use only as a stabilizer at levels not to exceed 0.2 percent by weight of the finished rubber product.

* * * * *

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

2. Part 178 is amended in § 178.2010(b) by adding the fourth item in the list of limitations for "4-[[4,6-Bis(octylthio)-*s*-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol", to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
4-[[4,6-Bis(octylthio)-s-triazin-2-yl]amino]-2,6-di-*tert*-butylphenol (CAS Reg. No. 991-84-4).	For use only: * * * 4. As provided in § 177.2600 of this chapter.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 5, 1984 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective February 2, 1984.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: January 20, 1984.

John Taylor,

Acting Director, Bureau of Foods.

[FR Doc. 84-2822 Filed 2-1-84; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 83F-0208]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in olefin polymers intended for use in contact with food, by removing the fatty food contact limitations. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective February 2, 1984; objections by March 5, 1984.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 15, 1983 (48 FR 32393), FDA announced that a petition (FAP 3B3736) had been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in olefin polymers complying with § 177.1520(c) (21 CFR 177.1520(c)) intended for use in contact with food without fatty food limitations.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), Part 178 is amended in § 178.2010(b) by revising limitation 1 for "octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate," to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
Octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate (CAS Reg. No. 2082-79-3).	For use only: 1. At levels not exceeding 0.25 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter, item 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, or 4.
* * * * *	

Any person who will be adversely affected by the foregoing regulations may at any time on or before March 5, 1984 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made.

Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective February 2, 1984.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: January 19, 1984.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 84-2824 Filed 2-1-84 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 452

[Docket No. 83N-0285]

Antibiotic Drug; Updating and Technical Changes

Correction

In FR Doc. 84–30 beginning on page 373, in the issue of Wednesday, January 4, 1984, make the following correction:

On page 374, column one, **SUPPLEMENTARY INFORMATION**, line four, "on page 51292" should read "on page 51293".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 6a

[T.D. 7940]

Income Tax; Foreign Investment in United States Real Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains amendments to the temporary regulations under section 6039C of the Internal Revenue Code of 1954, relating to foreign investment in U.S. real property, published in the **Federal Register** on September 21, 1982, (47 FR 41532) as revised by T.D. 7890 published in the **Federal Register** on April 28, 1983 (48 FR 19163). These temporary regulations are necessary to provide the public with immediate guidance with respect to the requirements of section 6039C.

EFFECTIVE DATE: The amendments are effective as of January 31, 1984.

FOR FURTHER INFORMATION CONTACT: Robert E. Culbertson, Jr. of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW. Washington, D.C. 20224, Attention: CC:LR:T (202–566–3289), not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains amendments to the Temporary Income Tax Regulations under Title XI of the Omnibus Reconciliation Act of 1980 (26 CFR Part 6a) under section 6039C of the Internal Revenue Code of 1954, as added by section 1123 of the Foreign Investment in Real Property Tax Act of 1980 (94 Stat. 2682), and as amended by section 831 of the Economic Recovery Tax Act of 1981 (Pub. L. 97–34; 95 Stat. 172). The amendments are issued under the authority contained in sections 6039C (94 Stat. 2687; 26 U.S.C. 6039C) and 7805 (68A Stat. 917; 26 U.S.C. 7805), both of the Internal Revenue Code of 1954.

Discussion

Temporary and proposed regulations pertaining to the reporting provisions of section 6039C were published in the **Federal Register** on September 21, 1982. A public hearing on those regulations was held on February 3, 1983. On April 28, 1983, the reporting requirements for 1980, 1981, and 1982 were postponed by amendments to the temporary regulations. These amendments to the temporary regulations similarly postpone all reporting-related deadlines under section 6039C with respect to calendar year 1983, including the deadline for applying for a security agreement in lieu of reporting. The final regulations will establish dates that allow taxpayers sufficient time to determine whether to file information returns or apply for security agreements, and to assemble the necessary information. The postponement of these deadlines by the amendments to the temporary regulations does not affect the obligation to file an income tax return if one is required and to pay any liability arising under the operation of section 897 and the regulations thereunder.

Need for Temporary Regulations

Because of the possibility that amendments to the regulations will affect taxpayers' reporting obligations under section 6039C, it is necessary that the relevant deadlines be postponed until the amendments are issued. Because of the immediate need for these changes, the Internal Revenue Service has found it to be impractical to issue these regulations with notice and public comment procedures as outlined under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Drafting Information

The principal author of these amendments to the temporary regulations is Robert E. Culbertson, Jr. of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations both on matters of substance and style.

Regulatory Flexibility Act and Executive Order 12291

No notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that these temporary regulations are not subject to Executive Order 12291.

List of Subjects in 26 CFR Part 6a

Bonds, income taxes, mortgages, veterans, foreign investments in United States real property interests.

Adoption of Amendments to the Temporary Regulations

PART 6a—[AMENDED]

Accordingly, 26 CFR Part 6a is amended as follows:

§ 6a.6039C–1 [Amended]

Paragraph 1. Section 6a.6039C–1 is amended by revising the first sentence of paragraph (c) to read as follows: "The information returns required by section 6039C must be filed no later than May 15 of the calendar year following the calendar year covered by the return, except that information returns for calendar years 1980, 1981, 1982, and 1983

must be filed no later than the date established by final regulations."

§ 6a.6039C-2 [Amended]

Par. 2. Section 6a.6039C-2 is amended by revising the third sentence of paragraph (d) to read as follows: "The notification by the corporation required by this paragraph (d) must be made by January 31 of the year following the year for which the return must be filed, except that the notification must be made by the date established by final regulations for calendar years 1980, 1981, 1982, and 1983."

§ 6a.6039C-3 [Amended]

Par. 3. Section 6a.6039C-3 is amended by revising the third sentence of paragraph (h) to read as follows: "The statement must be furnished no later than January 31 of the calendar year following the calendar year for which a statement is required, except that it must be furnished by the date established by final regulations for calendar years 1980, 1981, 1982, and 1983."

§ 6a.6039C-5 [Amended]

Par. 4. Section 6a.6039C-5 is amended by revising the last sentence of paragraph (e)(1) and the first sentence of paragraph (h) to read as set forth below.

§ 6a.6039C-5 Furnishing of security instead of filing information return.

* * * * *

(e) *Appraised fair market value of U.S. real property interests.*—(1) *In general.* * * * With respect to security in lieu of filing 1980, 1981, 1982 and 1983 returns, the appraised fair market value of U.S. real property interests shall be determined no later than the date established by final regulations.

* * * * *

(h) *Application for security agreement.* Applications to the Director for a security agreement or for a renewal thereof must be made within 30 days of the close of the calendar year for which a security agreement is desired, or by the date established by final regulations for calendar years 1980, 1981, 1982, and 1983.

* * * * *

This Treasury decision is issued under the authority contained in sections 6039C and 7805 of the Internal Revenue Code of 1954 (94 Stat. 2687, 26 U.S.C. 6039C; 68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: January 26, 1984.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 84-3030 Filed 1-31-84; 3:53 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13 83-02]

Drawbridge Operation Regulations; Duwamish Waterway, Washington

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the City of Seattle, the Coast Guard is changing the regulations governing the highway drawbridge across the Duwamish West Waterway at Southwest Spokane Street and the highway drawbridge across the Duwamish Waterway at First Avenue South, both in Seattle, Washington, by extending the existing two hour morning and afternoon closed periods by one hour each to conform with temporary regulations presently in effect. This change will provide that the draws of these bridges need not open for the passage of vessels between the hours of 6:00 a.m. and 9:00 a.m. and between 3:45 p.m. and 6:45 p.m., Monday through Friday, except for federal holidays. This change is being made because of an increase in vehicular traffic during these periods as a result of the damage to and subsequent removal of one of the bridges serving vehicular traffic in the immediate area. This action will accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This rule becomes effective on March 5, 1984.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch (Telephone: (206) 442-5864).

SUPPLEMENTARY INFORMATION: On February 10, 1983, the Coast Guard published a proposed rule (48 FR 6138) concerning this change. The Commander, Thirteenth Coast Guard District also published this proposal as a Public Notice dated February 24, 1983. In each notice interested persons were given until March 28, 1983, to submit comments.

Drafting Information

The drafters of this rule are John E. Mikesell, project officer, and Lieutenant Commander D. Gary Beck, project attorney.

Discussion of Comments

Six responses were received to the **Federal Register** and Coast Guard Public Notice. Two responses were received from federal agencies. One offered no objection and the other offered no comment to the proposal. Two responses were received from local towboat companies. Both objected to the existing temporary regulations being made permanent. One response from the local port authority and another from an organization representing local towboat companies, recommended that the provisions of the regulations requiring closed periods be rescinded upon the opening of the high level bridge, presently under construction, to vehicular traffic. The City of Seattle was advised of the responses. They indicated that the extended closed periods provided by the existing temporary regulations and the proposed change were intended to be in effect only until the new high level bridge is opened to vehicular traffic. Upon opening the new high level bridge, the City plans to reevaluate its needs and anticipate modification of these regulations.

Coast Guard review of available information concerning the proposed rule indicated: (1) Marine and vehicular traffic conditions in the Spokane Street and First Avenue South corridors have not significantly changed since the temporary regulations went into effect; and (2) the extended closed periods are necessary to accommodate peak vehicular traffic during construction of the new high level bridge and until that bridge is fully open to traffic.

This Final Rule has been drafted as proposed, except for deletion of the statement requiring bridge openings during closed periods to be "as authorized by proper Coast Guard authority during an emergency." This authority is vested in the Coast Guard District Commander and does not require restatement in individual drawbridge operation regulations.

After closure of the comment period for the proposed rule, the Coast Guard received a petition signed by representatives of major navigation interests requesting that the present three-hour morning closed period be rescinded, effective upon the partial opening of the new high level bridge to traffic. This request is considered to be a separate action and will be processed accordingly.

Because this action does not change the existing operation of the Southwest Spokane Street and First Avenue South bridges, there are only minimal economic impacts on navigation and other interests. Therefore, an economic evaluation has not been prepared for this action. This action formalizes the existing operation of the Southwest Spokane Street and First Avenue South bridges.

Economic Assessment and Certification

These final regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be major rules. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.790(f) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.790 Duwamish Waterway at Seattle, Wash., bridges.

* * * * *

(f) The draws of each bridge across the Duwamish Waterway shall open promptly on signal except that the draws of the Southwest Spokane Street bridge and the First Avenue South bridge need not open for the passage of vessels from 6:00 a.m. to 9:00 a.m., and 3:45 p.m. to 6:45 p.m., Monday through Friday, except for federal holidays.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: December 15, 1983.

R. J. Copin,

Captain, U.S. Coast Guard, Commander, 13th Coast Guard District, Acting.

[FR Doc. 84–2886 Filed 2–1–84; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 111

Official ZIP+4 First-Class Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule establishes final regulations permitting federal agencies to send official mail at ZIP+4 and ZIP+4 Presort rates. The rule provides procedures for mailing at both rates when a meter or permit imprint is used for payment of postage and solely at the nonpresort ZIP+4 rate when the standard penalty indicium is used.

EFFECTIVE DATE: February 2, 1984.

FOR FURTHER INFORMATION CONTACT: James S. Stanford, (202) 245–5001.

SUPPLEMENTARY INFORMATION: On January 31, 1984, the Postal Service published in the **Federal Register** final regulations implementing discounted rates for bulk mailings of First-Class Mail addressed with ZIP+4 codes. Those regulations replaced interim regulations published on October 7, 1983, 48 FR 45762–45765.

In the January 31, 1984, final rule, the Postal Service noted that one commenter questioned why official mail sent by federal agencies in envelopes bearing standard penalty indicia would not be eligible for a ZIP+4 discount. The interim regulations permitted only official mail bearing a meter or permit imprint indicium to qualify for ZIP+4 rates. We stated, in the January 31 notice, that the Postal Service wanted to maximize the flexibility available to federal mailers which plan to use the ZIP+4 code and further stated that the commenter's proposal was under study.

The Postal Service has now determined that it can accommodate the commenter's proposal and permit official mail using the standard penalty indicium to qualify for mailing at the nonpresort ZIP+4 rate. As noted by the commenter, federal agencies would have to add the endorsement "ZIP+4" to each piece of mail which used the standard penalty indicium. This amendment will permit an agency to collect individual pieces of official mail which bear ZIP+4 codes from within the agency, add the endorsement, present the mail to the Postal Service in trays containing at least 250 pieces, and receive a 0.9 cent discount per piece.

For these reasons, the Postal Service hereby adopts the following final regulations on this subject as an amendment to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

The following changes have been made to the Domestic Mail Manual:

PART 137—OFFICIAL MAIL

* * * * *

137.2 Executive and Judicial Officers.

* * * * *

137.27 Services to be Provided.

* * * * *

Section 137.273f., *Approved Applications,* is renumbered 137.273g. and new section 137.273f. is inserted as follows:

* * * * *

f. ZIP+4 and ZIP+4 Presort Mail.

(1) Permissible Indicia.

ZIP+4 and ZIP+4 Presort mailings may be made using the official permit imprint indicium described in 137.244 and the official metered indicium described in 137.243. The standard penalty indicium described in 137.242 may also be used, but only for ZIP+4 nonpresort mailings. When used, each standard penalty indicium piece must be endorsed "ZIP+4" above the address and immediately below or to the left of the indicium illustrated in Exhibit 137.242a.

(2) Application.

Federal government agencies desiring to use permit imprint or the standard penalty indicium for ZIP+4 First-Class mailings must have a permit imprint authorization on file at the entry post office in accordance with 137.273d. A separate application is not required to mail at a post office where a permit is already on file.

(3) Mailings.

a. All mailings sent at the ZIP+4 and ZIP+4 Presort rates must comply with the provisions of 324, 361.4, 362.4, 367, 368 and 382 except as modified in 137.273f(1). A combined ZIP+4 Presort and Presort First-Class mailing may be made under the provisions in 365. Agencies using a permit imprint must follow the applicable procedures in 137.273d(2) and 145 and submit Form 3602, *Statement of Mailing With Permit Imprint,* prepared in accordance with 382.4a. Those using official mail meters must follow applicable procedures in 137.273a(9) and submit Form 3602–PC, *Statement of Mailing—Bulk Rates,* in accordance with 382.4b.

b. Agencies making nonpresort ZIP+4 mailings using the standard penalty indicium may include nonidentical pieces in such mailings but must submit Form 3602, *Statement of Mailing with Permit Imprint,* prepared in accordance with 382.4a. Mailers must include the agency permit number (including the preceding letter "G"), total volume and total postage on the Form 3602 and insert the words "Non-identical" for the Weight of a Single Piece.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(a), 403)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84–2857 Filed 2–1–84; 8:45 am]

BILLING CODE 7710–12–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

Hearings and Appeals Procedures

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Final rule.

SUMMARY: Office of Hearings and Appeals is amending its regulation § 4.413 in 43 CFR Part 4, Subpart E, to reflect the change of address for the Regional Solicitor, Alaska Region of the Office of the Solicitor, U.S. Department of the Interior.

EFFECTIVE DATE: February 2, 1984.

FOR FURTHER INFORMATION CONTACT: Frances A. Patton, 703–235–3810.

SUPPLEMENTARY INFORMATION: Since this is an action reflecting agency management and a change of address which has previously been effected, the proposed rulemaking process is determined to be unnecessary and impractical.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Public lands.

PART 4—[AMENDED]

For the reasons set out above and under authority of the Secretary of the Interior contained in 5 U.S.C. 301, § 4.413 of Subpart E, Part 4, Title 43 of the Code of Federal Regulations, is amended to show the current address of the Regional Solicitor for the Alaska Region of the Office of the Solicitor, U.S. Department of the Interior, as follows:

In § 4.413, the address of the Regional Solicitor, Alaska Region, is revised to read as follows:

§ 4.413 Service of notice of appeal and of other documents.

* * * * *

Regional Solicitor, Alaska Region, U.S. Dept. of the Interior, 701 C Street, P.O. Box 34, Anchorage, AK 99513—Alaska.

* * * * *

Dated: January 25, 1984.

Richard R. Hite,

Principal Deputy Assistant Secretary of the Interior.

[FR Doc. 84–2798 Filed 2–1–84; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1–190]

Organization and Delegation of Powers and Duties; Aircraft Loan Guarantees

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This amendment delegates to the Federal Aviation Administrator authority vested in the Secretary to issue notes or other obligations to the Secretary of the Treasury associated with aircraft loan guarantee defaults.

DATE: The effective date of this amendment is July 30, 1984.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–50, Department of Transportation, Washington, DC, (202) 426–4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to departmental management, procedures, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register.**

Under the Act of September 7, 1957, as amended (71 Stat. 629; 49 U.S.C. 1324 note), DOT may guarantee repayment of the interest and part of the principal amount of loans by United States air carriers engaged in local, feeder, or short-haul service to purchase aircraft. The Supplemental Appropriations Act, 1983, authorized the Secretary of Transportation to issue notes or other obligations to the Secretary of Treasury in return for funds which may be used to pay necessary expenses of such loan guarantees. Similar authority is included in DOT's Fiscal Year 1984 Appropriation Act. Since the Federal Aviation Administrator is delegated authority to carry out the loan guarantee program itself, the related authority to issue obligations to finance the program is also delegated to the Administrator.

List of Subjects in 49 CFR Part 1

Authority delegations (government agencies), Organization and functions (government agencies).

PART 1—[AMENDED]

In consideration of the foregoing, § 1.47 of Part 1 of Title 49, Code of Federal Regulations, is amended by revising paragraph (c) thereof to read as follows:

§ 1.47 Delegations to Federal Aviation Administrator.

The Federal Aviation Administrator is delegated authority to—

* * * * *

(c) Carry out the functions vested in the Secretary by the Act of September 7, 1957 (71 Stat. 629; 49 U.S.C. 1324 note), as amended by Section 6(a)(3)(B) of the Department of Transportation Act, relating to the guarantee of aircraft purchase loans, and those functions which relate to the issuance of obligations to finance the expenses of such guarantees.

Authority: 49 U.S.C. 322.

Issued in Washington, DC, on January 25, 1984.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 84–2622 Filed 2–1–84; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Taking Migratory Game Birds With a Crossbow

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service amends the hunting methods prohibited under the Federal migratory game bird hunting regulations, 50 CFR 20.21(a), to eliminate the prohibition applying to crossbows. By this action, the Service returns to the States the authority to regulate the use of crossbows for hunting migratory game birds, including authority under the Migratory Bird Treaty Act (MBTA) to enact more restrictive laws to give additional protection to migratory game birds. A number of State regulatory approaches to crossbow hunting, from a total ban to blanket permission, may result from this action.

EFFECTIVE DATE: March 5, 1984.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343–9242.

SUPPLEMENTARY INFORMATION:

Background

A proposed rulemaking was published in the **Federal Register** on July 19, 1982 (47 FR 31297) which invited comments for 30 days ending August 18, 1982.

Comments were received from the following: Georgia Department of Natural Resources, Minnesota Department of Natural Resources, New York State Department of Environmental Conservation, North Carolina Wildlife Resources Commission, South Dakota Department of Game, Fish and Parks, Wisconsin Department of Natural Resources, and National Wildlife Federation. The comments are summarized below by topic, including the Service's response to the comments.

Summary and Analysis of Comments

1. Impact on States

The only State agency supporting the proposal was the Wisconsin Department of Natural Resources. Deletion of the Federal prohibition would enable Wisconsin to have migratory game bird hunting regulations that have permitted methods of taking that are identical to those for resident species. In Wisconsin, disabled State residents may hunt with a crossbow if a State permit is obtained.

The other State agencies objected for several reasons. First, because the change in Federal law would not automatically lift any State ban on crossbow hunting (North Carolina, Minnesota, Georgia, and South Dakota prohibit crossbow hunting altogether), initially hunters would be confused about the legality of crossbow hunting in a particular State. Eventually, organized efforts at the State level would occur to follow the Federal initiative and allow crossbow hunting for both migratory game birds and resident species.

Second, if any crossbow hunting is permitted it would create some enforcement problems. Possible enforcement problems were noted by the Service in the preamble to the proposal:

> Although the reasons for the original Federal ban on crossbows are unrecorded, historically the crossbow has been identified as the ideal "poacher's weapon." the modern crossbow is silent, accurate, capable of multiple shot firing (repeating crossbow), and capable of being fired from inside a motor vehicle. These attributes make detection of poachers using crossbows difficult and when coupled with other generally prohibited hunting practices, such as spotlighting, make the crossbow a suitable weapon for illegally hunting various game species. Authorizing hunters to take migratory game birds with a crossbow may affect State and Federal efforts to prevent such illegal hunting (47 CF 31298, 1982).

For instance, Georgia prohibits the possession of a crossbow while in the field to prevent deer poaching. Because the crossbow is silent, detection of hunters using it is virtually impossible. If migratory game bird hunters in Georgia are allowed to use a crossbow, then an excuse exists to cover illegal hunting practices conducted with a crossbow.

However, those comments against removing the Federal prohibiting are not persuasive. Everyday hunters face a myriad of regulations that vary from State to State and within a State. Hunting practices permitted in one State, or even one county, may be prohibited in another. Yet no widespread hunter confusion has resulted. The same result is expected if the Service removes the Federal ban on crossbows.

Even more important is the fact that each State retains the right under the MBTA to enact more restrictive State laws. Under section 708 individual States are not prevented from "making or enforcing laws or regulations which shall give further protection to migratory birds, their nests, and eggs. * * *" But without amending the Federal regulations, no State can allow crossbow hunting for migratory game birds because the MBTA prohibits States from enacting less restrictive laws. The sole effect of this rule is to return to each State the exclusive authority to regulate crossbow hunting.

2. Safety considerations

One argument advanced by the Service in support of the proposal was that all bows used by an archer, except crossbows, are permitted, even though the ballistics of crossbow projectiles (i.e., bolts) are comparable to arrows propelled from compound bows. The National Wildlife Federation (NWF) noted some serious flaws in that reasoning:

> The average draw weight of crossbows used today is about 160 pounds; this compares to an average draw weight for compound bows of about 60 pounds. Crossbows fire "bolts" that are significantly shorter than standard longbow arrows. Thus, shaft lengths and arrow weights are dissimilar. Finally, and perhaps most importantly, arrow fletching used for hunting game birds is entirely different between longbows and crossbows.
>
> It is standard practice for recurve and compound bow hunters who pursue game birds to use arrows with flu-flu fletching. Flu-flu fletching consists of large, untrimmed feathers glued completely around the shaft in a tight spiral. Arrows fletched this way will fly at normal speeds for up to 50 yards, after which wind resistance slows them abruptly and shortens their flights. Flu-flu fletching cannot be adapted for use on bolts because of structural features of crossbows. To our knowledge, a flu-flu bolt has never been designed or tested, nor are we aware of plans to develop one. Thus, while recurve and compound bow hunters shooting at game birds release arrows that fall to earth at 50 yards, crossbow hunters would be firing bolts that may travel up to 200 or 250 yardsf before landing.
>
> The maximum effective range of flu-flu arrows is 50 to 60 yards. By comparison, crossbow bolts have an effective range out to 250 yards, or almost five times that of projectiles fired from conventional weapons.

The same comment also challenged the relevance to hunter safety of the statement in the draft environmental assessment that Ohio has held five statewide deer seasons for crossbow hunters without "any harm to other hunters." For two (2) reasons, the NWF found it is appropriate to conclude from the Ohio results that allowing crossbows to be used to hunt migratory game birds would have little, if any, impact on hunter safety:

> First, most shots taken at deer are likely to be in wooded or partially wooded areas where chances of arrow deflection and abbreviated flight are high. In contrast, most shots taken at migratory game birds, especially waterfowl, are over open areas where arrow deflection and reduced flight time are unlikely.
>
> Second, trajectories of typical shots taken when hunting deer and hunting migratory game birds are entirely different. Deer hunters almost always shoot down on the animal (from a tree stand), or horizontally at ground level. Shooting birds, however, requires that the hunter fire into the air, well above the horizontal, giving an arrow or bolt a longer line of flight.
>
> Hunting migratory game birds with crossbows places bolts in the air for greater distances and for greater lengths of time than when hunting deer. The proposed rule might present significantly higher hunter safety risks than implied by the Ohio data. * * *

NWF noted some additional safety problems associated with waterfowl hunting:

> Much waterfowl hunting occurs in limited daylight, oftentimes under foggy or misty conditions, where visibility rarely exceeds 50 yards. Even during exceptionally clear weather, detecting other waterfowl hunters at 100 yards may be difficult. We believe that the combined effective range of crossbows and limited visibility, characteristic of most waterfowl hunting situations, raises serious questions about human safety.

Similar concerns were raised by the New York State Depatment of Environmental Conservation:

> 1. Ballistics of crossbow projectiles are much greater than arrows shot from a long bow or compound bow. Crossbows typically have drawweights of 150–175 pounds and fire projectiles with some degree of accuracy well over 100 yards. On the other hand shotgun propelled shot is relatively harmless beyond 100 yards.
>
> 2. Shooting high velocity arrows (or bolts) at targets on the water or in the air would be extremely hazardous to other hunters and residents in and adjacent to waterfowl

hunting areas. Other hunters, concealed by the vegetation or in blinds, would be in danger of accidental hits from ricochets off the water or from spent bolts coming down from the air.

The detailed comments on hunter safety and included verbatim to provide States with both highly relevant information and a logical starting point for additional study before a decision is made to permit migratory game bird hunting with a crossbow. Therefore, any State may have valid reasons, including hunter safety considerations, to continue the ban on crossbows. Any Federal action should not be viewed by the public as invalidating any such State interest.

Effect of the Final Rule

Use of a crossbow is no longer a prohibited method of taking migratory game birds under Federal law. Each State is free to regulate the use of a crossbow to take migratory game birds as it sees fit. A State may choose to prohibit it, permit it, place restrictions on the type of crossbow or projectile used, shorten the open season for crossbow hunters, restrict crossbow hunters to designated areas, or restrict their use to certain hunters.

Primary Author

The primary author of this final rule is John T. Webb, Division of Law Enforcement, U.S. Fish and Wildlife Service.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this final rule. It is on file in the Division of Law Enforcement, 1375 K Street, NW., Suite 300, Washington, D.C., and may be examined during regular business hours. Single copies are also available upon request by contacting the person identified above under the caption **"FOR FURTHER INFORMATION CONTACT."** This assessment forms the basis for the decision that this final rule is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Determinations of Effects

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The economic effect of this action will be insignificant when compared to the total expenditures by migratory bird hunters. The Service has determined that hunters presently avail themselves of but a small fraction of the hunting opportunity afforded by recent Federal migratory game bird hunting frameworks. The 1981 *Annual Migratory Hunting Regulations Final Regulatory Impact Analysis* determined that less than four (4) percent of the possible hunting opportunity afforded by Federal regulations is ever utilized. The Service's environmental assessment on this rule projects that a maximum number of 3,848 crossbow hunters will hunt migratory game birds if the current ban is lifted. The *National Survey of Fishing, Hunting and Wildlife Associated Recreation* (U.S. Bureau of the Census) states that during 1980, migratory game bird hunters spent an average of $120.00 each per season to participate in migratory game bird hunting seasons. Using this figure ($120.00) the Service can estimate that maximum expenditures by crossbow hunters hunting migratory birds will be approximately $461,760.00. Primary beneficiaries of this rule, other than crossbow hunters, will be businesses which manufacture and retail equipment, supplies, transportation, lodging, food, and beverages.

Permitting the use of the crossbow for migratory bird hunting will provide small economic gains in some segments of the economy, notably equipment manufacturers, sporting goods retailers, suppliers, and businesses which provide transportation, food, and lodging. The *Annual Migratory Bird Hunting Regulations Final Regulatory Impact Analysis* (June 22, 1981) states that "a diligent effort was made to better determine the national numbers of businesses and individuals who benefit from migratory bird or waterfowl hunter expenditures," and concluded that "such information does not exist." The primary problem in undertaking such an analysis stems from the fact that those who provide equipment, supplies, and services to migratory game bird hunters also provide identical or similar equipment or supplies to non-hunters. Despite the unavailability of the data, the Service's analysis concluded "that the bulk of hunter expenditures for equipment, supplies, and services are obtained from small businesses and individuals" primarily because "hunting is normally a rurally oriented activity undertaken distantly from "big businesses."

This rule is not expected to significantly increase the numbers of crossbow hunters, but will permit those who currently use the weapon to participate (State law permitting) in migratory game bird hunting seasons. This rule, which governs the use of equipment, is permissive rather than restrictive in nature. Small businesses will not have to increase monetary outlays for inventory items to fill a customer demand brought about by a more restrictive equipment regulation. For example, many small businesses were adversely affected by steel shot regulations because they were required to make significant capital outlays for stocks of steel shells. In some cases many small businesses suffered financial losses because regulations, which required steel shot, were amended at the last minute or because hunters decided to hunt in areas other than steel shot zones. This rule, being permissive in nature, will not affect small businesses in such a manner.

List of Subjects in 50 CFR Part 20

Hunting, Wildlife, Exports, Imports, Transportation.

Regulation Promulgation

For the reasons set out in the preamble, Subchapter B, Chapter I of Title 50, *Code of Federal Regulations* is amended as follows:

PART 20—MIGRATORY BIRD HUNTING

1. The authority citation for Part 20 is revised to read as follows:

Authority: Migratory Bird Treaty Act, Sec. 3, Pub. L. 85–186, 40 Stat. 755 (16 U.S.C. 704); sec. 3(h), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712).

§ 20.21 [Amended]

2. Amend § 20.21(a) by removing the word "crossbow."

Dated: March 22, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84–2880 Filed 2–1–84: 8:45 am]

BILLING CODE 4310–07–M

Proposed Rules

Federal Register
Vol. 49, No. 23
Thursday, February 2, 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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1150

Dairy Promotion Program; Invitation To Submit Comments and Notice of Public Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Title I, subtitle B, of the Dairy and Tobacco Adjustment Act of 1983 authorizes a national program for dairy product promotion, research and nutrition education to be funded by a mandatory 15-cent per hundredweight assessment on all milk marketed by producers in the 48 contiguous States. Proposals to establish a dairy product promotion and research order as well as certain issues and questions concerning the order and its application, were received in response to an invitation for interested parties to submit proposals for an order. Comments are requested on the proposed order and issues that were raised. Comments are also invited on the regulatory impact and flexibility analysis and on the proposed rules on procedures or persons to petition for a change in the manner in which the order has been applied to them.

Notice is also given that a public meeting will be held during the comment period to facilitate a better understanding of the intent and application of the proposed rules. The record of the meeting will also be utilized in the development of final rules by the Department.

DATES: *Date of public meeting:* The meeting will convene at 9:00 a.m., local time, on February 14, 1984.

Date for filing comments: Comments must be postmarked by February 24, 1984.

ADDRESSES: *Address for Comments:* Comments should be sent to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

Place of meeting: Ramada Inn, 901 N. Fairfax Street, Alexandria, Virginia 22314, (703) 683–6000.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order Formulation Branch, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20205, (202) 447–6247.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Invitation to submit proposals—issued December 6, 1983, published December 9, 1983 (48 FR 55132).

This proposed rule has been reviewed under Executive Order 12291 and has been designated as a "major" rule since it would have an annual impact on the economy of more than $100 million. Also, this action could have a significant economic impact on a substantial number of small entities. Consequently, a combined preliminary regulatory impact analysis and initial regulatory flexibility analysis has been prepared and is included in this document.

It is not practicable to follow the provision of Executive Order 12291 which specifies that the preliminary regulatory impact analysis and this proposed rule be transmitted to the Director, Office of Management and Budget 60 days before publication. The Dairy and Tobacco Adjustment Act of 1983 requires that a proposal initial dairy products promotion and research order be published for public comment within 30 days after receipt of such proposal.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the reporting and recordkeeping provisions that are included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

Title I, subtitle B, of the Dairy and Tobacco Adjustment Act of 1983 (Pub. L. 98–180), which was enacted on November 29, 1983, authorizes the establishment of a national program for dairy product promotion, research and nutrition education to be funded by a mandatory assessment on all milk marketed by producers in the 48 contiguous States. The Act also specifies the timetable for implementation of an order to establish the program. The Secretary must publish a proposed order within 30 days after it is received and provide an opportunity for public comment. After notice and opportunity for public comment are given, the Secretary must issue a dairy products promotion and research order to become affective not later than 90 days following publication of the proposal.

An invitation for interested parties to submit proposals by January 6, 1984, was issued on December 6, 1983, and published in the **Federal Register** on December 9, 1983 (48 FR 55132). In response to this notice, one complete proposed order was received. In addition, other more lmited proposals concerning certain aspects of the program were received that raise issues and questions concerning the order and its application.

In addition to the proposed order, other rules are also necessary to implement the program on the timely basis required by the enabling legislation. Proposed rules that would establish the rules for proceedings on petitions to modify or be exempted from the order are contained in the document. Additional rules concerning the certification of organizations for making nominations for persons to serve on the National Dairy Promotion Board are being issued as interim rules in a separate document. Additional rules concerning the procedure for conducting referenda to determine producer approval will be developed at a later time since the initial referendum is not required by the Act until the 60-day period immediately preceding September 30, 1985.

All interested parties are invited to submit comments on the proposed Dairy Research and Promotion Order, the various issues and questions concerning the order that are listed following the proposed order, the rules concerning petitions to modify or be exempted from the order, and the combined preliminary regulatory impact analysis and initial regulatory flexibility analysis. Comments, two copies, must be postmarked by February 24, 1984, and should be sent to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Notice is also given that a public meeting will be held on February 14, 1984, at the Ramada Inn, 901 N. Fairfax Street, Alexandria, Virginia 22314. The meeting will begin at 9:00 a.m., local time. The purpose of the meeting is to provide an opportunity for a full discussion of the proposals to facilitate a better understanding of the intent and application of the proposed rules. Also, the record of the proceeding will be used in the development of final rules by the Department.

Data, views, and arguments concerning the proposed rules should be presented either by means of written statements or oral testimony not under oath. Questions will be permitted. Three copies of all written statements, statistical tables, charts or other written exhibits should be supplied by the person offering the statements or exhibits.

Copies of the transcript of testimony taken at the meeting will not be available for distribution through the Hearing Clerk's office. They will be available for inspection. Anyone wishing to purchase a copy of the transcript should make arrangements with the reporter at the meeting.

Preliminary Regulatory Impact and Initial Regulatory Flexibility Analysis

This document contains the preliminary Regulatory Impact Analysis required by Executive Order 12291 and the initial Regulatory Flexibility Analysis required by 5 U.S.C. 603 for the National Dairy Promotion Program established by the Dairy and Tobacco Adjustment Act of 1983. The analysis is divided into three sections: a discussion of the legislative goals and objectives, a description of the program requirements of the Act, and an outline of the potential benefits and costs associated with the program. Issues related to the effects of the program on small business are integrated into the body of the analysis.

Part I

Title I of the Dairy and Tobacco Adjustment Act of 1983 (Pub. L. 98–180) initiates a two-part effort to reduce milk production and increase the consumption of milk and milk products. The objective of this legislation is to reduce the current oversupply of milk by bringing supply and demand into closer balance and, as a result, reduce government expenditures for dairy products under the dairy price support program.

Subtitle B of Title I provides for a national dairy products promotion and research program. This program to stimulate sales of dairy products is to be financed by a mandatory 15-cent per hundredweight assessment on all milk marketed in the 48 contiguous States. The program will be governed by a Dairy Products Promotion and Research Order issued by the Secretary and administered by a board of milk producers appointed by the Secretary.

The statute provides that this national promotion effort be conducted in conjunction with existing promotion programs. Currently, programs to enhance the role of dairy products are administered by various State agencies and cooperative associations. In addition, six Federal milk marketing orders provide for advertising and promotion agencies. The legislation states that the national promotion program should not be construed to preempt or supersede any other program relating to dairy product promotion organized under State or Federal law.

Part II

The basic outline of the national dairy promotion effort is provided by Title I, subtitle B of Pub. L. 98–180. Many details of the program will be provided by the Dairy Promotion and Research Order now under consideration and the rules and regulations established by the Board. However, the legislation is very specific on certain subjects such as the procedure for issuance of orders, composition of the Board, power and duties of the Board, source and collection of funds, referendum requirements, and the role of cooperatives and other dairy farmer organizations. This part of the analysis sets out these specific statutory requirements.

Once a proposal for a promotion and research program has been received, the Secretary is obligated to promulgate a Dairy Products Promotion and Research Order. The Secretary must publish a proposal within 30 days after receipt and give the public an opportunity to submit comments. After the comment period, the Secretary must issue a final order to be effective not later than 90 days following publication of the proposal. In summary, a dairy products promotion and research order must be effective within 120 days after a proposal is received by the Department.

As an effort to accommodate all interested parties that wish to submit proposals concerning the promotion program, the Department, on December 6, 1983, issued an invitation to submit proposals. Interested parties were given until January 6, 1984, to submit proposals on the elements to be included in the promotion order. All proposals that were determined to be consistent with the terms of the Act are published with this analysis. Comments must be postmarked by February 24, 1984. The Department plans to have this order effective by May 1, 1984.

The Act specifies that the order be administered by a Board of not less than 36 milk producers appointed by the Secretary. These persons would serve up to 3-year terms and would be eligible to serve for two consecutive terms. To the extent practicable, Board membership should reflect the volume of milk production across the country. The Act provides that states be grouped into regions with each Board member representing a specific region. A region may be represented by more than one Board member, depending on the volume of milk produced in the region.

The Board is given the power to appoint from its members an executive committee. The Act requires that each region be equally represented on the executive committee. Members of the Board and the executive committee would serve without compensation but would be reimbursed for expenses incurred in performing their respective duties.

The Board's principal duty is to develop plans for promotion of milk and dairy products, including research and nutrition education. Also, the Board will construct proposed budgets for all such plans. All plans and budgets must be approved by the Secretary. The Board, with approval of the Secretary, may contract with third parties to develop promotion plans and related budgets. These third parties are required to keep records of all transactions associated with their contractual activities and report these transactions to the Board as the Secretary or the Board may require.

The Act allows the Board significant flexibility with regard to the specific content of promotion, research, and nutrition education activities. However, the Board is required to solicit research proposals dealing with increasing the use of fluid milk and dairy products by the military and by persons in developing nations, and determining the feasibility of converting surplus nonfat dry milk to casein for domestic and export use.

The Act also gives the Board certain administrative responsibilities, including: (1) Administer the order in accordance with its terms and conditions; (2) make rules and regulations to effectuate the terms and provisions of the order; (3) receive, investigate, and report to the Secretary complaints of violations of the order; and (4) recommend to the Secretary amendments to the order. In addition, the Board must maintain such books and

records as the Secretary shall require, and from time to time, make reports to the Secretary as may be required. The Board must account to the Secretary for the receipts and disbursement of all funds and may invest funds pending disbursement in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

The money needed to pay for the advertising and promotion program will be generated from a mandatory 15-cent per hundredweight assessment on all milk marketed by milk producers. The Act provides that this assessment will be collected by persons who pay producers for milk and the money will be remitted to the Board. Any producer who sells milk directly to consumers shall remit the assessment to the Board. The Act gives the Board authority to prescribe the specific procedures for collecting the mandatory assessments.

Although the Act provides no exceptions to the 15-cent per hundredweight assessment, it does allow milk producers who participate in active, ongoing qualified State or regional dairy product promotion or nutrition education programs to receive a credit of up to 10 cents per hundredweight for contributions to such programs (credits of up to 15 cents per hundredweight would be allowed until May 29, 1984).

Although the Act requires the establishment of the promotion program, it provides that the program can continue to function only if it is favored by a significant number of dairy farmers. The first test of producer support is a referendum that must be held within the sixty-day period immediately preceding September 30, 1985. To continue, the program must be approved by a majority of the producers voting in the referendum. Cooperative associations may bloc vote on behalf of their members in a referendum, provided that members are given the opportunity to vote individually. Cooperative members must be given 30 days notice of a referendum by the cooperative and a statement of the vote the cooperative intends to make on behalf of its members. Individual producers would be allowed to cast votes independent of their cooperative and the Secretary would then adjust each cooperative's vote to reflect the voting of individual farmers.

In addition to the 1985 referendum, the Secretary may conduct a referendum at any time thereafter to ascertain producer approval of the program. The Secretary also shall conduct a referendum after September 30, 1985, whenever 10 percent of the producers subject to the order request a referendum. The Secretary shall suspend or terminate collection of the 15-cent assessment within six months after the Secretary determines that suspension or termination is favored by a majority of producers voting in a referendum.

As stated previously, cooperatives may bloc vote for their members in a referendum. In addition, cooperatives and other organizations certified by the Secretary as representing dairy farmers are given the opportunity to submit nominations for members of the Board. The criteria for certification are specified in the Act. If the Secretary determines that a significant number of milk producers are not represented by those certified organizations, the Secretary may provide a procedure for these unrepresented farmers to submit nominations.

Part III

The purpose of this analysis is to articulate the anticipated benefits and costs associated with the dairy promotion and research program and, where possible, determine whether the net impact of the program to society is positive or negative. In addition, the analysis should address alternative approaches that could substantially achieve the same regulatory goal at a lower cost and a brief explanation of why these alternatives could not be adopted. Also, the analysis will include a discussion of any ways in which the costs of the program fall disproportionately on small businesses and discuss alternative approaches that might alleviate any hardship on small businesses.

As discussed in Part II of this analysis, the enabling legislation for the promotion program allows for very little flexibility on certain provisions that must be included in the final order. As a result, some provisions that may cause significant compliance costs to fall disproportionately on small entities cannot be avoided. These situations are appropriately mentioned in the analysis but no additional discussion seems necessary. Also, because the Act directs the Secretary to implement the program, comparison of proposed costs and benefits to the status quo are not relevant.

The dairy products promotion and research program could generate benefits that would accrue to dairy farmers, milk processors and the general public. These benefits, especially those that could come to the general public, may be difficult to measure. In addition, the benefits to all parties are dependent in a large degree on the program's ability to increase commercial purchases of dairy products.

Benefits to dairy farmers and milk processors depend on the program's ability to increase commercial dispositions of dairy products. The Federal government, through Commodity Credit Corporation (CCC) purchases under the price support program, stands as the buyer of last resort for dairy products. Under current market conditions, the CCC purchases products equal to about 12 percent of the nation's milk production. Any increase in commercial dispositions caused by the promotion program will offset an equivalent amount of government purchases. Although the support program provides a market for all milk produced, the industry would benefit from a higher proportion of commercial marketings because the margin on dairy products sold in the commercial market generally is higher than the margin for products purchased by CCC. Therefore, any action that would shift CCC purchases to commercial sales would increase gross revenues from marketings of dairy products. These additional revenues would benefit both dairy farmers and milk processors.

The ultimate allocation of these additional revenues as between dairy farmers and milk handlers is uncertain. However, an increase in commercial demand for milk and dairy products would result in some increase in pay prices to farmers. The institutions involved in payments for raw bulk milk, which include cooperative associations and State and Federal marketing regulations, should allocate these additional revenues much as they have in the past.

The general public could experience an increased flow of information concerning milk and dairy products, new and/or improved dairy products, and more understanding of milk and dairy products in nutrition. Assuming that none of the advertising generated by the program is false or misleading and that additional product choice is considered a positive development, these are potential benefits of the program that could accrue to the public. The incremental effect of these potential benefits to particular individuals would be minimal and difficult to measure. These benefits, especially those that may result from research on dairy

products, must be viewed as long-term effects.

If the program succeeds in reducing the level of CCC purchases of dairy products, the general public could benefit from a budget savings of up to $200 million annually. Although no individual would benefit from this budget savings, the positive effect of this event on the general public cannot be discounted.

The costs that would be associated with the dairy products promotion and research program are easier to assess and quantify than the benefits. This program will cost dairy farmers 15 cents for each hundredweight of milk. This assessment rate projected over estimated milk marketings of about 129 billion pounds would generate approximately $193 million during the 1983–84 marketing year. Of this total, an estimated $63 million is already being raised by ongoing State and regional programs that probably would qualify for credits under the national program. Although the $63 million estimate for monies going into current programs does not include some cooperative programs, $130 million is a good approximation of the amount of money that could become available to the National Dairy Promotion and Research Board.

Milk producers will bear the burden of this $130 million each year. The assessment will be subtracted directly from a producer's milk check. It is unlikely that the incidence of this 15-cent assessment could be shifted to milk handlers or consumers. Current supply-demand conditions are not favorable to any attempt by producers to obtain higher milk prices from handlers to defray the 15-cent assessment.

In 1982, there were approximately 300,000 operations with one or more dairy cows. All of these entities located in the 48 contiguous States that sell milk would be subject to the 15-cent per hundredweight assessment. It is estimated that over 95 percent of all farms with dairy cows can be classified as small businesses. Therefore, the estimated 130 million additional dollars that will be raised to fund the program each year will come largely from small entities as defined by the Regulatory Flexibility Act.

In addition to direct costs, this program will involve some indirect costs of compliance. This burden will fall on those individuals and organizations that must collect the 15-cent assessment and on those ongoing State and regional dairy promotion programs that co-exist with the national program. The act provides that the assessments be collected by those persons who pay milk producers. Those persons would then remit the assessments to the Board. These persons will incur the cost of calculating the assessment for each producer and forwarding a short form and a check for all of their producer assessments to the Board. These persons will, for other business reasons, maintain any records that are necessary to complete the collection and reporting functions. In addition, these persons will be collecting the 50-cent per hundredweight assessment under the paid diversion program of Title I, subtitle A, of the Act. Therefore, the marginal cost of collecting the 15-cent assessment under this program should be low.

Persons or organizations that pay producers also may have the burden of determining whether producers are making contributions to existing qualified State or regional promotion programs. Producers will be entitled to a credit of up to 10 cents per hundredweight (off the 15-cent assessment) for contributions to these qualified programs. Even if producers have the responsibility to demonstrate their contributions to qualified programs, it will be up to the persons and organizations that pay producers to subtract the credits from the 15-cent assessment that must be paid to the Board. These tasks would be added to traditional payroll duties and they would be an additional cost of doing business.

The previously described compliance costs will fall mainly on persons and organizations that are classified as "responsible persons" for purposes of collecting the 50-cent assessment which is used to pay for the paid diversion plan (Title I, subtitle A, Pub. L. 98–180). At present, there are about 1,650 responsible persons in the 48 contiguous States remitting payments to CCC under the 50-cent assessment. Of these, 550 are producer-handlers, 185 are cooperatives and 915 are proprietary milk handlers. While the Department does not maintain any precise data regarding such entities, it is thought that the vast majority come within the Small Business Administration's definition of "small businesses."

Existing dairy promotion programs will be affected by the national promotion order. However, the exact impact cannot be analyzed until the national promotion order is in final form. The statute does require that all efforts be made to allow State and regional programs to coexist with the national program. The most important unanswered question is what types of existing programs will ultimately qualify for credits under the national program. Programs that do not qualify for credits could see this source of funds disappear as their producer contributors face a double promotion deduction. This phenomenon cannot be measured at this time because the qualification criteria have not been established.

In conclusion, the direct and indirect costs of the dairy promotion program will fall on dairy farmers and milk processors. Most of these persons are small businesses. Therefore, the program will have a significant economic impact on a substantial number of small entities. However, it will be these same persons (dairy farmers and milk processors) that could obtain significant benefits from the program. Other than the benefits that could accrue to the general public, the costs and benefits of the program will fall to the same groups. In addition, most of these entities are small businesses.

List of Subjects in 7 CFR Part 1150

Milk, Dairy Products, Promotion and Advertising, Research.

The proposals, set forth below, have not received the approval of the Secretary of Agriculture.

It is hereby proposed by the National Milk Producers Federation that Title 7 of the Code of Federal Regulations be amended by adding Part 1150 to read as follows:

PART 1150—DAIRY PROMOTION PROGRAM

Subpart—Dairy Research and Promotion Order

Definitions

Sec.

National Dairy Promotion and Research Board

Sec.

Authority: Pub. L. 98–180, 97 Stat. 1128.

Subpart—Dairy Research and Promotion Order

Definitions

§ 1150.101 Department.

"Department" means the United States Department of Agriculture.

§ 1150.102 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in the Secretary's stead.

§ 1150.103 Board.

"Board" means the administrative board established pursuant to § 1150.131.

§ 1150.104 Person.

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative or other entity.

§ 1150.105 United States.

"United States" means the forty-eight contiguous States in the continental United States.

§ 1150.106 Fiscal period.

"Fiscal period" means the calendar year or such other annual period as the Board may determine.

§ 1150.107 Eligible organization.

"Eligible organization" means any organization or association which has been certified by the Secretary pursuant to §§ 1150.270 through 1150.279 of this part.

§ 1150.108 Qualified State or regional dairy product promotion, research or nutrition education programs.

"Qualified State or regional dairy product promotion, research or nutrition education program" means any program which is certified for qualification pursuant to § 1150.153 of this subpart.

§ 1150.109 Producer.

"Producer" means any person engaged in the production of milk for commercial use.

§ 1150.110 Milk.

"Milk" means any class of cow's milk produced in the United States.

§ 1150.111 Dairy products.

"Dairy products" means products manufactured for human consumption which are derived from the processing of milk, including fluid milk products, which meet the Standard of Identity for the individual products as determined in 21 CFR Part 131, 133 and 135, and the Standard of Identity for butter as established by the Act of March 4, 1923, Pub. L. 519.

§ 1150.112 Fluid milk products.

"Fluid milk products" means those milk products normally consumed in liquid form as a beverage.

§ 1150.113 Promotion.

"Promotion" means actions such as paid advertising, sales promotion, and public relations to advance the image, sales of, and demand for, dairy products generally.

§ 1150.114 Research.

"Research" means studies testing the effectiveness of market development and promotion efforts and other related efforts to expand demand for milk and dairy products, including, but not limited to, studies relating to basic, applied, and developmental product and process research, and studies relating to nutrition research and its interpretation to the scientific and health communities.

§ 1150.115 Nutrition education.

"Nutrition education" means those activities intended to broaden the understanding and application of sound nutrition principles in the selection of a diet including milk and dairy products, and other related efforts to expand demand for milk and dairy products.

§ 1150.116 Plans and projects.

"Plans and projects" means promotion, research and nutrition education plans, studies or projects pursuant to § 1150.139 and § 1150.161.

§ 1150.117 Marketing.

"Marketing" means the sale or other disposition in commerce of dairy products.

§ 1150.118 Act.

"Act" means the Dairy and Tobacco Adjustment Act of 1983, Pub. L. 98–180 and any amendments thereto.

§ 1150.119 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales of, or marketing, milk or its products for its members.

National Dairy Promotion and Research Board

§ 1150.131 Establishment and membership.

(a) There is hereby established a National Dairy Promotion and Research Board of thirty-six members. For purposes of nominating producers to the Board, the United States shall be divided into thirteen geographic regions and the number of Board members from each region shall be as follows:

(1) One director from region number one comprised of the following States: Washington and Oregon.

(2) Four directors from region number two comprised of the following State: California.

(3) Two directors from region number three comprised of the following States: Arizona, Colorado, Idaho, Montana, Nevada, Utah and Wyoming.

(4) Two directors from region number four comprised of the following States: Arkansas, Kansas, New Mexico, Oklahoma and Texas.

(5) Four directors from region number five comprised of the following States: Minnesota, North Dakota and South Dakota.

(6) Six directors from region number six comprised of the following State: Wisconsin.

(7) Three directors from region number seven comprised of the following States: Illinois, Iowa, Missouri and Nebraska.

(8) Two directors from region number eight comprised of the following States: Alabama, Kentucky, Louisiana, Mississippi and Tennessee.

(9) Three directors from region number Nine comprised of the following States: Indiana, Michigan, Ohio and West Virginia.

(10) Two directors from region number ten comprised of the following States: Florida, Georgia, North Carolina, South Carolina and Virginia.

(11) Three directors from region number eleven comprised of the following States: Delaware, Maryland, New Jersey and Pennsylvania.

(12) Three directors from region number twelve comprised of the following State: New York.

(13) One director from region number thirteen comprised of the following States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

(b) The Board shall be composed of milk producers appointed by the Secretary from nominations submitted pursuant to § 1150.133. A milk producer may be nominated only to represent the region in which that milk producer is a resident.

(c) At least every five (5) years, and not more than every three (3) years, the Board shall review the geographic distribution of milk production volume throughout the United States and shall recommend reapportionment of regions and/or the modification of the number of directors from regions in order to best reflect the geographic distribution of milk production volume in the United States.

(d) The following formula will be used to determine the number of directors for each region which shall serve on the Board:

The total volume (pounds) of milk produced in the United States for the calendar year previous to the date of review, divided by 36 will provide a factor of pounds of milk per director. The total volume (pounds) of milk for each region is then divided by the factor.

(e) In determining the volume of milk produced in the United States, the Board and the Secretary shall utilize the information received by the Board pursuant to § 1150.171 and data published by the Department.

§ 1150.132 Term of office.

(a) The members of the Board shall serve for terms of three years, except that the members appointed to the initial Board shall serve proportionately, for terms of one, two and three years.

(b) Each member shall continue to serve until a successor is appointed by the Secretary and has accepted the position.

(c) No member shall serve more than two consecutive terms in such capacity.

§ 1150.133 Nominations.

(a) All nominations authorized under this section shall be made in the following manner: After the issuance of the order by the Secretary, nominations shall be obtained by the Secretary as specified in paragraph (c) of this section from eligible organizations. An eligible organization shall submit nominations only for positions on the Board representing regions in which such eligible organization can establish that it represents a substantial number of producers. However, if the Secretary determines that a substantial number of producers are not members of, or their interests are not represented by, any such eligible organizations, then nominations shall be submitted in a manner authorized by the Secretary.

(b) After the establishment of the Board, the Department shall announce when a vacancy does or will exist. Nominations for subsequent Board members shall be submitted to the Secretary not less then sixty days prior to the expiration of the terms of the members whose terms are expiring. In the case of vacancies due to reasons other then the expiration of a term of office, successor Board members shall be appointed pursuant to § 1150.136.

(c) Where there is more than one eligible organization representing producers in a specific region, they may caucus and jointly nominate one qualified person for each position representing that region on the Board for which a member is to be appointed. If joint agreement is not reached with respect to any such nominations, or if no caucus is held, each eligible organization may submit to the Secretary one nomination for each appointment to be made to represent that region.

§ 1150.134 Appointment.

From the nominations made pursuant to § 1150.133, the Secretary shall appoint the members of the Board on the basis of representation provided for in § 1150.131(a).

§ 1150.135 Acceptance.

Any person appointed by the Secretary as a member of the Board shall file a written acceptance with the Secretary within 15 days of the date of appointment.

§ 1150.136 Vacancies.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Board, the Secretary shall appoint a successor from the most recent nominations submitted for positions on the Board for the region which the vacant position represents. If no such nominations exist, the Board shall recommend to the Secretary a successor, who shall be appointed pursuant to § 1150.134.

§ 1150.137 Procedure.

(a) At a properly convened meeting of the Board, a majority of the members shall constitute a quorum, and any action of the Board at such a meeting shall require the concurring votes of at least a majority of those present at such meeting.

(b) In lieu of a properly convened meeting and, when in the opinion of the chairman of the Board such action is considered necessary, the Board may take action upon the concurring votes of a majority of its members by mail, telephone, or telegraph, but any such action by telephone shall be confirmed promptly in writing. In the event that such action is taken, all members must be notified and provided the opportunity to vote. Any action so taken shall have the same force and effect as though such action had been taken at a regular or special meeting of the Board.

§ 1150.138 Compensation and reimbursement.

The members of the Board shall serve without compensation but shall be reimbursed for necessary and reasonable expenses, including a per diem allowance as recommended by the Board and approved by the Secretary, incurred by them in the performance of their duties under this subpart.

§ 1150.139 Powers of the Board.

The Board shall have the following powers:

(a) To receive and evaluate, or on its own initiative develop, and budget for plans or projects to promote the use of fluid milk and dairy products as well as projects for research and nutrition education and to make recommendations to the Secretary regarding such proposals;

(b) To administer the provisions of this subpart in accordance with its terms and provisions;

(c) To make rules and regulations to effectuate the terms and provisions of this subpart;

(d) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart;

(e) To disseminate information to producers or eligible organizations

through programs or by direct contact utilizing the public postage system or other systems;

(f) To select committees and subcommittees of Board members, and to adopt such rules for the conduct of its business as it may deem advisable;

(g) To establish advisory committees of persons other than Board members and pay the necessary and reasonable expenses and fees of the members of such committees;

(h) To recommend to the Secretary amendments to this subpart; and

(i) With the approval of the Secretary, to invest, pending disbursement pursuant to a plan or project, funds collected through assessments authorized under § 1150.152 in, and only in, obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank which is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

§ 1150.140 Duties.

The Board shall have the following duties:

(a) To meet not less than annually, and to organize and select from among its members a chairman and such other officers as may be necessary;

(b) To appoint from its members an executive committee whose membership shall be composed of one member from each of the regions as described in § 1150.131(a). To delegate to the committee authority to administer the terms and provisions of this subpart under the direction of the Board and within the policies determined by the Board;

(c) To appoint or employ such persons as it may deem necessary and define the duties and determine the compensation of each;

(d) To develop and submit to the Secretary for approval, promotion, research, and nutrition education plans or projects resulting from research or studies conducted either by the Board or others;

(e) To prepare and submit to the Secretary for approval, budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable costs of promotion, research and nutrition education plans or projects, and also including a general description of the proposed promotion, research and nutrition education programs contemplated therein;

(f) To maintain such books and records, which shall be available to the Secretary for inspection and audit, and prepare and submit such reports from time to time, to the Secretary, as the Secretary may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(g) With the approval of the Secretary, to enter into contracts or agreements with national, regional or State dairy promotion and research organizations or other organizations or entities for the development and conduct of activities authorized under § 1150.139 of this subpart and for the payment of the cost thereof with funds collected through assessments pursuant to § 1150.152. Any such contract or agreement shall provide that:

(1) The contractors shall develop and submit to the Board a plan or project together with a budget or budgets which shall show the estimated cost to be incurred for such plan or project;

(2) Any such plan or project shall become effective upon approval of the Secretary; and

(3) The contracting party shall keep accurate records of all of its transactions and make periodic reports to the Board of activities conducted and an accounting for funds received and expended, and such other reports as the Secretary or the Board may require. The Secretary may audit the records of the contracting party periodically.

(h) To prepare and make public, at least annually, a report of its activities carried out and an accounting for funds received and expended;

(i) To cause its books to be audited by a certified public accountant at least once each fiscal period and at such other times as the Secretary may request, and submit a copy of each such audit to the Secretary;

(j) To give the Secretary the same notice of meetings of the Board as is given to members in order that the Secretary, or representative of the Secretary, may attend such meetings;

(k) To submit to the Secretary such information pursuant to this subpart as may be requested; and

(l) To encourage the coordination of programs of promotion, research and nutrition education designed to strengthen the dairy industry's position in the market place and to maintain and expand domestic and foreign markets and uses for fluid milk and dairy products produced in the United States.

Expenses and Assessments

§ 1150.151 Expenses.

(a) The board is authorized to incur such expenses (including provision for a reasonable reserve), as the Secretary finds are reasonable and likely to be incurred by the board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. However, after the first full year of operation of the order, administrative expenses incurred by the Board shall not exceed 5 percent of the projected revenue of the fiscal year. Such expenses shall be paid from assessments received pursuant to § 1150.152.

(b) The Board shall reimburse the Secretary, from assessments received pursuant to § 1150.152, for administrative costs incurred after an order has been promulgated by the Department.

§ 1150.152 Assessments.

(a) Each person making payment to a producer for milk produced in the United States shall, in the manner as prescribed by the Board and approved by the Secretary, or pursuant to paragraph (c) of this section, collect an assessment based upon the number of hundredweights of milk for commercial use handled for the account of the producer and remit the assessment to the Board. The rate of assessment shall be fifteen cents per hundredweight of milk for commercial use or the equivalent thereof. A milk producer or the producer's cooperative who can establish that the producer is participating in an active, ongoing qualified State or regional dairy product promotion or nutrition education program(s) intended to increase consumption of milk and dairy products generally, shall receive credit in determining the assessment due from such producer for contributions to such programs of up to ten cents per hundredweight of milk marketed or, for the period ending on May 29, 1984, up to the aggregate rate in effect on the date of enactment of this Act of such contributions to such programs (but not to exceed fifteen cents per hundredweight of milk marketed) if such aggregate rate exceeds ten cents per hundredweight of milk marketed, which shall be first given against the assessment on any milk.

(b) Any person marketing milk of that person's own production in the form of milk or dairy products to consumers either directly or through retail or wholesale outlets shall remit the

assessment in such form and manner prescribed by the Board pursuant to paragraph (a) of this section.

(c) The collection of assessments pursuant to paragraph (a) of this section shall commence on all milk for commercial sale marketed on and after the effective date of this subpart and shall continue until terminated by the Secretary. If the Board is not constituted on the date the first assessments are to be collected, the Secretary shall have the authority to receive the assessments on behalf of the Board, and to hold such assessments until the Board is constituted, then remit such assessments to the Board.

(d) Producers participating in State or regional dairy product promotion, research and nutrition education program(s) which qualify pursuant to § 1150.153 shall receive a credit of up to ten cents per hundredweight (fifteen cents if the assessment or contribution was paid to the program on or before May 29, 1984) for participation in that qualified State or regional dairy product promotion, research, and nutrition education program. If assessments are collected pursuant to paragraph (a) of this section and the Board is not yet constituted at the time of collection, the Secretary shall have the authority to issue credits on behalf of the Board pursuant to paragraph (a) of this section.

(e) In order to receive the credit authorized in paragraph (a) of this section, a producer, or a cooperative association on behalf of a producer, must certify to the person responsible for remitting the assessment to the Board, or in the case of a person marketing his or her own product to the Board, that the producer is participating in a qualified State or regional dairy product promotion, research or nutrition education program which is qualified pursuant to § 1150.153.

(f) Any person who is responsible remitting an assesment to the Board pursuant to paragraph (a) of this section, shall remit to the Board the full assessment of fifteen cents per hundredweight of milk for commercial use or the equivalent thereof, unless the producer or the producer's cooperative association on behalf of the producer for whom the assessment is being paid, certifies to such person that he or she is participating in a qualified State or regional dairy product promotion, research or nutrition education program. Any person marketing milk of that person's own production who is responsible for remitting an assessment to the Board shall remit the full assessment of fifteen cents per hundredweight of milk for commercial use or the equivalent thereof, unless such person has certified to the Board that such person is participating in a qualified State or regional dairy product promotion, research or nutrition education program.

(g) Qualified State or regional dairy product promotion, reseach and nutrition education programs which include a refund clause, shall notify a producer that requests a refund of up to ten cents (fifteen cents if the assesment or contribution to the program was paid on or before May 29, 1984) that such refund was paid to the Board or to the qualified State or regional dairy products promotion, research or nutrition education program which the producer had designated to receive the refund pursuant to § 1150.153(d).

(h) If a producer, or a producer's cooperative association on behalf of a producer is participating in more than one State or regional dairy product promotion, research, or nutrition education program(s) then such producer, or cooperative association, shall designate that participation for which the producer shall receive the credit or in what proportion the credit should be allocated.

(i) A producer or a producer's cooperative association may begin, at any time during the effective period of this subpart, to participate in State or regional dairy product promotion, research, or nutrition education program or programs and will certify such participation pursuant to paragraph (e) of this section and, if applicable, shall designate any credits pursuant to paragraph (g) of this section.

(j) Each person responsible for the collection of the assessment under paragraph (a) of this section shall collect and remit the amounts collected from the assessment to the Board on a monthly basis no later than the last day of the month following the month in which the milk was marketed in such manner as prescribed by the Board. Any unpaid assessments due the Board from a person responsible for remitting assesments to the Board pursuant to paragraph (a) of this section shall be increased 1.5 percent each month beginning with the day following the date such assessments were due under this subpart. Any remaining amount due shall be increased at the same rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on unpaid assessments and shall include any unpaid charges previously made pursuant to this section. For the purpose of this section, any assessment that was determined at a date later than prescribed by this subpart because of a person's failure to submit a report to the Board when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

§ 1150.153 Qualified State or regional dairy product promotion, research or nutrition education programs.

(a) Any organization which conducts a State or regional dairy product promotion, research or nutrition education program may request of the Secretary certification of qualification so that producers may receive credit for participation in such program pursuant to § 1150.152(a). In order to be certified for qualification by the Secretary, the program must:

(1) Have been conducting activities as defined in §§ 1150.113, 1150.114 and 1150.115 of this subpart;

(2) Have been active and ongoing;

(3) Be financed by producers, either individually or by member cooperatives, voluntarily or by assessment authorized by state or federal law;

(4) In the case of a State program, cover the entire or a major portion of a State, and in the case of a regional program, cover an entire region composed of more than one State or a major portion of a region which is composed of more than one State; *Provided however,* That programs which assess producers pursuant to Federal Milk Market Orders for promotion and advertisement of dairy products are excepted from the requirements of paragraph (a)(4) of this section for the period of six months following the effective date of this subject; and

(5) Not utilize a private brand or trade name in its advertising of dairy products on or after the date this order becomes effective.

(b) Organizations conducting active and ongoing programs prior to the effective date of this subject, which certify to the Secretary that their program(s) meet all the criteria listed in paragraph (a) of this section and meet the requirements of paragraph (c) of this section, if applicable, shall have their program(s) deemed to be qualified pursuant to this section.

(c) In order to be certified for qualification pursuant to this section, organizations conducting active and ongoing programs, which meet the criteria listed in paragraph (a) of this section, and which contain a refund clause, shall certify to the Secretary that requests for refunds of up to ten cents (fifteen cents if the assessment or contribution to the program was paid on or before May 29, 1984) shall be honored by providing a written notification to the

producer that his request had been received and such refund amount has been forwarded to the Board, or to a qualified dairy product promotion, research or nutrition education program which is designated by the producer in the refund request.

(d) Any producer who requests a refund from a qualified dairy products promotion, research and nutrition education program which provides for a refund, may designate in his or her refund request a qualified dairy products promotion, research or nutrition education program which is to receive the amount of the refund up to ten cents (fifteen cents if the assessment or contribution was paid to the program on or before May 29, 1984). If the refund request does not designate a program, or designates a program which is not a qualified dairy product promotion, research or nutrition education program, the refunding program shall notify the producer that the refund request was honored and the refund of up to ten cents (fifteen cents if the assessment or contribution was paid to the program on or before May 29, 1984) was remitted to the Board.

(e) Any portion of a refund which exceeds ten cents (fifteen cents if the assessment or contribution was paid to the program on or before May 29, 1984) shall be refunded to the producer, or shall be paid to the program which the producer had designated in his refund request.

(f) Any producer who has not received credit from the Board for his or her participation in a qualified State or regional dairy products promotion, research or nutrition education program which contains a refund clause, shall be entitled to receive a full refund from such program by certifying to the qualified dairy product promotion, research or nutrition education program that the producer did not receive credit from the Board for such participation.

§ 1150.154 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action, except to recommend to the Secretary amendments to this subpart.

Promotion, Research and Nutrition Education

§ 1150.161 Promotion, research and nutrition education.

The Board shall receive and evaluate or, on its own initiative develop, and submit to the Secretary for approval any plans or projects authorized in § 1150.139 and this section. Such plans or projects shall provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate plans or projects for promotion, research and for nutrition education, with respect to milk and dairy products;

(b) The establishment and conduct of research and studies with respect to the sale, distribution, marketing and utilization of milk and dairy products and the creation of new products thereof, to the end that marketing and utilization of milk and dairy products may be encouraged, expanded, improved or made more acceptable. Included shall be research and studies of proposals intended to increase the use of fluid milk and dairy products by the military and by persons in developing nations and proposals intended to demonstrate the feasibility of converting nonfat dry milk to casein for domestic and export use; and

(c) Each plan or project authorized under paragraphs (a) and (b) of this section shall be particularly reviewed or evaluated by the Board to insure that each such plan or project contributes to an effective program of promotion, research and nutrition education. If it is found by the Board that any such plan or project does not further the purposes of the Act, then the Board shall terminate such plan or project.

(d) In carrying out any plan or project, no reference to a brand or trade name of any dairy product shall be made. In addition, no such plans or projects shall make use of unfair or deceptive acts or practices with respect to the quality, value or use of any competing product.

Reports, Books and Records

§ 1150.171 Reports.

Each person marketing milk of that person's own production directly to consumers and each person making payment to producers and responsible for the collection of the assessment under § 1150.152 shall be required to report to the Board periodicaly such information as may be required by the regulations recommended by the Board and approved by the Secretary. Such information may include but not be limited to the following:

(a) The number of hundredweights of milk purchased, initially transferred or which, in any other manner, is subject to the collection of assessment;

(b) The amount of assessment remitted;

(c) The basis, if necessary, to show why the remittance is less than the number of hundredweights of milk multiplied by fifteen cents; and

(d) The date any assessment was paid.

§ 1150.172 Books and records.

Each person who is subject to this subpart, and other persons subject to § 1150.171, shall maintain and make available for inspection by the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued hereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least two years beyond the fiscal period of their applicability.

§ 1150.173 Confidential treatment.

All information obtained from such books, records or reports under the Act and this subpart shall be kept confidential by all persons, including employees and former employees of the Board, all officers and employees and all former officers and employees of the Department, and by all officers and employees and all former officers and employees of contracting agencies having access to such information, and shall not be available to Board members or any other producers. Only those persons having a specific need for such information in order to effectively administer the provisions of this subpart shall have access to such information. In addition, only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the discretion, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this section shall be deemed to prohibit:

(a) The issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected therefrom, which statements do not identify the information furnished by any person; and

(b) The publication, by direction of the Secretary, of the name of any person who has been adjudged to have violated this subpart, together with a statement of the particular provisions of the subpart violated by such person.

Miscellaneous

§ 1150.181 Proceedings after termination.

(a) Upon the termination of this subpart the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation

by the Secretary, shall become trustees of all the funds and property, owned, in the possession of or under the control of the Board, including claims for any claims unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contract or agreements entered into by it pursuant to § 1150.140(g);

(3) From time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such persons as the Secretary may direct; and

(4) Upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this subpart shall be subject to the same obligation imposed upon the Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be used, to the extent practicable, in the interest of continuing one or more of the promotion, research or nutrition education plans or projects authorized pursuant to this subpart.

§ 1150.182 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may hereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or any regulation issued thereunder; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any person, with respect to any such violation.

§ 1150.183 Personal liability.

No member, or employee of the Board shall be held personally responsible, either individually or jointly, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts of either commission or omission, of such member or employee, except for acts of dishonesty or willful misconduct.

§ 1150.184 Patents, copyrights, inventions and publications.

Any patents, copyrights, inventions or publications developed through the use of funds collected under the provisions of this subpart shall be the property of the U.S. Government as represented by the Board, and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, inventions, or publications, inure to the benefit of the Board. Upon termination of this subpart, § 1150.181 shall apply to determine disposition of all such property.

§ 1150.185 Amendments.

Amendments to the subpart may be proposed, from time to time, by the Board, or by any organization or association certified pursuant to §§1150.270 through 1150.279 of this part, or by any interested person affected by the provisions of the Act, including the Secretary.

§ 1150.186 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

§ 1150.187 Paperwork Reduction Act assigned number.

The information collection requirements contained in these regulations (7 CFR Part 1150) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Control Number 0581–0147.

The Milk Industry Foundation and the International Association of Ice Cream Manufacturers proposed the following specific provisions for inclusion in any advertising and promotion order:

1. *Define the term "promotion" as follows:*

The term "promotion" means actions such as paid advertising, sales promotion, and publicity to advance the image and sales of and demand for dairy products and may include advertising that makes reference to private brands or trade names.

2. *The provision of the order relating to the confidentiality of information made available to the Secretary by persons receiving milk from farmers should include the following language:*

All such information shall be kept confidential by all officers and employees of the Department and in no event shall be disclosed to members, agents, or appointees or employees of the Board.

3. *The provisions of the order relating to assessments and administration should include the following:*

The Board shall make all reasonable efforts to simplify and minimize the recordkeeping, assessment, collection, and administrative burdens imposed by the order on persons responsible for collecting and remitting assessments.

4. *Include the following provisions for advisory committees to the Board:*

The Secretary shall appoint the following advisory committees, to consult with and advise the Board:

(a) The Dairy Processors Management Advisory Committee shall consist of not less than 15 nor more than 25 chief executive officers of milk processing and ice cream manufacturing companies, with appropriate recognition for different sizes, types and locations of such companies.

(b) The Dairy Advertising and Marketing Advisory Committee shall consist of not less than 15 nor more than 25 advertising, marketing and sales executives of milk processing and ice cream manufacturing companies.

The proposed order set forth above was the only complete order submitted by the industry. Certain other specific order terms set forth above are the only other proposals submitted in such form. However, a number of additional proposals and suggestions relating to certain facets of a promotion order were submitted for consideration. Rather than publishing these various proposals and suggestions in the form in which submitted, it was decided that their intent could best be expressed herein in the form of questions. The miscellaneous proposals and suggestions, as well as the complete proposed order, raise various questions concerning the implementation and operation of a dairy promotion program. The questions, as set forth below, should be addressed at the scheduled public meeting and/or in written comments to facilitate the development of final rules by the Department.

Issue No. 1—Nature of Authorized Advertising

The Act does not prohibit brand advertising. However, the producer proposal would adopt order provisions precluding brand advertising while proposals and comments submitted by

other persons would permit brand advertising.

The Department has made no conclusions relative to the merits of the proposals and comments concerning generic vs. brand advertising.

The proposals and comments received raise the following questions on this issue:

1. Should the Board allocate funds to plans and projects that promote brand products? If so, should there be limits as to the amount that any one organization can receive?

2. Should matching funds be granted by the Board to those organizations with plans or projects that promote brand products?

3. Should the order allow credits for those producers who participate in programs that promote brand products? If not, should a program that spends only a portion of its funds promoting brand products be funded up to the amount not spent on brand products?

4. Should the order provide for the retention of a percentage of the assessment by the individual milk handlers collecting the assessment so that they can operate programs promoting their own products? If so, what percentage can they retain?

Issue No. 2—Representation on the National Dairy Promotion and Research Board

1. What guidelines should be established for the Secretary to determine if a "substantial" number of independent producers or their interests are not represented in nominations by certified organizations to serve on the Board, and what procedures should be utilized to provide for such representation?

2. Should Board membership be based on the proportions of independent producers and cooperative association producers represented in each geographic region?

3. Should procedures be established to assure more than one nomination for each position on the Board?

4. In order to provide for as rapid as possible implementation of plans and projects, should the Board members be required to have had prior experience in dairy advertising and promotion programs?

5. To avoid any possible conflict of interest, should the order prohibit a member of the National Board from being a member of a State or regional promotion agency? Should the prohibition be limited to just those agencies that receive funds from the National Program?

6. To avoid possible producer bias where research and promotion projects are concerned, should producer-handlers or handlers with own-farm production be represented on the Board? If so, how should this be accomplished?

Issue No. 3—Qualification of Programs

1. Can producers who participate in qualified State or regional programs receive credit if the qualified progams are not active until after the order is effective?

2. How large an area should dairy product promotion or nutrition education programs encompass in order to be considered qualified programs, thus enabling their members access to credits from the national program?

3. Should a program that spends a portion of its funds on activities not authorized by the Act or the order not be qualified at all or should it be qualified for funding credits on just those activities that are authorized?

Issue No. 4—Collection of Assessments

1. If the board is not in place by the date the order becomes effective, can assessments be remitted to the Secretary temporarily?

2. Should the entire 15-cent per hundredweight assessment go directly from the handlers to the Board and then funds flow from the Board to the eligible State and regional programs, or should the entire assessment flow from the handlers to the eligible State and regional programs who would then submit the difference between the State and regional allocation (maximum 10 cents per hundredweight credit) and the national check-off to the Board?

3. What procedures should be established as to the remittance of assessments for those Market Administrators who collect monies from Federal order handlers and then pay producers?

4. What guidelines should be established for producer-handlers as to the time period for assessment remittance to the Board? What penalty shall be incurred by those producer-handlers who fail to remit the assessment to the Board by the stipulated time?

Issue No. 5—Expenditure of Funds

1. Should the allocation of funds to each milk product be based on milk utilization, (i.e., on a percentage used basis for fluid, cheese, butter, and other)?

2. In order to ensure the continuation of the operations performed by existing State and regional programs at their present levels, should the Board fund these programs up to the amount of their funding prior to the adoption of the national program.

It is proposed by the Dairy Division, Agricultural Marketing Service, that the proposed 7 CFR Part 1150 include a subpart §§ 1150.250 through 1150.252 as follows:

PART 1150—DAIRY PROMOTION PROGRAM

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From an Order

Sec.

Authority: Pub. L. 98–180, 97 Stat. 1128.

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From an Order

§ 1150.250 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1150.251 Definitions.

As used in this subpart:

(a) The term "Act" means the Dairy and Tobacco Adjustment Act of 1983, Pub. L. 98–180, 97 Stat. 1128, approved November 29, 1983;

(b) The term "Department" means the U.S. Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead;

(d) The term "judge" means any adminstrative law judge in the Office of Administrative Law Judges, U.S. Department of Agriculture;

(e) The term "Administrator" means the Administrator of the Department's Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated, or may hereafter be delegated, to act in the Administrator's stead;

(f) The term **"Federal Register"** means the publication provided for by the Federal Register Act, approved July 26, 1935 (44 U.S.C. 1501–1511), and acts supplementing and amending it;

(g) The term "Order" means any order or any amendment thereto which may be issued pursuant to the Act;

(h) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or other entity subject to an order or to whom an order is sought to be made applicable, or on whom an

obligation has been imposed or is sought to be imposed under an order;

(i) The term "proceeding" means a proceeding before the Secretary arising under Section 118(a) of the Act;

(j) The term "hearing" means that part of the proceeding which involves the submission of evidence;

(k) The term "party" includes the Department;

(l) The term "hearing clerk" means the hearing clerk, U.S. Department of Agriculture, Washington, D.C.;

(m) The term "presiding officer" means the administrative law judge conducting a proceeding under the Act;

(n) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law of discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions and orders submitted by the parties;

(o) The term "petition" includes an amended petition.

§ 1150.252 Institution of proceeding.

(a) *Filing and service of petitions.* Any person subject to an order desiring to complain that any order or any provision of any such order or any obligation imposed in conneciton therewith is not in accordance with law, shall file with the hearing clerk, five copies of a petition in writing addressed to the Secretary, requesting a modification of such order or to be exempted from such order. Promptly upon receipt of the petition, the Hearing Clerk shall transmit a true copy thereof to the Administrator and the Department's General Counsel, respectively.

(b) *Contents of petitions.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If the petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms or provisions of the order, or the interpretation or application thereof, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order or the interpretation or application thereof, which are complained of;

(4) A statement of the grounds on which the terms or provisions of the order or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law; and

(5) Requests for the specific relief which the petitioner desires the Secretary to grant.

(c) *An application to dismiss petition—Filing, contents, and responses thereto.* If the Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the Act or with the requirements of paragraph (b) of this section, the Administrator may, within 30 days after the filing of the petition, file with the hearing clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this paragraph. Such application shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the hearing clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition of such application, including any memorandum of law, must be filed by the petitioner with the hearing clerk not later than 20 days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the hearing clerk shall transmit all papers which have been filed in connection with the application to the Secretary for his consideration.

(d) *Further proceedings.* Further proceedings on petitions to modify or to be exempted from any order shall be governed by §§ 900.52(c)(2) through 900.71 of this title (Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From Marketing Orders) and as may hereafter be amended, and the same are incorporated herein and made a part hereof by reference. However each reference to "marketing order" in the title shall mean "order."

Signed at Washington, D.C., on: January 27, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-2797 Filed 2-1-84; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 70

Material Control and Accounting Requirements; Facilities Possessing Formula Quantities of Strategic Special Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend the Material Control and Accounting (MC&A) regulations that apply to facilities authorized to possess and use formula quantities of strategic special nuclear material (SSNM). These amendments would apply to fuel cycle facilities, including reprocessing plants, but not to waste disposal operations or nuclear reactors. These amendments will significantly strengthen MC&A capabilities at the affected facilities by requiring more timely detection of possible SSNM losses and by providing for more rapid and conclusive resolution of discrepancies. The operational cost impact for these proposed requirements should be approximately the same as for current MC&A requirements. This is because the amendments relax or eliminate current requirements that are not cost-effective and take advantage of existing process control, production control, and quality control information.

DATES: Comments must be received on or before June 5, 1984. Comments received after June 5, 1984 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before that date.

ADDRESSES: The Commission has prepared a draft Standard Format/Acceptance Criteria document as preliminary guidance to help explain the proposed rule, and a draft summary Regulatory Analysis which examines the incremental costs and benefits of the proposed rule. These two documents are available for examination and copying for a fee at the NRC Public Document Room at 1717 H Street NW., Washington, DC. Written comments or suggestions on the proposed rule, the

Standard Format/Acceptance Criteria document, or the Regulatory Analysis should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1121, 1717 H Street NW., Washington, DC, between 8:15 a.m. and 5:15 p.m. Comments received will be available for examination and copying for a fee at the NRC Public Document Room at 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Mr. C. W. Emeigh, Fuel Facility Safeguards Licensing Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301–427–4040.

SUPPLEMENTARY INFORMATION:

Background

The focus of current domestic MC&A regulations for high enriched uranium and plutonium is on bimonthly inventories. Comparison of the inventory difference (ID) with percent of throughput does not occur until nearly 30 days after the beginning of the physical inventory. Thus, a thorough investigation of an anomaly might not start until nearly 90 days after its cause occurred. The usefulness of these bimonthly inventories in providing the public with assurance that significant quantities of SSNM have not been diverted has been limited by difficulty in conclusively resolving large inventory differences, necessitating reliance instead on plant security and material control records and intelligence information for the desired assurance. On August 20, 1981, the Commission approved the publication of an Advance Notice of Proposed Rulemaking (ANPRM) to solicit public comment on how to revise the MC&A regulations for SSNM capable of being made into fission explosives. The ANPRM was published in the **Federal Register** on September 10, 1981 (46 FR 45144), and included goals of the rulemaking and options for achieving the goals. The primary goals included (a) timely and localized detection of a possible loss, (b) rapid determination of whether an actual loss occurred, and (c) availability of information to aid in the recovery of lost material in the event of an actual loss.

Two of the options for achieving these goals retained the current emphasis on periodic physical inventories. The other three options introduced requirements for more timely use of process monitoring information for safeguards purposes and deemphasized the importance and frequency of physical inventories.

Proposed Action

The proposed rule contains much of the substance of Options 3 and 4 of the ANPRM, but it has been totally rewritten to remove unnecessarily prescriptive requirements, to reduce the number of plans and programs required, and to improve its clarity. Capabilities have been included to protect against insider adversaries. The proposed rule allows licensees to select the most cost-effective ways of achieving the desired performance. It also gives more credit for secure containment of SSNM and recognizes differences between processing SSNM in bulk form and machining encapsulated SSNM.

The proposed amendments would apply to all fuel cycle facilities authorized to possess and use formula quantities of strategic special nuclear material, including reprocessing plants but not waste disposal operations or nuclear reactors. For facilities authorized to possess and use less than a formula quantity of SSNM and for nuclear reactors and operations involved in waste disposal of sealed sources, the proposed amendments would retain, for the time being, the existing MC&A requirements in 10 CFR Part 70. A proposed rule to reform the MC&A requirements for low enriched uranium (LEU) facilities was previously published (47 FR 55951). It is envisioned that domestic MC&A requirements for all facilities eventually will be revised and codified under a new Part 74, much as Part 73 contains all physical security requirements. The Commission solicits comments on this approach.

The provisions of the rule and its associated guidance involve several significant departures from current regulations, including:

1. Providing more timely SSNM loss alarms through use of production and quality control data instead of less timely comparisons of plant-wide ID and its limit of error;

2. Increasing the ability to confidently resolve MC&A alarms by:

a. Decreasing the area and material quantity subject to an alarm,

b. Decreasing the number of persons who potentially could provide information about the cause of an alarm, and

c. Decreasing the length of time between a loss (or mistake) and its detection and resolution;

3. Basing detection criteria on quantities less than those necessary to construct a clandestine fission explosive rather than on throughput of SSNM at a facility;

4. Basing criteria for interruption of processing activities on an assessment of whether such interruption would facilitate the rapid resolution of a localized alarm involving a significant quantity of SSNM rather than on the inability to resolve an imbalance resulting from the taking of a periodic inventory;

5. Specifically requiring that the MC&A system design include protection against an insider threat;

6. Using the total variance of ID for ID analysis, not just the measurement errors; and

7. Phased reduction in the frequency of ID determinations, from bimonthly to as long as semiannually, during phased implementation of the revised MC&A system.

Relative to the rule provisions cited above, the Commission is especially soliciting public comment on the following points:

1. With respect to loss detection levels, should they be plant specific and to what extent would area loss detection levels greater than five formula kilograms facilitate area detection within material access areas (MAAs) rather than within subdivisions of MAAs?

2. On the subject of physical inventories, should the current practice of automatic plant shutdown when an inventory difference (ID) exceeds a specified threshold be continued and, if so, what should the threshold be?

3. To what extent would the combined effectiveness of (1) the in-process monitoring requirements in § 70.83, in particular the 60-day area detection capability in § 70.83(c)(4); and (2) the item monitoring requirements of § 70.85, suffice as a near real-time physical inventory? To facilitate a Commission determination as to whether both the near real-time physical inventory capabilities of §§ 70.73 and 70.85 and the semiannual inventory capabilities of § 70.89(e)(1) are required, the Commission also solicits comments on (1) the extent to which the semiannual physical inventory is a repetition of the near real-time inventory; (2) the extent to which the semiannual physical inventory provides an overcheck on the near real-time physical inventory, with significantly different characteristics which provide enhanced safeguards capabilities; and (3) what additional requirements, if any, should be placed on near real-time physical inventories if semiannual physical inventories are not to be required.

Response to Public Comments

In response to the ANPRM, 14 comments were received. Seven were from industry, five from private individuals and a public interest group, and two from the Department of Energy. Key issues were:

1. *Retention of the Status Quo.* Of the 14 comments received, six were in favor of maintaining the status quo. However, none of the commenters showed how this would meet the stated goals of the rulemaking. Because of poor loss localization, resolution of large IDs is too often inconclusive. Without adequate resolution, the ID cannot be used to determine whether or not a true loss occurred.

2. *Production Stoppage Under Process Monitoring Options.* Concerns were expressed that a high rate of false alarms leading to costly production stoppages would result from the process monitoring options published with the ANPRM. The proposed rule has been modified to mitigate that concern by:

a. Specifying that operations can be resumed upon completion of planned alarm resolution activities instead of requiring Commission authorization;

b. Excluding from shutdown those operations for which shutdown would not contribute positively to alarm resolution, such as operations where shutdown and restart would generate large quantities of poorly characterized scrap;

c. Providing a 24-hour time delay in which to correct mistakes before shutdown of continuous processes; and

d. Modifying the recurring loss detection requirement and exempting it from the shutdown provision.

3. *Measurement State of the Art.* Some commenters felt that the process monitoring options would require nondestructive assay (NDA) techniques that are beyond the current state of the art. This contention fails to recognize that most of the loss detection required by the proposed rule can be accomplished by weight and volume measurements. Further, independent experts have reported that supplemental assays which may be required can be completed without the use of NDA equipment in less than 24 hours, well within the minimum detection time of three days. In some cases off-the-shelf NDA equipment would be sufficient to meet some of these supplemental data needs. In any event, the proposed rule provides sufficient licensee flexibility to achieve required performance, without improving measurement systems, through better and more careful material handling practices; reduction in the frequency of process upsets, spills, and leaks; fewer transcription or arithmetic errors; and reduction of the span of a material control test.

4. *Phase-In Period.* Some commenters have raised the point that the process monitoring concept is new and to some extent untried, and that it should be demonstrated before being imposed through regulations. Despite the fact that process monitoring is to some extent already being demonstrated in DOE and in some NRC-licensed facilities, the Commission agrees that some of the specific performance requirements have not been tried in all situations. The Commission also agrees that experience with some of these requirements will enhance the overall likelihood of a smooth and successful implementation of the new requirements. For these reasons the proposed rule incorporates an extended phase-in period.

5. *Backfitting.* Option 5 of the ANPRM would have limited the application of MC&A reforms to new facilities and major modifications to existing facilities. Five commenters specifically opposed this option, while three recommended its adoption. Studies performed for the NRC conclude that implementation of the proposed rule at existing licensed facilities is feasible and that the cost impact of implementation could be offset by cost savings in operation. Given this information, the Commission sees no valid reason why the rule should not be applied uniformly to both existing and new fuel manufacturing and reprocessing facilities.

6. *Collusion Protection.* Comment was divided between those favoring the option in which MC&A data would be required to be protected against falsification by a conspiracy threat and the option in which the threat was limited to a single insider. The requirements of the proposed rule reflect a compromise position which has been designed to function in an integrated fashion with Physical Protection and which should result in improved cost effectiveness compared to Options 3 and 4 of the ANPRM. Protection of MC&A data is only required against falsification by a single insider, providing that the insider does not have authority within the Physical Protection system. If an MC&A individual does have dual authority within both systems, then the MC&A data is required to be protected against collusion of that individual with any other individual with MC&A responsibilities. This approach assures that the MC&A system provides additional capability for deterring and detecting collusion, over and above that provided by 10 CFR Part 73, without doubling the size of the design basis threat for the integrated safeguards system.

7. *Reprocessing.* As currently written, the proposed rule would apply to fuel reprocessing facilities. Although the scope of the ANPRM excluded such facilities, comments were invited on the possible applicability of the proposed rulemaking to these plants. The two industry commenters who responded to this invitation were favorably inclined toward the general approach of the process monitoring options. No other comments were received on this topic.

Since the ANPRM, several significant changes have been made in the proposed rule. In view of this fact, the Commission is again soliciting comments on whether or not this rule should apply to reprocessing plants.

International Considerations

It should be noted that the goals stated previously are domestic goals and are considered to be appropriate for a subnational level threat. For all U.S. licensees, the detection and response capabilities of the proposed rule have been determined to be sufficient to adequately protect the public health and safety for a subnational threat. On the other hand, the International Atomic Energy Agency (IAEA), which is responsible for applying international safeguards, must judge whether a significant diversion has occurred in the face of a possible national level conspiracy. In order to reach its conclusion with the required level of certainty, the IAEA may find it necessary to receive plant-wide physical inventory data more frequently than semiannually. Other elements of these proposed regulations may similarly need to differ depending on whether or not national as well as subnational diversion threats need to be considered. The NRC is coordinating with the Department of State regarding these issues and their proper reflection in domestic U.S. regulations.

Paperwork Reduction Act Statement

The reporting and recordkeeping requirements contained in the proposed amendments have been evaluated and a clearance package has been submitted to the Office of Management and Budget as required by Pub. L. 96–511. Four high enriched fuel cycle facilities will be affected and possibly one fuel reprocessing facility in the future.

Also, these amendments will not result in an increase in total requirements for the affected licensees due to the trade-off that will occur between the new prompt accountability

requirements and the relaxed physical inventory requirements.

Regulatory Analysis

Results of analyses performed by staff and by contractors in support of the proposed MC&A Reform Amendments indicate that significant benefits would accrue from implementation of these amendments at a relatively moderate increase in cost the first year followed by significant savings in subsequent years.

The Commission has prepared a draft summary Regulatory Analysis on this proposed regulation that compares the costs and benefits of the proposed rule to the status quo. The draft analysis is available for examination and copying for a fee in the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule would affect four fuel cycle facilities that use SSNM. The companies that own these four facilities, United Nuclear Corporation, Nuclear Fuel Services, Babcock and Wilcox, and GA Technologies, do not fall within the definition of "small entities" set forth in the Regulatory Flexibility Act or by the Small Business Administration in 13 CFR Part 121.

List of Subjects in 10 CFR Part 70

Hazardous materials-transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, notice is hereby given that the NRC is proposing to adopt the following amendments to 10 CFR Part 70.

1. The authority citation for Part 70 is revised to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Section 70.7 also issued under Pub. L. 95–601, sec 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70. 61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 70.3, 70.19(c), 70.21(c), 70.22(a), (b), (d)-(k), 70.24(a) and (b), 70.32(a)(3), (5), (6), (d), and (i), 70.36, 70.39(b) and (c), 70.71(a), 70.42(a), and (c), 70.56, 70.57(b), (c), and (d), 70.58(a)-(g)(3), and (h)-(j) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.7, 70.20a(a), and (d), 70.20b, (c), and (e), 70.21(c), 70.24(b), 70.32(a)(6), (c), (d), (e), and (g), 70.36, 70.51(c)-(g), 70.56, 70.57(b) and (d), 70.58(a)-(g)(3) and (h)-(j) are Issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.20b(d) and (e), 70.51(b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58(g)(4), (k), and (l), 70.59, and 70.60(b) and (c) are issued under Sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o))

2. In § 70.4, paragraphs (w) through (oo) are added to read as follows:

§ 70.4 Definitions.

* * * * *

(w) "MC&A Alarm" means a situation in which there is: (1) An out-of-location or compromised item; (2) an indication of a flow of SSNM where there should be none; or (3) a difference beween a measured or observed amount or property of material and its corresponding predicted or property value that exceeds a threshold established to provide the detection performance required by § 70.83.

(x) "Power of detection" means the probability that the critical value or threshold of a statistical test will be exceeded when there is an actual loss of material.

(y) "Abrupt" means the time interval between sequential performances of a material control test that covers the material in question or a 4-hour interval, whichever is longer.

(z) "Recurring" means a time interval greater than abrupt.

(aa) "Strategic Special Nuclear Material" (SSNM) has the same meaning as in § 73.2(aa).

(bb) "Formula Kilogram" means SSNM in any combination in a quantity of 1,000 grams computed by the formula, grams = (grams contained U–235) + 2.5 (grams U–233 + grams plutonium).

(cc) "Category IA material" means SSNM directly useable in the manufacture of a nuclear explosive device, except if:

(1) Its dimensions are large enough (at least 2 meters in length) to preclude hiding the item on an individual;

(2) The weight of 5 formula kilograms of the material is so large (at least 50 kg) that one person cannot carry it inconspicuously; or

(3) The quantity of SSNM in the item is so small (less than 0.05 formula kilograms) that a large number of diversions are needed to accumulate 5 formula kilograms;

(dd) "Category IB materials" means all SSNM material other than Category IA.

(ee) "Unit process" means an identifiable segment or segments of processing activities for which the amounts of primary input and output SSNM flows are based on measurements.

(ff) "Administratively controlled areas" means portions of the plant arrived at by subdividing the plant into groups of unit processes.

(gg) "Accessible location" means a process location at which SSNM could be acquired without the need for visible puncturing, breaking, or otherwise violating the integrity of the process equipment containing the SSNM.

(hh) "Controlled access area" has the same meaning as in § 73.2(z).

(ii) "Material access area (MAA)" has the same meaning as in § 73.2(j).

(jj) "Vault" has the same meaning as in § 73.2(n).

(kk) "Inventory Difference" (ID) means the sum of the ending inventory and removals from inventory subtracted from the sum of the beginning inventory and additions to inventory.

(ll) "Estimator" means a mathematical expression that is used as the tool to estimate an unknown true value.

(mm) "Estimate" means a specific numerical value arrived at by application of an estimator.

(nn) "Active inventory" means the sum of additions to inventory, beginning inventory, ending inventory, and removals from inventory, after all common terms have been excluded. Common terms are any material values that appear to the active inventory calculation more than once and come from the same measurement.

(oo) "Continuous process" means a unit process in which feed material must be continually entered into the process in order to maintain the equilibrium conditions required by the process.

3. In § 70.22, paragraph (b) is revised to read as follows:

§ 70.22 Contents of application.

* * * * *

(b) Each application for a license to possess at any one time and location special nuclear material in a quantity exceeding one effective kilogram of special nuclear material and to use such special nuclear material except those uses involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter or those involved in a waste disposal operation, or as sealed sources, shall contain a full description of the applicant's program for control of and accounting for special nuclear material which will be in the applicant's possession under license, to show how compliance with the requirements of § 70.58 or § 70.81, as applicable, will be accomplished.

* * * * *

4. In § 70.32, the introductory text of paragraph (c) is revised to read as follows:

§ 70.32 Conditions of licenses.

* * * * *

(c) Each license authorizing the possession at any one time and location of special nuclear material in a quantity exceeding one effective kilogram of special nuclear material and the use of such special nuclear material except those uses involved in the operations of a nuclear reactor licensed pursuant to Part 50 of this chapter and those involved in a waste disposal operation and in sealed sources, shall contain and be subject to a condition requiring the licensee to maintain and follow (1) the program for control and accounting for special nuclear material and fundamental material controls described pursuant to §§ 70.22(b), 70.58(1), or 70.81(c), as appropriate, (2) the measurement control program for special nuclear materials control and accounting described pursuant to § 70.57, if appropriate, and (3) such other material control procedures as the Commission determines to be essential for the safeguarding of special nuclear material and providing that the licensee shall make no change which would decrease the effectiveness of the material control and accounting program prepared pursuant to §§ 70.22(b), 70.58(l), 70.51(g) or 70.81(c), as appropriate, and the measurement control program prepared pursuant to § 70.57, if appropriate, without the prior approval of the Commission. A licensee desiring to make such changes shall submit an application for amendment to its license pursuant to § 70.34. The licensee shall maintain records of changes to the material control and accounting program made without prior Commission approval, for a period of three years from the date of the change, and shall furnish to the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the appropriate NRC Regional Office shown in Appendix A of Part 73 of this chapter, a report containing a description of each change within:

* * * * *

5. In § 70.51, paragraph (d) and the introductory text of paragraph (e) are revised to read as follows:

§ 70.51 Material balance, inventory, and records requirements.

* * * * *

(d) Except as required by paragraph (e) of this section or by § 70.89(e), each licensee who is authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall conduct a physical inventory of all special nuclear material in its possession under license at intervals not to exceed twelve months.

(e) Each licensee who is authorized to possess at any one time special nuclear material in a quantity exceeding one effective kilogram of special nuclear material, but less than five formula kilograms, and to use such special nuclear material for activities other than those involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter or those involved in a waste disposal operation; or as sealed sources; or as reactor irradiated fuels involved in research, development, or evaluation programs in facilities other than irradiated fuel reprocessing plants, shall:

* * * * *

6. In § 70.57, the introductory text of paragraph (b) is revised to read as follows:

§ 70.57 Measurement control program for special nuclear material control and accounting.

* * * * *

(b) In accordance with § 70.58(f), each licensee who is authorized to possess at any one time and location special nuclear material in a quantity exceeding one effective kilogram of special nuclear material, but less than five formula kilograms, and to use such special nuclear material for activities other than those involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter, those involved in a waste disposal operation, or as sealed sources, shall establish and maintain a measurement control program for special nuclear material control and accounting measurements. Each program function shall be identified and assigned in the licensee organization in accordance with § 70.58(b)(2) and functional and organizational relationships shall be set forth in writing in accordance with § 70.58(b)(3). The program shall be described in a manual which shall contain the procedures, instructions, and forms prepared to meet the requirements of this paragraph, including procedures for the preparation, review, approval, and prompt dissemination of any program modification of changes. The licensee's program shall include the following:

* * * * *

7. In § 70.58, paragraph (a) is revised to read as follows:

§ 70.58 Fundamental nuclear material controls.[1]

(a) Each licensee who is authorized to possess at any one time and location special nuclear material in a quantity exceeding one effective kilogram of special nuclear material, but less than five formula kilograms, and to use such special nuclear material except those uses involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter or those involved in a waste disposal operation, or as sealed sources, shall establish, maintain, and follow written material control and accounting procedures in compliance with the fundamental nuclear material controls requirements specified in paragraphs (b) through (k) of this section and such other controls as the Commission determines to be essential for the control of and accounting for special nuclear material.

8. Sections 70.81, 70.83, 70.85, 70.87, and 70.89 are added to read as follows:

§ 70.81 Nuclear material control and accounting for strategic special nuclear material: general performance requirements.

(a) General performance objectives. Each licensee who is authorized to possess five or more formula kilograms of strategic special nuclear material (SSNM) and to use such material at any site, other than a nuclear reactor licensed pursuant to Part 50 of this chapter, or in operations involved in waste disposal shall establish, implement, and maintain a Commission approved material control and accounting (MC&A) system that will achieve the following objectives:

(1) Timely detection of the possible loss of five or more formula kilograms of strategic special nuclear material;

(2) Rapid determination of whether an actual loss of five or more formula kilograms occurred; and

(3) Generation of information to aid in the recovery of lost material in the event of an actual loss.

(b) System capabilities. To achieve the general performance objectives specified in § 70.81(a), the MC&A system must provide the capabilities described in §§ 70.83, 70.85, 70.87, and 70.89, and must incorporate checks and balances that are sufficient to detect falsification of data and reports that could conceal diversion by:

(1) An individual, including an employee (in any position); or

(2) Collusion between an individual who has responsibility or control within both the physical protection and the MC&A systems and another individual with MC&A responsibilities.

(c) Implementation dates. Each licensee subject to the requirements of paragraph (a) of this section:

(1) No later than 150 days after the effective date of these amendments, shall submit a fundamental nuclear material control plan describing how the licensee will comply with the requirements of paragraph (b) of this section; and

(2) Within 360 days of the effective date of these amendments or 90 days after the plan submitted pursuant to paragraph (c)(1) of this section is approved, whichever is later, shall implement the approved plan.

(3) Notwithstanding paragraphs (c)(1) and (c)(2) of this section, a licensee may delay for an additional 18 months implementation of portions of its plans and procedures involving shutdown of a process for resolution of an MC&A alarm. However, during this delay a licensee shall conduct physical inventories at the intervals specified in § 70.51(e)(3).

(4) Notwithstanding § 70.89(e)(1), shall conduct physical inventories at the intervals specified in § 70.51(e)(3) until after the licensee has satisfactorily demonstrated, for a period of 6 months, adequate performance of all commitments in its plan and has received Commission approval.

§ 70.83 In-process monitoring.

(a) Licensees subject to § 70.81 shall monitor internal transfers, storage, and processing of SSNM. This in-process monitoring must achieve the detection capabilities described in paragraphs (b) and (c) of this section for all SSNM except:

(1) SSNM that qualifies to come under the item loss detection requirements of § 70.85;

(2) Scrap or waste in the form of small pieces, cuttings, chips, solutions or in other forms that result from a manufacturing process, contained in 30 gallon or larger containers, with an SSNM content of less than 0.25 grams per liter; and

(3) SSNM which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rem per hour at a distance of three feet from any accessible surface without intervening shielding.

(b) *Unit Process Detection Capability.* (1) The licensee shall detect any abrupt loss of SSNM from any unit process using any statistical test that has 99 percent power of detecting the loss of five formula kilograms. The detection shall occur within:

(i) Three working days of a loss of Category IA material from any accessible location; and

(ii) Seven calendar days of a loss of Category IB material from any accessible location.

(2) For each unit process, at least every seven calendar days the licensee shall evaluate measurement data accumulated since the last cleanout of the unit process. This evaluation must be able to detect a recurring loss with 90 percent power of detection. The amount to be detected for each unit process must be as low as reasonably achievable, but need not be less than 50 grams of SSNM.

(c) *Area Detection Capability.* The licensee shall: (1) Detect any abrupt loss of SSNM accumulated from the unit processes within the plant or within any administratively controlled area, using a statistical method that has 90 percent power of detecting the loss of five formula kilograms;

(2) If detection within administratively controlled areas is elected, provide administrative or physical measures to protect against diversion of five formula kilograms from being accumulated from two or more administratively controlled areas;

(3) If the statistical method used for paragraph (c)(1) of this section involves a test in addition to the tests required by paragraph (b) of this section, perform that test at least every seven calendar days; and,

(4) For the entire plant or for each administratively controlled area, at least every seven calendar days evaluate measurement data accumulated over the most recent 60 days of operation. This evaluation must be able to detect a recurring loss with 90 percent power of detection. The amount to be detected must be as a low as reasonably achievable, but need not be less than 50 grams of SSNM.

§ 70.85 Item monitoring.

(a) Licensees subject to § 70.81 shall provide the detection capability described in paragraph (b) of this section for any uniquely identified items of SSNM that have been quantitatively measured and the validity of that measurement independently confirmed, and that additionally have been either:

(1) Tamper-safed or placed in a vault that provides protection at least equivalent to tamper-safing; or

(2) Constructed such that removal of SSNM would be readily and permanently apparent (e.g., encapsulated).

(b) The licensee shall verify the presence and integrity of selected SSNM items. The item selection method must be statistically sound and have at least a 99 percent power of detecting the loss of items that total five formula kilograms plant-wide within:

(1) For items in a vault or in a permanently controlled access area isolated from the rest of the material access area (MAA), one month from loss of Category IA items and two months from loss for Category IB items;

(2) For items elsewhere in the MAA, three working days from loss for Category IA items and seven calendar days from loss for Category IB items.

§ 70.87 Alarm resolution.

(a) Licensees subject to § 70.81 shall provide the MC&A alarm resolution capabilities described in paragraphs (b) through (g) of this section.

(b) The licensees shall promptly resolve the nature and cause of any MC&A alarm.

(c) Each licensee shall notify immediately, by telephone, the appropriate NRC Regional Office listed in Appendix A of Part 73 of this chapter of any MC&A alarm that remains unresolved beyond the time period specified for its resolution in the licensee's fundamental nuclear material control plan. The licensee may consider an alarm to be resolved if, based on additional information:

(1) Clerical or computational error is found that clearly was the cause of the alarm; or

(2) There is relevant evidence that substantiates the cause of the alarm or that substantiates that no loss has occurred.

(d) If a loss has occurred, the licensee shall determine the amount of SSNM lost.

(e) The licensee shall take corrective action to:

(1) Return out-of-place SSNM, if possible, to an appropriate place;

(2) Update and correct appropriate records; and

(3) Modify the MC&A system, if appropriate, to prevent similar occurrences in the future.

(f) The licensee shall provide an ability to respond rapidly to alleged thefts.

(g) In the event that an abrupt loss detection estimate exceeds five formula kilograms of SSNM:

(1) Material processing operations related to the alarm must be suspended until completion of planned alarm resolution activities, unless the suspension of operations will negatively affect the ability to resolve the alarm. However, operations of continuous processes may continue for a 24-hour period during which checks are made for mistakes.

(2) The licensee shall notify within 24 hours, by telephone, the appropriate NRC Regional Office that an MC&A alarm resolution procedure has been initiated.

§ 70.89 Quality assurance and accounting requirements.

(a) Licensees subject to § 70.81 shall provide the quality assurance and accounting capabilities described in paragraphs (b) through (g) of this section.

(b) *Management Structure.* The licensee shall establish and maintain a management structure that includes clear overall responsibility for MC&A functions, independence from production responsibilities, and adequate review and use of those MC&A procedures identified in the approved plan as being critical to the effectiveness of the described system.

(c) *Personnel Qualification and Training.* The licensee shall assure that key personnel, who work in positions involving tasks where mistakes could directly degrade the safeguards capabilities of the MC&A system, are trained to maintain a high level of safeguards awareness and are qualified to perform their jobs.

(d) *Quality Control.* The licensee shall: (1) Assure that the quality of SSNM measurment systems and material processing is continually controlled to a level of effectiveness sufficient to satisfy the capabilities required for detection, response, and accounting.

(2) Incorporate checks and balances in the MC&A system sufficient to control the rate of human errors in material control and accounting information to as low as reasonably achievable.

(3) Assure that SSNM measurements used in satisfying § 70.89(e) are so controlled that:

(i) The total contribution of measurement systems' uncertainties to the standard deviation of the inventory difference estimator is less than 0.1 percent of active inventory for SSNM processing facilities or 0.2 percent of active inventory for reprocessing facilities;

(ii) Bias corrections for measurement systems are applied if their bias estimates exceed the larger of twice the standard deviations of their estimators or 50 grams of SSNM;

(iii) The impacts of any uncorrected biases are accounted for in the inventory differences; and

(iv) If, for like material, shipper-receiver differences accumulated over an inventory period exceed the larger of one formula kilogram or 0.1 percent of the total amount shipped, then the licensee shall investigate and take corrective action, as appropriate, to identify and reduce measurement biases.

(e) *Accounting.* The licensee shall: (1) Except as required by Part 75 of this chapter, perform a physical inventory at least every six months and, within 60 days of the start of the inventory, reconcile and adjust the book inventory to the physical inventory.

(2) Resolve, or report an inability to resolve, any inventory difference estimate greater than 200 grams of plutonium or U–233 or 300 grams of U–235, that exceeds:

(i) Twice the standard deviation of the inventory difference estimator; or,

(ii) One-half percent of the active inventory.

(3) Resolve on an individual container or lot basis, as appropriate, and when required by Part 75 of this chapter on a batch basis, any shipper-receiver difference that exceeds both:

(i) Twice the standard deviation of the difference; and

(ii) The larger of 0.5 percent of the amount of SSNM in the container or lot, as appropriate, or 50 grams of SSNM.

(4) In addition to any measurements and/or recovery of scrap used in meeting detection and response requirements:

(i) Assure that recovered scrap is segregated from the scrap of other licensees or contractors and that any scrap measured with a standard deviation greater than 5% of the measured amount is recovered so that the results are segregated by inventory period and received within six months of the end of the inventory period in which the scrap was generated; or

(ii) Demonstrate that the total scrap measurement uncertainty will not cause noncompliance with § 70.89(d)(3).

(5) Keep accounts of all additions to and removals from process based on measurements for plutonium element and for uranium element and isotopes.

(f) *Independent Assessment.* The licensee shall: (1) At least every 12 months, independently assess the past performance of the MC&A system and review its effectiveness; and

(2) Document management's action on prior assessment recommendations.

(g) *Recordkeeping.* The licensee shall establish auditable records sufficient to demonstrate that the requirements of §§ 70.83, 70.85, 70.87, and 70.89 have been met and maintain those records for at least three years unless a longer retention time is required by Part 75 of this chapter.

Dated at Washington, DC, this 27th day of January 1984.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 84–2879 Filed 2–1–84; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83–NM–116–AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD) which would require structural inspections and repairs or replacements, as necessary on certain high time Boeing Model 747 series airplanes to assure continued airworthiness. Some Boeing Model 747 series airplanes are approaching and exceeding the manufacturer's original objective fatigue design life. These older airplanes are the ones most likely to develop cracks in the structure, if fatigue cracking does occur. The manufacturer has completed a structural reevaluation to identify significant structural components that, if cracking does develop and is permitted to grow undetected, may result in an inability to carry the required loads specified in FAR 25.571. This AD defines structural maintenance requirements for the identified components necessary to preclude this potentially catastrophic condition.

DATES: Comments must be received on or before March 23, 1984.

ADDRESSES: The service documents may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information also may be examined at Federal Aviation Administration, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM–120S, FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431–2923. Mailing Address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA–public contact concerned with the substance of the proposed AD will be filed in the Rules Docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Attention: Airworthiness Rules Docket No. 83–NM–116–AD, 17900 Pacific Highway South, C–68966 Seattle, Washington 98168.

Discussion

Introduction

A significant number of transport category airplanes are approaching their design life goal. It is expected that these airplanes will continue to be operated beyond this point. The incidence of fatigue cracking on these airplanes is expected to increase as airplanes reach and exceed their goals. In order to evaluate the impact of increased fatigue cracking with respect to maintaining fail-safe design and the damage tolerance of the airplane structure, large transport airplane manufacturers have been requested to conduct a structural reassessment of their airplanes using modern damage tolerance evaluation techniques. The criteria for this reassessment are contained in FAA Advisory Circular (AC) 91–56, "Supplemental Structural Inspection Program for Large Transport Category Airplanes," as well as § 25.571 (Amdt. 25–45) of the Federal Aviation Regulation (FAR).

The structural reassessment involves:

(1) The identification of structural parts or components which contribute significantly to carrying flight, ground, pressure, or control loads, whose failure could affect the structural integrity necessary for the safety of the airplane and whose damage tolerance or fail-safe characteristics it is necessary, therefore, to establish or confirm. These are called Structural Significant Items (SSI).

(2) The calculation of residual strength, with multiple site damage and interactive crack growth under typical flight and ground loading, such that the airplane structure can sustain the load conditions stated for fail-safe qualification under the current FAR 25.571(b).

(3) The establishment of a procedure for developing inspection programs that provide a high probability of detecting fatigue damage before residual strength falls below fail-safe or damage tolerance requirements.

In conducting the assessment, or audit, The Boeing Company has developed continuing structural integrity programs for its transport airplanes. The program developed for the Boeing 747 (Boeing Document No. D6–35022, entitled "Boeing 747 Supplemental Structural Inspection Document" (SSID), in two volumes) ensures continuing structural airworthiness of the Boeing 747 by specifying details to be inspected, inspection intensities, and associated intervals based on the structural audit.

The Boeing 747 program makes use of the Damage Tolerance Rating (DTR) System developed by Boeing. This rating system is used to determine the probability of detecting fatigue damage, which is presumed to have occurred in a fleet of airplanes and has not been reported before the residual strength of any airplane falls below regulatory fail-safe strength levels.

The supplemental inspection program developed for the Boeing Model 747 permits operator flexibility by adjusting or supplementing existing maintenance programs, where necessary, to meet the required damage tolerance rating. The program was developed in cooperation with members of the airline industry who participated with Boeing in working group sessions. These meetings were also attended by engineers and maintenance specialists from the FAA. Participants included representatives from 18 airlines. All SSI's, which require directed inspections for maintaining structural integrity and with no history of in-service fatigue cracking, are included in this document. An explanation and summary listing of the SSI's is given in detail in Sections 4.0 and 8.0, respectively, of Boeing Document D6–35022.

Damage tolerance rating forms (DTR Check Forms) are provided, in Volume 2, Section 11.0, for each operator of candidate airplanes to select the inspection options which together meet the damage tolerance rating requirements. If an operator's existing maintenance program meets or exceeds the required damage tolerance rating, no additional inspection requirements are necessary for that detail. If the current maintenance program falls below the required damage tolerance rating, an operator must improve or supplement its programs. To achieve this, an operator may increase the frequency or intensity of its normal maintenance for its candidate airplanes, or incorporate additional inspection methods, including non-destructive test techniques. Feasible inspection options, developed in conjunction with airline working group members, were used to complete an example rating for each SSI.

Known fatigue problems, which could affect the structural integrity necessary for safety of the airplane, covered by existing service bulletins, have been reassessed and a safety of flight addendum added to each as required. A list of service bulletins with flight safety addenda is given in Section 9.0.

It is expected that fatigue-related service bulletins subsequent to or resulting from the supplemental inspection program, that require a flight safety addendum, will also be referenced in Section 9.0.

Candidate Airplanes

Airplanes with the highest number of flight cycles are the most likely to experience initial fatigue damage in the fleet. Therefore, this program is based on supplemental inspection of high time (candidate) airplanes.

Directed inspection programs for these airplanes (i.e. the candidate fleet), coupled with reporting of discrepancies found and, where necessary, follow-up

action, will maintain structural airworthiness in the total fleet when fatigue cracking occurs. To maintain adequate fleet surveillance, each operator with candidate airplanes must provide a directed inspection program for those airplanes which meet the requirements established by this document.

The initial Boeing 747 candidate fleet consists of those airplanes exceeding 10,000 landings by June 30, 1983. A list of candidate airplane serial and line numbers is listed in Document D6–35022 for the Boeing Model 747–100/200 series. The candidate list will be reviewed periodically and updated if there are significant changes in fleet distribution, composition, or utilization.

Structural Significant Items (SSI)

The two design principles for obtaining structural safety are "damage tolerance" and "safe-life." Damage tolerance relies on some means of detecting damage before airplane safety is jeopardized. This is the preferred design principle whenever practical. A safe-life principle is used where there is little or no chance of detecting damage before residual strength is reduced below acceptable limits. A conservative fatigue damage threshold is used to limit the service life. On modern commercial jet transports, this design concept is generally limited to landing gear components.

Airplane structure can be categorized to determine safety analysis requirements and corresponding maintenance considerations. The first breakdown is a determination of an item's function in relation to structural integrity. Any detail, element, or assembly, which contributes significantly to carrying flight, ground, pressure, or control loads, and whose failure could affect the structural integrity necessary for the safety of the airplane, is classified as an SSI. Items not in this category are classified as secondary or other structure.

For the category of secondary or other structure, safety is ensured by demonstrating that a flight can be completed safely after the component has lost its ability to function or has separated from the aircraft. Structural maintenance is dictated by the economic consequences of major damage or loss of the component compared to those of an inspection program required to find damage early.

The second category is damage-tolerant design where damage is obvious or malfunction evident before reaching critical size. Examples of this are significant fuel tank leakage or controlled cabin depressurization. In this category, safety is ensured by providing adequate residual strength with extensive damage that is obvious during walk-around or functional checks to personnel whose primary responsibility may not be structural inspection. Economics may dictate structural maintenance where it may be desirable to detect damage early.

The rest of the damage tolerant structure falls into a third category in which structural integrity is maintained by timely damage detection in a planned inspection program. Inspection program requirements for detecting corrosion, stress corrosion, and accidental damage are based on operator experience on the same or similar structure. For fatigue damage, inspection program requirements are matched to structural characteristics that include residual strength, crack growth rate, and damage detection. These items are included in the Boeing Model 747 supplemental inspection program. The parameters considered in determining the category III SSI's included:

Consequence of Cracking
Inspectability
Stress Environment
Multiple Cracking
Structural Redundancy

For each SSI, several cracking patterns were considered to determine the most critical. This generally resulted in a crack origin being considered in a location difficult to inspect. In some cases, a single SSI may have multiple cracking patterns due to various parts of the item being hidden from view. For example, a spar chord can be visible from both sides, hidden on either side, or hidden on both sides. For these SSI's, a DTR Check Form is provided for the most critical cracking pattern(s).

The fourth structural category is safe life. Operator experience is used to develop a maintenance program for preventing or detecting and repairing any corrosion, stress corrosion, or accidental damage.

Effect on Existing Maintenance Programs

In developing the SSID, the working group reviewed its operation and maintenance practices and existing maintenance programs with respect to the basic requirements of the SSID program. As a result, the Boeing 747 SSID allows affected operators to take credit for maintenance already being performed and gives the operators flexibility in revising their maintenance programs to incorporate the SSID for the affected airplanes.

Upon detection of damage on an individual SSI, an assessment will be made as to the need for inspection of all affected airplanes at a threshold and interval established from metallurgical examination and additional fracture mechanics analysis.

The SSID provides an operator with the minimum inspection requirements necessary to provide the required damage tolerance rating (DTR) and the means to evaluate their existing maintenance programs. An operator, using the document, will be able to determine for a particular SSI if their regularly scheduled maintenance will provide the required DTR or if additional supplemental inspections must be accomplished.

If fatigue cracking does occur, it is likely to occur on older airplanes. The manufacturer has completed a structural reevaluation to identify significant structural components that, if cracking does develop and is permitted to grow undetected, may result in an inability to carry the required loads specified in FAR 25.571. This AD defines structural maintenance requirements for the identified components necessary to preclude this potentially catastrophic condition. As a consequence, the proposed AD would require all affected operators who have not already done so to incorporate in their FAA approved continuing airworthiness program and implement a revision which provides no less than the required damage tolerance rating for each SSI listed in the Boeing Document Number D6–35022 Vol. 1 and Vol. 2 or later FAA approved revisions.

Economic Impact

Approximately 73 airplanes of U.S. registry and 6 U.S. operators would initially be affected by the proposed AD. It is estimated that the implementation of the SSID program for a typical operator would take approximately 1000 manhours. It is also estimated that the average labor cost would be $35 per manhour. Based on these figures, the cost to implement the SSID program is estimated to not exceed $200,000.

The recurring inspection impact on the affected operators is estimated to be 1275 manhours per airplane at an average labor cost of $35 per manhour. Based on these figures, the annual recurring cost of this AD is estimated to not exceed $3,250,000.

Based on the above figures, the total cost impact of this AD for the first year is estimated to not exceed $3,450,000 and $3,250,000 for each year thereafter.

For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291, or a significant rule under DOT Regulatory Policies and Procedures. few, if any,

small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration (FAA) proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive (AD):

Boeing: Applies to Boeing Model 747 series airplanes, certificated in all categories, listed in Section 3.0 of Boeing Document No. D6–35022 "Supplemental structural Inspection Document" (SSID), August 1983, or later FFA-approved revisions.

Compliance is required as indicated in the body of the AD.

To ensure the continuing structural integrity of these airplanes accomplish the following, unless already accomplished:

A. Within one year after the effective date of the AD, incorporate a revision into the FAA approved maintenance inspection program which provides no less than the required damage tolerance rating (DTR) for each structural Significant Item (SSI) listed in Boeing Document D6–35022, August 1983, or later FAA-approved revisions. The required DTR value for each SSI is listed in the document. The revision to the maintenance program shall include and be implemented in accordance with the procedures in Sections 5.0 and 6.0 of the SSID.

B. Cracked structure shall be repaired before further flight in accordance with an FAA approved method.

C. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and 21.199.

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

E. Operators who have acceptably incorporated Boeing Document No. D6–35022, August 1983, or later FAA-approved revisions, into their approved maintenance program are exempt from the provisions of this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

The FAA has requested **Federal Register** approval to incorporate by reference the manufacturer's Supplemental Inspection Document identified and described in this proposal.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430 and 1502); 49 US.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85)

Note.—for the reasons discussed earlier in the preamble, the FAA has determined that this document involves a proposed regulation which (1) Is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities, since no small entities operate Boeing Model 747 airplanes. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on January 23, 1984.

David E. Jones,

Acting Director, Northwest Mountain Region.

[FR Doc. 84–2794 Filed 2–1–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–AGL–19]

Proposed Alteration Control Zone; Dickinson, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Dickinson, North Dakota, control zone by designating an additional amount of airspace necessary to acommodate a new VOR–A instrument approach procedure serving Dickinson Municipal Airport.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATE: Comments must be received on or before March 12, 1984.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 83–AGL–19, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The offical docket will be available for examination by interested persons in the Office of the regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The Airspace involved would be an area approximately 8 miles by 1.5 miles located northeast of the airport, extending from the 5.5 mile radius area to 8 miles.

The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. Minimum descent altitudes may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comment on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88–AGL–19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with

FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NRPM) by submitting a request to the Federal Aviation administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 426–8058.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone near Dickinson, North Dakota.

Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Dickinson, ND

Within a 5-mile radius of Dickinson Municipal Airport (lat. 46°47'45" N., long. 102°48'00" W.) and within 3 miles west and 4.5 miles east of the Dickinson VORTAC (lat. 46°51'36" N., long. 102°46'23" W.) 013° radial extending from the 5-mile radius area to 8 miles north of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airman. The effective dates and time will thereafter be continuously published in the Airport/Facility Directory.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on January 17, 1984.

Louis H. Yates,

Acting Director, Great Lakes Region.

[FR Doc. 84–2791 Filed 2–1–84; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–AGL–24]

Proposed Alteration of Transition Area; Washington Court House, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Washington Court House, Ohio, transition area, to provide designated airspace determined necessary to accommodate existing conditions.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before March 12, 1984.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 83–AGL–24, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: This action redescribes the Washington Court House, Ohio, transition area to accommodate existing requirements. The new description reduces the radius of designated airspace from 5½ to 5 miles and the width of the northeast extension from 6 to 5 miles while extending that northeast extension from 10 to 13⅓ miles northeast of the airport.

Minimum descent altitudes may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–AGL–24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also

request a copy of Advisory Circular No. 11–2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Washington Court House, Ohio.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in Part 71

Transition Areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Washington Court House, OH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fayette County Airport, (latitude 39°34'15" N., longitude 83°25'13" W.); within 2.5 miles either side of the 039° bearing from the Court House RBN (latitude 39°35'58" N., longitude 83°23'32" W.) extending from the RBN to 11.5 miles northeast of the RBN.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on January 17, 1984.

Louis H. Yates,

Acting Director, Great Lakes Region.

[FR Doc. 84–2792 Filed 2–1–84; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 84–ASW–4]

Proposed Alteration of Transition Area; Sand Springs, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area at Sand Springs, OK. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the William R. Pogue Airport. This action is necessary since there is a proposal to install a nonfederal nondirectional radio beacon (NDB) on the airport and an SIAP will be developed from this facility to Runway 35 at the William R. Pogue Airport.

DATE: Comments must be received on March 1, 1984.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877–2630.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in Advisory Circular AC 70–3A dated January 3, 1983, contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Sand Springs, OK, will necessitate an amendment to this subpart. This amendment will be required at Sand Springs, OK, since there is a proposed change in IFR procedures to the William R. Pogue Airport using a new NDB located on the airport to Runway 35.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84–ASW–4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 877–2630. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

List of Subjects in 14 CFR Part 71

Control zones and/or transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding:

Sand Springs, OK [Amended]

and within 3 miles each side of a 164° bearing of the NDB (latitude 36°10'24" N., longitude

96°09'17" W.), extending from the 6.5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on January 24, 1984.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 84-2787 Filed 2-1-84; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Review of Existing Rules

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of review of existing rules.

SUMMARY: The Regulatory Flexibility Act requires the Commission and all other Federal agencies to review all rules which were in existence on January 1, 1981, and which have a significant economic impact on a substantial number of small entities, including small businesses. The purpose of the review, which must be completed by December 31, 1990, is to determine whether the rules should be continued without change, or should be amended or revoked, consistent with the objectives of the agency, in order to minimize any impact which they may have on small businesses. The Commission began this review in 1982 by soliciting comments on 17 rules issued under the Consumer Product Safety Act. In this notice, the Commission continues its review by soliciting comments from all interested persons on eight rules issued under the Flammable Fabrics Act. Subsequent notices will solicit comments on rules issued by the Commission under the Federal Hazardous Substances Act and the Poison Prevention Packaging Act.

DATE: Interested persons are invited to submit written comments on any of the rules described in this notice on or before April 2, 1984.

ADDRESS: Comments and any accompanying material should be submitted to the Secretary, Consumer Product Safety Commission Washington, D.C. 20207, and titled "Regulatory Flexibility Act Review of FFA rules."

FOR FURTHER INFORMATION CONTACT: Allen F. Brauninger, Office of General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207; telephone: (301) 492-6980. Inquiries from the press and broadcast media should be addressed to Lou Brott, Office of Public Affairs; telephone: (202) 634-7780.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*) became effective on January 1, 1981, and generally requires all Federal agencies, including the Commission, to evaluate and take into consideration the impact of their rules on small entities, including small businesses.

Section 610(a) of the RFA (5 U.S.C. 610(a)) requires the Commission to review all rules which were in existence on January 1, 1981, and which have or will have a significant economic impact on a substantial number of small businesses. Section 610(a) of the RFA provides further that the purpose of this review shall be to determine whether those rules should be continued in effect without change, or should be amended or revoked, consistent with the objectives of the statutes administered by the Commission, to minimize any significant economic impact which they may have on a substantial number of small businesses. This review of existing rules must be completed by December 21, 1990. Section 610(a) also requires the Commission to review any rule issued after January 1, 1981, within 10 years of its issuance on a final basis.

Section 610(b) of the RFA (5 U.S.C. 610(b)) specifies that in the review of rules conducted in accordance with section 610, the Commission must consider the following factors:

(1) The continued need for the rule;

(2) The nature of complaints or comments received concerning the rule from the public;

(3) The complexity of the rule;

(4) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) The length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

Plan for Review of Rules

Section 610(a) of the RFA also requires the Commission to publish in the **Federal Register** a plan for making the review of rules called for by that section. In the **Federal Register** of September 14, 1981 (46 FR 45621), the Commission published a plan for reviewing all regulations in existence on January 1, 1981, which have a significant economic impact on a substantial number of small businesses. That plan also set forth the schedule by which the Commission proposes to review rules issued after January 1, 1981, within ten years of their issuance on a final basis.

Section 610(c) of the RFA (5 U.S.C. 610(c)) requires that the Commission must publish in the **Federal Register** each year a list of the rules to be reviewed pursuant to section 610 during the next twelve months. That section requires further that the notice must include a brief description of each rule to be reviewed, the need for the rule and its legal basis, and invite public comment upon the rule.

The Commission began its review of existing rules by publication of a notice in the **Federal Register** of October 21, 1982 (47 FR 46861), soliciting comments from all interested persons on 17 rules issued under the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*).

By publication of this notice, the Commission announces that it is continuing its review of all rules in existence on January 1, 1981, which have a significant economic impact on a substantial number of small businesses, by considering eight rules issued under the Flammable Fabrics Act (FFA, 15 U.S.C. 1191 *et seq.*).

In the future notices to be published in the **Federal Register**, the Commission will solicit comments on existing rules issued under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*) and the Poison Prevention Packaging Act (15 U.S.C. 1471 *et seq.*)

Rules Outside Scope of Review

In the notice of September 14, 1981, describing the Commission's plan for reviewing existing rules, the Commission expressed the view that rules concerning internal operations and specifying procedures for complying with obligations imposed by various statutes controlling its operations would not have a significant economic impact on a substantial number of small

businesses, and are therefore, outside of the scope of the review required by the RFA.

Nevertheless, that notice listed the following rules issued under the FFA among those to be reviewed:

Part 1602—Statements of policy
Part 1604—Applications for exemption from preemption
Part 1605—Investigations, inspection and inquiries pursuant to the Flammable Fabrics Act

The Commission concludes that these three rules are outside the scope of the review required by the RFA, for the reasons set forth above. Additionally, the Commission observes that in the **Federal Register** of December 28, 1983 (48 FR 57120), it revoked Part 1607—Procedures for the development of flammability standards.

Rules To Be Reviewed

In accordance with section 610(c) of the RFA, the Commission announces that during the next twelve months it will be reviewing the rules listed below for any significant economic impact which they may have on a substantial number of small businesses. As required by section 610(c) of the RFA, a brief description of each rule, the need for the rule, and its legal basis are set forth for each rule to be reviewed. All of these rules are published in Subchapter D, Chapter II of Title 16 of the Code of Federal Regulations.

1. Part 1608—General rules and regulations under the Flammable Fabrics Act. This rule sets forth suggested forms for guaranties of compliance with an applicable standard issued under the FFA. The rule is used by sellers and purchasers of fabrics, related materials, and products of wearing apparel and interior furnishing to assure that guaranties of compliance with an applicable standard of flammability which they issue or receive contain all information required by the FFA. This rule was issued under the authority of sections 5 and 8 of the FFA (15 U.S.C. 1194, 1197).

2. Part 1610—Standard for the flammability of clothing textiles. This rule prescribes a test to determine whether clothing and fabrics intended for use in clothing are dangerously flammable because of "rapid and intense burning." The Flammable Fabrics Act of 1953 (67 Stat. 111, as amended 68 Stat. 770) prohibits the manufacture for sale, importation, or introduction in commerce of any article of wearing apparel or any fabric or related material intended for use in wearing apparel which is "highly flammable" because of "rapid and intense burning" when tested in accordance with the procedure specified in this rule. Implementing regulations interpret the Flammable Fabrics Act of 1953 and the test in Part 1610 for application to particular fabrics and articles of wearing apparel, and set forth requirements for testing and recordkeeping to support guaranties of items subject to the Standard for the Flammability of Clothing Textiles. The implementing regulations were issued under provisions of sections 4, 5, and 8 of the FFA (15 U.S.C. 1193, 1194 and 1197).

In 1982, the Commission amended the implementing regulations to prescribe specific procedures for testing multilayer fabrics and wearing apparel with a film or coating on the uncovered or exposed surface, and solicited comment on proposed changes to other provisions applicable to testing under this standard. (See 47 FR 8138; February 24, 1982.) In 1982, the Commission proposed additional amendments to the implementing regulations concerning testing and recordkeeping to support guaranties of items subject to the standard. (See 47 FR 35006; August 12, 1982). In 1983 The Commission reopened the period for receipt of written comments on the proposal of August 12, 1982. (See 48 FR 55578; December 14, 1983.) In 1983, the Commission also issued final amendments to the implementing regulations which allow the use of apparatus and procedures other than those prescribed by the standard under specified conditions for testing to support guaranties of items subject to the standard. (See 48 FR 21310; May 12, 1983.)

3. Part 1611—Standard for the flammability of vinyl plastic film. This rule prescribes procedures for testing clothing made from vinyl plastic film and vinyl plastic film intended for use in clothing to determine if it is dangerously flammable because of "rapid and intense burning." Like the clothing textiles standard, the test in Part 1611 is required by the Flammable Fabrics Act of 1953. Implementing regulations interpret the test in Part 1611 for application to particular types of garments and vinyl films intended for use in wearing apparel, and prescribed requirements for testing and recordkeeping to support guaranties issued for items which are subject to the Standard Flammability of Vinyl Plastic Film. The implementing regulations were issued under provisions of sections 4, 5 and 8 of the FFA (15 U.S.C. 1193, 1194, and 1197).

In 1982, the Commission amended the implementing regulations to prescribe specific procedures for testing multilayer fabrics and wearing apparel with a film or coating on the uncovered or exposed surface, and solicited comment on proposed changes to other aspects of the procedure used for testing under the flammability standard for vinyl plastic film. (See 47 FR 8138; February 24, 1982).

4. Part 1615—Standard for the flammability of children's sleepwear; sizes 0 through 6X. This rule prescribes requirements for premarket sampling and testing of children's sleepwear garments in sizes 0 through 6X, and fabrics intended for use in such garments, to protect the public from unreasonable risks of fire leading to death, injury, or significant property damage associated with children's sleepwear. The test in the standard requires that garments and fabrics subject to the standard must self-extinguish if exposed to a small, open-flame ignition source. Implementing regulations prescribed requirements for labeling and maintenance of records to demonstrate compliance with the standard. The standard and implementing regulations were issued under provisions of sections 4, 5, and 8 of the FAA (15 U.S.C. 1193, 1194, 1197).

In 1978, the standard was amended to make its test requirements identical to those in the flammability standard for children's sleepwear in sizes 7 through 14 (16 CFR Part 1616). In 1982, the Commission amended the implementing regulations to allow persons and firms subject to the requirements of the standard to use test apparatus and procedures other than the ones prescribed by the standard, under specified conditions, for purposes of compliance with the standard and supporting guaranties of items subject to the standard. (See 48 FR 21310; May 12, 1983).

5. Part 1616—Standard for the flammability of children's sleepwear, sizes 7 through 14. This rule is for all practical purposes identical to the sleepwear flammability standard in Part 1615, described above, except for the size of garments subject to its coverage. In 1980, the Commission reviewed this rule in accordance with provisions of former section 27(m) of the Consumer Product Safety Act (15 U.S.C. 2076(m), repealed by the Consumer Product Safety Amendments of 1981, Pub. L. 97-35; 95 Stat. 703). A copy of the Commission's report concerning its review of this rule is available in the

Commission's public reading room, 8th floor, 1111 18th Street NW., Washington, D.C., or by calling the Office of the Secretary, (301) 492–6800. In 1983, the Commission amended regulations implementing this standard to allow persons and firms subject to the requirements of the standard to use test apparatus and procedures other than those prescribed by the standard, under specified conditions, for purposes of compliance with the standard and supporting guaranties of items subject to the standard. (See 48 FR 21310; May 12, 1983.)

6. Part 1630—Standard for the surface flammability of carpets and rugs. This rule prescribes a test to determine the surface flammability of carpets and rugs when exposed to a standard small source of ignition under draft-protected conditions. The standard was issued to protect the public from unreasonable risks of fire leading to death, personal injury, or significant property damage associated with carpets and rugs. Regulations implementing the standard prescribed requirements for testing to support guaranties. The standard and implementing regulations were issued under provisions of sections 4, 5, and 8 of the FFA (15 U.S.C. 1193, 1194, 1197).

The standard and implementing regulations are substantially unchanged since their issuance in 1970. The Commission specifically solicits suggestions for modification of this standard or the implementing regulations to reduce time or costs required for compliance without diminishing the level of protection from fires associated with carpets provided by the standard.

7. Part 1631—Standard for the surface flammability of small carpets and rugs. This rule is similar to the standard for carpets and rugs in Part 1630, except that it applies only to carpets and rugs having no dimension larger than six feet, and an area not greater than 24 square feet. This standard prescribes the same test as the one contained in Part 1630. However, this rule allows use of a label stating that the item does not pass the test in the standard as an alternate means of compliance with the rule. The standard and implementing regulations were issued under provisions of section 4, 5, and 8 of the FFA (15 U.S.C. 1193, 1194, 1197).

The standard and implementing regulations are substantially unchanged since their issuance in 1970. Suggestions for modification of this standard or its implementing regulations to reduce time or costs required for compliance without diminishing the level of protection afforded to the public are solicited.

8. Part 1632—Standard for the flammability of mattresses (and mattress pads). This rule was issued in 1972 to protect the public from unreasonable risks of fire leading to death, personal injury, or significant property damage by cigarettes. The standard requires premarket testing of mattresses by placing lighted cigarettes at specified locations on the surface of a mattress. Implementing regulations require maintenance of records demonstrating compliance with the standard. The standard and implementing regulations were issued under provisions of section 4, 5, and 7 of the FFA (15 U.S.C. 1193, 1194, 1197).

In the **Federal Register** of June 10, 1982 (47 FR 25159), the Commission published an advance notice of proposed rulemaking to initiate a proceeding for amendment of the mattress flammability standard. In the **Federal Register** of December 30, 1982 (48 FR 47502), the Commission published a proposal to amend the mattress standard which would: (1) Eliminate existing requirements for production testing of mattresses and mattress pads; (2) establish a procedure for substitution of ticking materials without additional prototype testing under specified conditions; and (3) make other changes to improve the clarity and precision of the standard. The notice of proposal invites interested parties to submit written comments on the proposed amendment by February 28, 1984. The Commission will conduct a public hearing to receive oral presentations of data, views and arguments concerning the proposed amendment on February 14, 1984. A staff briefing package concerning the proposed amendments is available for inspection in the Commission's public reading room, 8th floor, 1111 18th Street NW., Washington, D.C., or by calling the Office of the Secretary at (301) 492–6800.

All interested parties are invited to submit written comments concerning any or all of the eight rules issued under the FFA and described in this notice to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. To be considered in this rule review proceeding, comments must be received not later than April 2, 1984.

Dated: January 30, 1984.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 84–2859 Filed 2–1–84; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–65–75]

Certain Payments for Oil or Gas Which Are Not To Be Considered as Taxes; Withdrawal of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws the notice of proposed rulemaking relating to certain payments for oil or gas which are not to be considered as taxes that appeared in the **Federal Register** on November 17, 1980 (45 FR 75692). The notice is being withdrawn because the wording of the statute is sufficiently clear for the rare situations that arise under section 901(f) of the Internal Revenue Code of 1954.

FOR FURTHER INFORMATION CONTACT: Mary Frances Pearson of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C 20224, Attention: CC:LR:T (LR–65–75), 202–566–3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document withdraws the notice of proposed rulemaking that appeared in the **Federal Register** on November 17, 1980 (45 FR 75692). The notice proposed amendments to the regulations under section 901(f) of the Internal Revenue Code of 1954. The principal purpose of the proposed amendments was to provide the public with the guidance needed to comply with section 901(f). The regulations proposed on November 17, 1980, are no longer necessary because the situations within the scope of section 901(f) are rare and the wording of the statute is sufficiently clear.

Drafting Information

The principal author of this document is Mary Frances Pearson of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing this document, both in matters of substance and style.

Withdrawal of Proposed Amendments

The proposed amendments to 26 CFR Part 1, relating to certain payments for oil or gas which are not to be considered as taxes and published in the **Federal Register** on November 17, 1980 (45 FR 75692), are hereby withdrawn.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 84-2858 Filed 2-1-84; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Surface Coal Mining and Reclamation Operations on Federal Lands Under the Permanent Program; State-Federal Cooperative Agreements; Wyoming

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is proposing to amend the cooperative agreement between the Department of the Interior and the State of Wyoming for the regulation of surface coal mining and reclamation operations on Federal lands in Wyoming under the permanent regulatory program. Cooperative agreements are provided for in the Surface Mining control and Reclamation Act of 1977. This proposed rulemaking would give Wyoming more responsibility for the administration of its approved State program on Federal lands in Wyoming under OSM's revised Federal lands rules.

DATES: The public comment period on this proposed rule will extend until March 5, 1984. The public hearing will be held at the location shown in **"ADDRESSES,"** below, on February 29, 1984 beginning at 10 a.m. Any person interested in making an oral or written presentation at the hearing must contact OSM at the address and phone number listed under **"FOR FURTHER INFORMATION CONTACT"** by February 22, 1984.

ADDRESSES:

Written comments must be mailed to: Administrative Record, Office of Surface Mining, Room 5315-L, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

Written comments may be hand carried to: Office of Surface Mining, Administrative Record, Room 5315, 1100 L Street, NW., Washington, D.C.

Copies of the proposed amendments to the Agreement and of the related information required under 30 CFR Part 745 are available for inspection Monday through Friday, 8:30 a.m. to 4 p.m., excluding holidays, at the following addresses:

State of Wyoming, Department of Environmental Quality, Land Quality Division, Hathaway Building, Cheyenne, Wyoming 82002.

Office of Surface Mining, Room 5315, 1100 L Street, NW., Washington, D.C. 20005.

The public hearing, if held, will be at the Office of Surface Mining, Casper Field Office. If no person has contacted OSM by February 22, 1984 to express an interest in testifying at the hearing, the hearing will be cancelled. Persons interested in attending but not testifying at the hearing should contact OSM at the address and phone number listed under **"FOR FURTHER INFORMATION CONTACT"** prior to the scheduled hearing date to see if the hearing has been cancelled.

FOR FURTHER INFORMATION CONTACT: Adele Merchant, Office of Surface Mining, South Interior Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Phone: (202) 343-5866.

SUPPLEMENTARY INFORMATION:

I. Commenting Information

A. Public Hearing

The public is invited to testify at a public hearing. Individual testimony at the public hearing will be limited to 15 minutes. The hearing will be transcribed by a court reporter. Filing of a written statment at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials who will attend the hearing by providing an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying.

B. Public Meetings

Representatives of OSM will be available to meet during the comment period at the request of members of the public to receive their recommendations and comments concerning the proposed amendments to the Wyoming cooperative agreement. In order to schedule or attend such meetngs, contact the individual listed under **"FOR FURTHER INFORMATION CONTACT."** OSM representatives will be available for these meetings between 9 a.m. and 4 p.m. local time, Monday through Friday, excluding holidays. All such meetings will be open to the public. Notices of such meetings and where they will be held will be posted in advance in the Administrative Record Room, Room 5315, 1100 L Street, NW., Washington, D.C. 20005.

C. Contacts With State Representatives

The Department has previously announced (45 FR 58378, September 3, 1980) its intention to follow the "Guidelines for Contacts with Employees and Officials During Consideration of State Permanent Regulatory Programs" published at 44 FR 54444 (September 19, 1979), during the process of developing cooperative agreements with the States. As written, the guidelines apply only to the State program review and decision process. However, the guidelines should also be applied in the development of State-Federal permanent program cooperative agreements because of the close interrelationship between each cooperative agreement and the approved State program. The need for the Department and the State to work together through the stages of the cooperative agreement and the right of the public to be informed and to have the opportunity to comment meaningfully on issues raised are principles applicable to permanent program cooperative agreement rulemakings.

This decision requires that minor changes in the guidelines be made to clarify their applicability to cooperative agreement rulemakings. Accordingly, revised guidelines for contacts with Departmental employees and officials during permanent program cooperative agreement rulemakings are given below. See the notice of September 19, 1979, for a full discussion of the guidelines and supporting principles.

1. Upon request the Department will meet with any member of the public through the end of the public comment period. Notices of scheduled meetings will be posted in a public place. The meetings will be open.

2. The Department will meet with State representatives or have telephone conversations with them, upon the initiative of either party, up to the point of the Secretary's decision to amend the permanent program cooperative agreement with a State. These meetings will be open to the public unless the Department decides an executive session is appropriate. Advance notice of scheduled meetings will be posted in

a public place. Notice of the executive sessions will be posted in a public place.

3. The Department will keep a summary record of all meetings and discussions, whether in person or by telephone, on proposed amendments to the cooperative agreement. This record will include a summary of the discussion and a list of all written information OSM receives. All such records along with all written communications relating to the proposed amendment to the cooperative agreement shall be made available to the public.

4. In those instances where the Department has conducted meetings or discussions with a State after the close of the public comment period, the Department will include summaries of the meetings in the record and, if necessary to assure an effective opportunity for public participation, provide an opportunity for the public to review the record of such meetings and discussions and to comment on them before a decision is made to amend the cooperative agreement.

D. Public Comments

Written and oral comments should be as specific as possible, and supported by reasoning. All written comments must be received by OSM by 5:00 p.m. local time on the date the comment period closes. Comments received after that time will not necessarily be considered or included in the administrative record of this rulemaking. OSM cannot ensure that written comments received or delivered during the comment period to locations other than those specified above will be considered and included in the administrative record. Notices of meetings, summaries of all meetings and telephone conversations, along with all public comments received and a transcript of the public hearing, will also be made available for public review in the Office of Surface Mining at the address noted above.

II. Background

The existing cooperative agreement between the Department of the Interior and the State of Wyoming was approved by the Secretary of the Interior and the Governor of Wyoming on January 7, 1981, and became effective on March 18, 1981. *See* 46 FR 9065 (January 28, 1981) for the final rule promulgating the existing cooperative agreement and 46 FR 17191 (March 18, 1981) for the notice of its effective date.

OSM published final regulations (48 FR 6912) on February 16, 1983, amending the Federal lands regulations in 30 CFR Chapter VII, Subchapter D. Those regulations allow States with cooperative agreements to assume greater responsibility for regulating surface coal mining and reclamation operations on Federal lands than was previously allowed. Among other things, the revised Federal lands regulations allow States to independently review permit applications for surface coal mining and reclamation operations on Federal lands and issue such permits.

This proposed rule would amend the existing cooperative agreement for the purpose of giving Wyoming more responsibility for the administration of its approved permanent regulatory program on Federal lands in Wyoming, consistent with the revised Federal lands regulations in 30 CFR Parts 740–746 (48 FR 6912, February 16, 1983).

III. The State of Wyoming's Amendment Request

In view of the expanded role allowed by the revised Federal lands regulations, the State of Wyoming requested on June 27, 1983, that the cooperative agreement between the Department and the State be amended, and submitted proposed changes to that agreement for Departmental review. The provision for amending cooperative agreements is found in 30 CFR 745.14. This provision provides that a cooperative agreement which has been approved pursuant to 30 CFR 745.11, may be amended by mutual agreement of the Secretary and of the Governor of a State. Amendments to a cooperative agreement must be adopted by Federal rulemaking in accordance with 30 CFR 745.11.

Sections 745.11(b) (1) through (8) require that certain information be submitted with a request for a cooperative agreement if the information has not previously been submitted in the State program. The information relating to the budget, staffing, organization and duties of the State regulatory authority, the Wyoming Department of Environmental Quality, Land Quality Division was submitted when Wyoming requested its existing cooperative agreement. See 46 FR 9065, January 28, 1981. OSM has determined that this information satisfies the requirements for the proposed amendments to that cooperative agreement and no additional information is needed. A written certification from the Wyoming Attorney General was also included in the State's request for its existing cooperative agreement. The Attorney General concluded that no State statutory, regulatory or other legal constraint exists which would limit the capability of the State to fully comply with section 523(c) of the Act, as implemented by 30 CFR Part 745.

IV. Proposed Revisions to the Existing Cooperative Agreement

A summary of the proposed changes to the existing cooperative agreement appears below. The proposed revisions to the existing cooperative agreement are subject to further changes because of public comments and further discussion with the State of Wyoming. The full text of the proposed revised cooperative agreement is being published for continuity and the convenience of the reader.

The introductory paragraph preceding existing Article I would be revised to read "[t]he Governor of the State of Wyoming (State) acting by and through the Department of Environmental Quality, Land Quality Division (Division), and the Secretary of the Department of the Interior (Department) acting by and through the Office of Surface Mining (OSM), enter into a Cooperative Agreement (Agreement) to read as follows:"

Article I: Introduction and Purpose

The second paragraph of existing Article I.1. would be revised by deleting the phrase "for surface coal mining and reclamation operation." The definition of "surface coal mining and reclamation operations" in section 701(27) of the Surface Mining Control and Reclamation Act (Act) does not include coal exploration operations. Thus, deletion of this term would have the effect of not limiting the applicability of the cooperative agreement to activities covered under the term "surface coal mining and reclamation operations," but would also include coal exploration operations not covered by section 4 of the Federal Coal Leasing Amendments Act of 1975. This change is consistent with the Federal lands program and the State program which contain requirements for coal exploration operations. The proposed paragraph would read "[t]his Agreement provides for State regulation consistent with the Act, the Federal lands program, and the State program on Federal lands." The term "exploration operations not subject to 43 CFR Parts 3480–3487" would also be added to Article I.2(a) for the same reason.

Article II: Effective Date

Existing Article II would be revised by replacing the roman numeral "IX" at the end of the last sentence with roman numeral "X" to correspond to the proposed renumbering of existing Article IX. No change in effect is intended.

Article III: Scope

The first sentence of existing Article III would be revised to recognize that, pursuant to the revised Federal lands regulations in 30 CFR Parts 740–746, it is those regulations rather than the cooperative agreement which makes the requirements of a State program applicable to Federal lands. Thus, this sentence would read "[i]n accordance with the Federal lands regulations in 30 CFR Parts 740–746, the laws, regulations, terms and conditions of the Wyoming State program (Program) conditionally approved on November 26, 1980, 45 FR 78637–78684, or as amended in accordance with 30 CFR 732.17, for the administration of the Act are applicable to Federal lands within the State except as otherwise stated in [the cooperative agreement], the Act, 30 CFR Part 745, or other applicable laws or regulations."

Language would be added to existing Article III to state that orders and decisions issued by the State in accordance with the program that are appealable shall be appealed as provided by State law and that orders and decisions issued by the Department that are appealable shall be appealed to the Department's Office of Hearings and Appeals. This provision would clarify the proper jurisdiction for appeals of orders from the respective agencies.

Article IV: Requirements for Cooperative Agreement

No changes are proposed for existing paragraphs 5 (a) and (b) of Article IV except minor editorial revisions for clarity.

Existing paragraph 5(c) would be revised by adding language describing the cooperative agreement grant process. Language would also be added which requires that OSM and the State promptly meet to decide on appropriate measures to be taken to ensure that mining and exploration operations are regulated in accordance with the Program if adequate funds have not been appropriated. Termination would be authorized if agreement could not be reached.

Existing paragraph 5(d) would be revised by adding a parenthetical limitation on the obligation of OSM and the State to exchange information developed under the agreement. Such an exchange would not occur where prohibited by Federal law. For example, in certain instances where requested by the citizen, the identity of a person requesting a Federal inspection may be withheld from the State in accordance with 30 CFR 842.12(b) which prohibits disclosure of such information. OSM invites comments on the proposed revision to existing paragraph 5(d) with respect to the limitation on the exchange of information between OSM and the State.

No changes are proposed for existing paragraphs 5 (e), (f), and (g) except minor editorial revisions for clarity.

Article V: Policies and Procedures: Mining Plan and Permit Application Review

The title of existing Article V, "Policies and Procedures: Mining Plan and Permit Application Review," would be revised to read "Policies and Procedures: Permit Application Package Review" for consistency with the revised Federal lands regulations in 30 CFR Part 740. In those regulations, OSM adopted the term "Permit Application Package" (PAP) to describe the material submitted by an operator for a proposed surface coal mining and reclamation operation on Federal lands. See 48 FR 6912, February 16, 1983.

OSM adopted the term because there are requirements for mining on Federal lands that are in addition to those required by a permit application under the State program for non-Federal lands. For example, operations on Federal lands may be subject to requirements of the Federal land management agency or of the Secretary under Federal laws other than the Act. The PAP allows for such information to be included with the permit application required by the State program. See definition of "permit application package" under 30 CFR 740.5.

The PAP would be required to be in a form required by the State and include any supplemental information required by OSM. At a minimum, the PAP must include the information necessary for the State to make a determination of compliance with the State program and for OSM or other Federal agencies to make determinations of compliance with applicable requirements of other Federal laws and regulations, as appropriate, for which they may be responsible. Other Federal laws which may be applicable include the requirements of the Mineral Leasing Act of 1920 (MLA), as implemented by the regulations of the Bureau of Land Management (BLM) in 43 CFR Parts 3480–3487, the non-delegable requirements of the Act such as the requirements in section 522, or the requirements of other Federal laws including, but not limited to, those listed in proposed Appendix A to the agreement.

Existing paragraph 6 of Article V would be revised by adding language which would require that if any material is submitted to the State by an operator for the sole purpose of complying with the 3-year requirement of section 7(c) of the Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.*, the State would forward such material to BLM. If the material is submitted as part of the PAP, OSM would send a copy of the entire package to BLM. This provision would be added to meet the requirements of 43 CFR Part 3480.

Existing paragraph 6(e) would be removed as unnecessary because adequate provisions for specifying the level of information required in a PAP are contained in proposed paragraph 6.

Existing paragraphs 7 through 16 of Article V.B. would be renumbered as proposed paragraphs 7 through 12 and revised to describe the procedures for the cooperative review and analysis of the PAP in accordance with the revised Federal lands regulations.

Proposed paragraph 7 would continue to identify the State as primarily responsible for the analysis and review of the permit application component of the PAP for surface coal mining and reclamation operations on Federal lands in Wyoming. If requested by the State, OSM would assist in the review of the permit application. The Department would be required to carry out its responsibilities under other Federal laws and regulations (concurrently with the State's review of the permit application).

Proposed paragraph 7 would also require that the Department carry out its responsibilities under other Federal laws and regulations in a timely manner to avoid duplication of responsibilities of the State.

A new provision would be added to existing paragraph 7 which would allow OSM and the State to develop working agreements which would specify any delegable responsibilities of other Federal laws and regulations which would be delegated to the State and that such working agreements would not require an amendment to the cooperative agreement. Thus, this provision would recognize that, in the interest of reducing duplication in the review of PAPs, the State may assume any responsibilities that are fully or partially delegable which would otherwise be performed by OSM. For example, the working agreement could specify how the State can assist the Secretary in meeting his non-delegable responsibilities under the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA). It is possible for the State to perform much of the basic research and analysis required for the Secretary to meet his NEPA responsibilities, although the Secretary must assume full responsibility for

ensuring compliance with NEPA. Joint preparation of NEPA documents is an authorized means of achieving that compliance.

The first sentence in existing paragraph 8 would be revised to read "[t]he State will be the primary point of contact for operators regarding the review of the PAP, except on matters concerned exclusively with the regulations in 43 CFR Parts 3480–3847 administered by the Bureau of Land Management and on matters unrelated to the review of the PAP." This revision would ensure that any concerns of the Department related to the PAP which must be addressed by the operator are comminicated through the State. This provision would not preclude the Secretary from contacting the operator independently of the State to carry out his non-delegable statutory responsibilities. Other minor editorial revisions would be made for clarity and consistency with the Federal lands regulation in 30 CFR Parts 740–746.

Proposed paragraph 9 would require the State to assume OSM's responsibilities in 30 CFR 740.4(c) and describes how OSM will assist the State in carrying out these responsibilities. Among other things, OSM would be responsible for providing to other appropriate Federal agencies copies of the PAP and for coordinating the review of the PAP among those agencies. This latter requirement is presently in paragraph 10. Other provisions of proposed paragraph 9 would require OSM, when assisting the State with its review of the PAP, to furnish the State with a work product within 45 calendar days of receipt of the State's request for such assistance, and to exercise its responsibilities under the cooperative agreement in a timely manner.

Proposed paragraph 10 incorporates and revises existing paragraphs 11 through 16. The provisions describing each agency's role in the PAP review process would be revised in accordance with the revised Federal lands regulations.

Proposed paragraph 10 would require OSM and the State to coordinate their review of the PAP and to keep each other informed about items which may affect the other's decision. OSM would be required to review and make decisions on the elements of the PAP relating to the proposed mining plan and other non-delegable responsibilities such as determining post-mining land use on Federally owned surface (in coordination with the applicable Federal land management agency), and determining compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* Even though the permit would be issued by the State, mining of Federal coal would not be allowed until the Secretary approves a mining plan and complies with other requirements related to the approval of a mining plan. If a permit to mine Federal coal is issued prior to Secretarial approval of the mining plan, the State would be required to reserve the right to modify or rescind the permit to conform with the Secretary's decision.

Proposed paragraph 11 is a new provision which would concern the review of a PAP for surface coal mining and reclamation operations on Federal lands where no Secretarial approval of a mining plan is required. In this circumstance, the appropriate Federal agency would be consulted for any conditions required by that agency as may be appropriate under other provisions of law applicable to the lands under the agency's jurisdiction. OSM would be responsible for coordinating any consultation requirements. Under the proposed revision, the State could issue the permit without OSM concurrence.

Proposed paragraph 12 would contain a new provision concerning the review of permit revisions and renewals on Federal lands. The State would be required to consult with OSM on whether or not permit revisions or renewals constitute mining plan modifications under 30 CFR 746.18. Revisions or renewals which do not constitute mining plan modifications would be approvable solely by the State.

Proposed paragraph 12 would also contain a mechanism which would enable OSM to establish criteria for permit revisions or renewals which clearly do not constitute mining plan modifications. Permit revisions or renewals which meet any such criteria established by OSM could be approved prior to the State informing OSM of the approval and prior to the State submitting copies of the permit revisions or renewals to OSM. In practice, OSM and the State have found that most revisions and renewals are those which are clearly SMCRA-related and have no impact on the approved mining plan. Establishing criteria for those revisions and renewals which clearly do not constitute mining plan modifications would minimize administrative delay in processing such revisions.

Article VI: Inspections

Existing paragraphs 17 through 21 of Article VI would be renumbered as proposed paragraphs 13 through 17. No changes are proposed except minor editorial revisions for clarity.

Article VII: Enforcement

Existing paragraphs 22 and 23 of Article VII would be renumbered as proposed paragraphs 18 and 19. No changes are proposed except minor editorial revisions for clarity.

Paragraph 24 of existing Article VII would be renumbered as proposed paragraph 20 and revised by adding a sentence which would require that any enforcement action taken by the Department be based on the applicable substantive requirements included in the permit or the program, and the procedures and penalty system contained in 30 CFR Parts 843 and 845.

Existing paragraphs 25 and 26 of Article VII would be renumbered as proposed paragraphs 21 and 22. No changes are proposed except minor editorial revisions for clarity.

Article VIII: Bonds

Existing paragraph 27 would be renumbered as proposed paragraph 23 and revised by adding language which would protect the Federal interest in a performance bond in the event of termination of the cooperative agreement. Proposed paragraph 23 would specify that if the agreement is terminated, such termination shall not affect the Department's rights under the bond.

Existing paragraphs 28 and 29 would be renumbered as proposed paragraphs 24 and 25. No changes are being proposed except minor editorial revisions for clarity.

Existing Articles IX through XV would be renumbered as proposed Articles X through XVI and corresponding paragraphs 30 through 37 would be renumbered as proposed paragraphs 28 through 35. No changes are proposed except in existing paragraph 33 of Article XII and existing paragraph 37 of Article XV. Existing paragraph 33 of Article XII, "Changes in State or Federal Standards," would be revised to clarify how OSM and the State would coordinate on any changes in State or Federal standards. If any changes are proposed, OMS and the State would inform each other of any final changes and of any effect such changes may have on the cooperative agreement. If it were determined to be necessary to keep the agreement in force, the State would take legislative action and each party would change or revise its regulations or promulgate new regulations, as applicable. Changes would be made in accordance with 30 CFR Part 732 for changes to the approved State program and sections 501 and 523 of the Act for changes to the

Federal lands program. The timetable for accomplishing any necessary changes would be removed.

Existing paragraph 37 of Article XV "Definitions," would be revised by including reference to 30 CFR Parts 700, 701, and 740 and the State program to clarify that definitions in the Federal rules would also be applicable to the cooperative agreement, and by adding a sentence providing for the resolution of conflicts in definitions used in the agreement. Where there are conflicts in definitions, those included in the State program would apply except where there is a conflict with the Secretary's responsibilities under the Act and other laws.

A new Article IX entitled "Designation of Land Areas as Unsuitable" would be added which would describe the roles of the State and OSM in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations on adjacent Federal and non-Federal lands. The authority to designate Federal lands as unsuitable would be reserved to the Secretary or his designated representative. See 30 CFR 745.13. Petitions for designation on Federal lands must be filed and processed in accordance with 30 CFR Part 769.

Article XVII: Resolution of Conflicts

A new Article XVII, "Resolution of Conflicts," and corresponding paragraph 36 would be added to the cooperative agreement to require that efforts be made to resolve errors, omissions and conflicts on data and data analysis at the State and field level. However, any disagreements which cannot be resolved at the State and field level will be referred to the Governor and the Secretary for resolution.

V. Administrative and Procedural Matters

1. E.O. 12291 and Regulatory Flexibility Act

In a "Determination of Significance" document prepared on December 31, 1979, and approved by the Assistant Secretary, Energy and Minerals, on January 7, 1980, the Department determined that the "promulgation of proposed or final rules for entering into a cooperative agreement with a State pursuant to 30 U.S.C. 1273 for State regulation of surface coal mining and reclamation operations on Federal lands was not a significant action and would not require a regulatory analysis." A copy of this determination was filed with the Department's Office of Policy Analysis and the Division of General Law.

The Department has reviewed this determination in light of recent changes in the regulatory process brought about by Executive Order 12291, February 17, 1981; the Regulatory Flexibility Act (Pub. L. 96–354); and the Paperwork Reduction Act of 1980 (Pub. L. 96–511). Having conducted this review, the Department has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291. The document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under the Regulatory Flexibility Act, 5 U.S.C. 605(b). This determination was made by the Director, OSM and approved by the Assistant Secretary, Energy and Minerals. A copy is on file in the OSM Administrative Record Room, Room 5315, 1100 L Street, NW., Washington, D.C. 20005.

2. Recordkeeping and Reporting Requirements

There are recordkeeping and reporting requirements in the proposed rules which are the same as and required by the permanent regulations. Those regulations required clearance from the Office of Management and Budget under 44 U.S.C. 3507 and were assigned the following clearance numbers:

Location of requirement	OMB clearance No.
Article IV.5.(d) (required by 30 CFR Part 735)	1029–0013
Article V.6. (required by 30 CFR Part 740)	1029–0026
Article VI.14. (required by 30 CFR Part 840)	1029–0051
Article VIII.24. (required by 30 CFR Part 800)	1029–0043

3. National Environmental Policy Act

Proceedings relating to adoption of a permanent program cooperative agreement are part of the Secretary's implementation of the Federal lands program pursuant to section 523 of the Act. Such proceedings are, therefore, exempt under section 702(d) of the Act from the requirements to prepare a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4. Indexing Requirements

List of Subjects in 30 CFR Part 950

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

For the reasons set forth herein, it is proposed to amend 30 CFR Part 950.

Dated: January 27, 1984.

Leona A. Power,

Acting Assistant Secretary for Land and Minerals Management.

PART 950—[AMENDED]

1. Section 950.20 is revised to read as follows:

§ 950.20 State-Federal cooperative agreement.

Cooperative Agreement

The Governor of the State of Wyoming (State) acting by and through the Department of Environmental Quality, Land Quality Division (Division), and the Secretary of the Department of the Interior (Department) acting by and through the Office of Surface Mining (OSM), enter into a Cooperative Agreement (Agreement) to read as follows:

Article I: Introduction and Purpose

1. This Agreement is authorized by Section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (Act), 30 U.S.C. 1273(c) which allows a State with a permanent regulatory program approved under 30 U.S.C. 1253 to elect to enter into an Agreement for the regulation and control of surface coal mining on Federal lands.

This agreement provides for State regulation consistent with the Act, the Federal lands program and the Wyoming State program on Federal lands.

2. The purpose of this Agreement is to (a) foster Federal-State cooperation in the regulation of surface coal mining and reclamation operations and exploration operations not subject to 43 CFR Parts 3480–3487; (b) eliminate intergovernmental overlap and duplication; and (c) provide uniform and effective application of the Program in Wyoming, in accordance with the Act.

Article II: Effective Date

3. This agreement is effective following signing by the Secretary and the Governor, and upon final publication as rulemaking in the **Federal Register**. This Agreement shall remain in effect until terminated as provided in Article X.

Article III: Scope

4. In accordance with the Federal lands regulations in 30 CFR Parts 740–746, the laws, regulations, terms and conditions of the Wyoming State program (Program) conditionally approved on November 26, 1980, 45 FR 78637–78684, or as amended in accordance with 30 CFR 732.17, for the administration of the Act are applicable to Federal lands within the State except as otherwise stated in this Agreement, the Act, 30 CFR Part 745, or other applicable laws or regulations. Orders and decisions issued by the State in accordance with the Program that are appealable shall be appealed as provided for by State law. Orders and decisions issued by the Department that are appealable shall

be appealed to the Department's Office of Hearings and Appeals.

Article IV: Requirements for the Agreement

5. The Governor and the Secretary affirm that they will comply with all of the provisions of this Agreement and will continue to meet all the conditions and requirements specified in this Article.

(a) *Responsible Administrative Agency.* The State regulatory authority shall be responsible for administering this Agreement on behalf of the Governor. OSM shall administer this Agreement on behalf of the Secretary, in accordance with the regulations in 30 CFR Chapter VII.

(b) *Authority of State Agency.* The State regulatory authority has and shall continue to have authority under State law to carry out this Agreement.

(c) *Funds.* The State will devote adequate funds to the administration and enforcement on Federal lands in the State of the requirements contained in the Program. If the State complies with the terms of this Agreement, and if necessary funds have been appropriated, the Department shall reimburse the State as provided in section 705(c) of the Act and 30 CFR 735.16 for costs associated with carrying out responsibilities under this Agreement. Reimbursements shall be in the form of annual grants and grant amendments, and applications for said grants shall be processed and awarded in a timely and prompt manner. If sufficient funds have not been appropriated to OSM or the State, the parties shall promptly meet to decide on appropriate measures that will ensure that surface coal mining and reclamation operations and exploration operations on Federal lands are regulated in accordance with the Program. If agreement cannot be reached, then either party may terminate the Agreement.

(d) *Reports and Records.* The State shall make annual reports to OSM, containing information respecting its compliance with the terms of this Agreement pursuant to 30 CFR 745.12(d). Upon request, the State and OSM shall exchange (except where prohibited by Federal law) information developed under this Agreement. OSM shall provide the State with a copy of any approved evaluation report prepared concerning State administration and enforcement of this Agreement.

(e) *Personnel.* The State shall have the necessary personnel to fully implement this Agreement in accordance with the provisions of the Act and the Program.

(f) *Equipment and Laboratories.* The State shall have access to equipment, laboratories, and facilities with which all inspections, investigations, studies, tests and analyses can be performed and which are necessary to carry out the requirements of this Agreement.

(g) *Permit Application Fees.* The amount of the fee accompanying an application for a permit shall be determined in accordance with W.S. 35–11–406(a)(xii). All permit fees shall be retained by the State and deposited with the State Treasurer in the General Fund. The Financial Status Report submitted pursuant to 30 CFR 735.26 shall include a report of the amount of permit application fees collected and attributable to Federal lands during the prior Federal fiscal year. This amount shall be disposed of in accordance with Federal regulations. OMB Circular No. A–102, Attachment E.

Article V: Policies and Procedures: Permit Application Package Review

6. The State and OSM agree and hereby require that an operator on Federal lands shall submit a permit application package (PAP) in an appropriate number of copies to the State and OSM. If any material is submitted to the State by an operator for the sole purpose of complying with the 3-year requirement of section 7(c) of the Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.*, the State will forward such material to the Bureau of Land Management (BLM). If the material is submitted as part of the PAP, a copy of the entire package will be sent to BLM. The PAP shall be in the form required by the State, and include any supplemental information required by OSM. The PAP shall include any supplemental information required by OSM. The PAP shall include the information required by, or necessary for, the State and the Secretary to make a determination of compliance with:

(a) W.S. 35–11–406 (a) and (b) [1980];

(b) Chapter II, Land Quality Division Rules and Regulations, Department of Environmental Quality, or other chapters where these may supersede Chapter II;

(c) Applicable terms and conditions of the Federal coal lease; and

(d) Applicable requirements of the Program, and other Federal laws and regulations, including, but not limited to those listed in Appendix "A".

7. The State shall assume primary responsibility for the analysis and review of the permit application component of the PAP for surface coal mining and reclamation operations on Federal lands in the State. OSM, as requested, shall assist the State in this analysis and review. The Department shall concurrently carry out its responsibilities under the Mineral Leasing Act (MLA), as amended, the National Environmental Policy Act (NEPA), and other applicable Federal laws (including but not limited to those in Appendix A) that cannot be delegated to the State. Responsibilities and decisions which can be delegated to the State under other applicable Federal laws may be specified in working agreements between OSM and the State, without amendment to this agreement. The Department shall carry out these responsibilities in accordance with the Federal lands program and this agreement in a timely manner so as to avoid, to the maximum extent possible, duplication of the responsibilities of the State set forth in this Agreement and the Program. The Secretary will consider the information in the PAP and, where appropriate, make decisions required by the Act, MLA, NEPA, and other Federal laws.

8. The State will be the primary point of contact for operators regarding the review of the PAP, except on matters concerned exclusively with the regulations in 43 CFR Parts 3480–3487 administered by the Bureau of Land Management (BLM) and on matters unrelated to the review of the PAP. The State will be responsible for informing the applicant of all joint State-Federal determinations. The State shall send copies of any correspondence with the applicant and any information received from the applicant which may have a bearing on decisions regarding the mining plan to OSM. As a matter of practice, OSM will not independently initiate contacts with applicants regarding completeness or deficiencies of the PAP with respect to matters covered by the Program. The Department may act independently of the State to carry out responsibilities under laws other than the Act or provisions of the Act not covered by the Program, and in instances of disagreement over the Act and the Federal lands program. A copy of all independent correspondence with the applicant which may have a bearing on decisions regarding the PAP shall be sent to the State.

9. The State shall assume OSM's responsibilities in 30 CFR 740.4(c). OSM shall assist the State in carrying out the responsibilities by:

(a) Distributing copies of the PAP to, and coordinating the review of the PAP among, all Federal agencies which have responsibilities relating to decisions on the package. This shall be done in a manner which ensures timely identification, communication and resolution of issues relating to those Federal agencies' statutory requirements. OSM shall request that such other Federal agencies furnish their findings and any requests for additional data to OSM within 45 calendar days of receipt of the PAP.

(b) Providing the State with the analyses and conclusions of other Federal agencies regarding those elements of the PAP which affect their statutory responsibility.

(c) Resolving conflicts and difficulties between other Federal agencies in a timely manner.

(d) Assisting in scheduling joint meetings as necessary between State and Federal agencies.

(e) Where OSM is assisting the State in reviewing the permit application, furnishing the State with the work product within 45 calendar days of receipt of the State's request for such assistance, or earlier if mutually agreed upon by OSM and the State.

(f) Exercising its responsibilities in a timely manner as set forth in a mutually agreed upon schedule, governed to the extent possible by the deadlines established in the Program.

(g) Assuming all responsibility for ensuring compliance with any Federal lessee protection bond requirement.

10. This paragraph describes the procedures OSM and the State will follow in the review of the PAP:

(a) OSM and the State shall coordinate with each other during the review process as needed. The State shall keep OSM informed of findings during the review process which bear on the responsibilities of other Federal agencies. OSM shall ensure that any information OSM reveives which has a bearing on decisions regarding the PAP is promptly sent to the State.

(b) OSM shall review the PAP for compliance with the requirements of other

Federal laws and regulations. OSM and the State shall develop a work plan and schedule for PAP review and each shall identify a person as project leader. The State and OSM project leaders shall serve as the primary point of contact between OSM and the State throughout the review process. Not later than 50 days after receipt, OSM shall furnish the State with its preliminary findings and specify any requirements for additional data. OSM shall advise the State on the need for it to perform any work as part of the preparation of an Environmental Impact Statement as soon as possible in the review process.

(c) Unless the work plan and schedule provide otherwise, the State shall prepare a findings document, which shall include a proposed written final decision on the PAP. To the fullest extent allowed by the State and Federal law and regulations, the State and OSM will cooperate so that duplication will be eliminated in conducting the technical analyses and meeting NDPA requirements for the proposed mining operation. Copies of the findings documents shall be sent to OSM for review and comment. OSM shall evaluate the documents and inform the State within 30 days, whenever possible, of any changes that should be made. The State shall consider these comments and send a final findings document and proposed final decision to OSM for action in a timely manner consistent with the Federal lands program. OSM shall have 30 days after receipt to request any changes to the State's final findings document. The State may proceed to issue the permit in accordance with the Program prior to any necessary Secretarial approval provided that the State advises the operator in the permit of the necessity for Secretarial approval of a mining plan prior to beginning operations to mine Federal coal. The State shall reserve the right to amend or rescind any requirements of the approved permit to conform with any terms or conditions imposed by the Secretary in his approval of the mining plan.

11. Where the State is reviewing a PAP for surface coal mining and reclamation operations on Federal lands which does not require Secretarial approval of a mining plan under the Mineral Leasing Act, OSM shall consult with the appropriate Federal agency and obtain any conditions required by that agency as may be appropriate under other provisions of law applicable to the lands under that agency's jurisdiction. To the extent possible, these conditions shall be forwarded to the State within the time frame allwed by State law for processing permit applications. The State may proceed to issue the permit without OSM concurrence.

12. The State shall consult with OSM on whether or not permit revisions or renewals constitute mining plan modifications under 30 CFR 746.18. OSM shall inform the State within 30 days of receiving notice of a proposed revision or renewal, whether any permit revisions or renewals constitute mining plan modifications. Permit revisions or renewals which do not constitute mining plan modifications do not require OSM approval and may be issued by the State.

OSM may establish criteria for permit revisions and renewals which clearly do not constitute mining plan modifications. Revisions or renewals meeting such criteria may be approved by the State prior to informing OSM of the approval and submission of copies of the revision or renewal to OSM.

Article VI: Inspections

13. The State shall conduct inspections on Federal lands and prepare and file inspection reports in accordance with its Program. The State's inspection shall satisfy the Secretary's obligations under 30 CFR 842.11(c).

14. The State shall, subsequent to conducting any inspection, and on a timely basis, file with the Secretary an inspection report adequately describing (1) the general conditions of the lands under the permit and license; (2) the manner in which the operations are being conducted; and (3) whether the operator is complying with applicable performance and reclamation requirements.

15. The State will be the point of contact and sole inspection authority in dealing with the operator concerning operations and compliance with the requirements covered by this Agreement, except as described hereinafter. Nothing in this Agreement shall prevent Federal inspections by authorized Federal or State agencies for purposes other than those covered by this Agreement. The Department may conduct any inspections necessary to comply with 30 CFR Parts 842 and 740, as Part 740 relates to obligations under law other than the Act.

16. OSM shall give the State reasonable notice of its intent to conduct an inspection in order to provide State inspectors with an opportunity to join in the inspection. When the Department is responding to a citizen complaint of an imminent environmental danger or a threat to human health pursuant to 30 CFR 842.11(b)(1)(ii)(C), it will contact the State no less than 24 hours if practicable, prior to the Federal inspection to facilitate a joint Federal/State inspection. The Secretary reserves the right to conduct inspections without prior notice to the State as necessary to carry out his responsibilities under the Act.

17. Personnel of the State and representatives of the Department shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VII: Enforcement

18. The State shall be the primary enforcement authority concerning compliance with the requirements of this Agreement and its Program.

19. During any joint inspection by the department and the State, the State shall have primary responsibility for enforcement procedures, including issuance of orders of cessation, notices of violation, and assessment of penalties. The Department and the State shall consult prior to issuance of any decision to suspend or revoke a permit.

20. During any inspection made solely by the Department or any joint inspection where the State and the Department fail to agree regarding the propriety or any particular enforcement action, the Department may take any enforcement action necessary to comply with 30 CFR Parts 843 and 845. Such enforcement action shall be based on the applicable substantive requirements included in the permit or the Program, and the procedures and penalty system contained in 30 CFR Parts 843 and 845.

21. The State and the Department shall promptly notify each other of all violations of applicable laws, regulations, orders, or approved mining plans and permits subject to this Agreement, and of all actions taken with respect to such violations.

22. This Agreement does not limit the Department's authority to enforce violations of Federal law which establish standards and requirements which are authorized by laws other then the Act.

Article VIII: Bonds

23. The State and the Secretary shall require all operators on Federal lands to submit a single performance bond payable to both the United States and the State that is sufficient to cover the operator's responsibilities under the Act and the Program. Release of such bond shall be conditional upon compliance with all requirements of the Program, the Act and the permit. If this agreement is terminated, such termination shall not affect the Department's rights under the bond.

24. Prior to releasing the operator from an obligation under a bond required by the Program, the State shall obtain the consent of the Department. Departmental consent shall be based on field measurements, observations, and correlation with other Federal agencies having authority over the affected lands. The State shall also advise the Department annually of adjustments to the bond pursuant to the Program.

25. The operator's performance bond shall be subject to forefeiture, with the consent of the Department, in accordance with the procedures and requirements of the Program.

Article IX: Designation of Land Areas as Unsuitable

26. The State and the Director shall cooperate with each other in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations. When either agency receives a petition that could impact adjacent Federal and non-Federal lands, the agency receiving the petition shall (1) notify the other of receipt and of the anticipated schedule for reaching a decision; and (2) request and fully consider data, information and views of the other.

27. The authority to designate State and private lands as unsuitable for mining is reserved to the State. The authority to designate Federal lands as unsuitable for mining is reserved to the Secretary or his designated representative.

Article X: Termination of Cooperative Agreement

28. This agreement may be terminated by the State or the Secretary under the provisions of 30 CFR 745.15.

Article XI: Reinstatement of Cooperative Agreement

29. If this Agreement has been terminated in whole or in part, it may be reinstated under the provisions of 30 CFR 745.16.

Article XII: Amendments of Cooperative Agreement

30. This Agreement may be amended by mutual agreement of the Governor and the Secretary in accordance with 30 CFR 745.14.

Article XIII: Changes in State or Federal Standards

31. The Department or the State may promulgate new Federal or State regulations, including new or revised performance or reclamation requirements or administration and enforcement procedures. OSM and the State shall immediately inform each other of any final changes and of any effect such changes may have on the cooperative agreement. If it is determined to be necessary to keep this Agreement in force, the State shall take legislative action and each party shall change or revise its regulations or promulgate new regulations, as applicable. Such changes shall be made under the procedures of 30 CFR Part 732 for changes to the Program and sections 501 and 532 of the Federal act for changes to the Federal lands program.

32. The State and the Department shall provide each other with copies of any changes to their respective laws, rules, regulations, and standards pertaining to the enforcement and administration of this Agreement.

Article XIV: Changes in Personnel and Organization

33. The State and the Department shall, consistent with 30 CFR Part 745, advise each other of changes in organization, structure, functions, duties and funds of the offices, departments, divisions, and persons within their organizations. Each shall promptly advise the other in writing of changes in key personnel, including the heads of a department or division, or changes in the functions or duties of persons occupying the principal offices within the structure of the Program. The State and the Department shall advise each other in writing of changes in the location of offices, addresses, telephone numbers, and changes in the names, locations and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible.

Article XV: Reservation of Rights

34. In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement, that the State or the Secretary may have under other laws or regulations, including the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Stockraising Homestead Act, the Surface Mining Control and Reclamation Act of 1977, the Federal Land Policy and Management Act, the Constitution of the United States, the Constitution of the State or State laws.

Article XVI: Definitions

35. Terms and phrases used in this Agreement which are defined in 30 CFR Parts 700, 701 and 740, or the Program shall be given the meanings set forth in said definitions. Where there is a conflict between any definitions, the definitions used in the Program will apply except in the case of a term which conflicts with the Secretary's remaining responsibilities under the Act and other laws.

Article XVII: Resolution of Conflicts

36. Every effort will be made to resolve errors, omissions and conflicts on data and data analysis at the State and field level. Areas of disagreement between the State and the Department which cannot be resolved at the State and field level shall be referred to the Governor and the Secretary for resolution.

Signed

Secretary of the Interior.

Date

Governor of Wyoming.

Date

Appendix A

(1) The Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.* , and implementing regulations.

(2) The Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.*, and implementing regulations including 43 CFR 3480 *et seq.*

(3) The National Environmental Policy Act of 1969, 42 U.S.C. 4312 *et seq.*, and implementing regulations including 40 CFR 1500 *et seq.*

(4) The Endangered Species Act, 16 U.S.C. 1531 *et seq.*, and implementing regulations including 50 CFR 402.

(5) The National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, and implementing regulations, including 36 CFR 800, and Executive Order 11593 (May 13, 1971).

(6) The Clean Air Act, 42 U.S.C. 7401 *et seq.*, and implementing regulations.

(7) The Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, and implementing regulations.

(8) The Resource Conservation and Recovery Act of 1976, 42 U.S.C. *et seq.*, and implementing regulations.

(9) The Reservoir Salvage Act of 1960, amended by the Preservation and Historical and Archaeological Data Act of 1974, 16 U.S.C. 469 *et seq.*

(10) Executive Order 11988 (May 24, 1977) for floodplain protection. Executive Order 11990 (May 24, 1977) for wetlands protection.

Authority: Pub. L. 95–87, as amended, 30 U.S.C. 1201 *et seq.*

[FR Doc. 84–2875 Filed 2–1–84; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Action MO 1341; A–7 FRL 2517–7]

Air Quality, Implementation Plans, Approval and Promulgation; Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to approve a minor revision to the Missouri State Implementation Plan (SIP). On March 23, 1983, the Missouri Air Conservation Commission (MACC) granted a variance from the Missouri process weight regulation to the St. Joe Minerals Corporation, Pea Ridge Iron Ore Company located in Washington County near Sullivan, Missouri. The variance will allow the facility to continue operating in excess of the Missouri particulate regulation while it tests, evaluates, and installs new control equipment on each of its five furnaces. The proposed SIP revision would not cause or contribute to violaions of the National Ambient Air Quality Standards (NAAQS).

DATE: Public comments should be received by March 5, 1984.

ADDRESSES: Public comments should be sent to Larry A. Hacker, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. The State submission is available for inspection during normal business hours at the above address, and at the Missouri Department of Natural Resources, 1101 Rear Southwest Boulevard, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Larry A. Hacker at (816) 374–3791 or FTS: 758–3791.

SUPPLEMENTARY INFORMATION: On March 23, 1983, after proper notice and public hearing, the MACC granted a variance to the St. Joe Minerals Corporation for its Pea Ridge Iron Ore facility located in Washington County near Sullivan, Missouri. The variance allows the facility to emit in excess of Missouri Rule 10 CSR–10–3.050, "Restriction of Emissions of Particulate Matter from Industrial Processes." This variance was submitted to EPA as a revision to the Missouri SIP on July 1, 1983.

This variance constitutes a revision to a variance issued to the plant on April 22, 1981, and approved by EPA on October 28, 1981 at 46 FR 53141. Final compliance with the state regulation 10 CSR 10–3.050 was required by July 1, 1985. The allowable emission rate during the term of the variance was limited to that rate which existed on November 11, 1977. The plant is located in an area which is designated attainment for primary and secondary particulate NAAQS. Dispersion modeling demonstrated that the NAAQS would not be violated as a result of the emission rate specified in this variance. The new variance requires that the

emission rate shall not exceed that which was specified in the variance already approved by EPA. Therefore, the NAAQS will be met during the term of the new variance.

The compliance schedule in the new variance calls for final compliance by the source with Missouri Rule 10 CSR 10–3.050 by December 31, 1988. This variance will be in effect until March 23, 1984 at which time the company may apply for an extension of this variance from year to year until the final compliance date of December 31, 1988. The variance will finally expire on the said final compliance date.

The first legally enforceable increment towards compliance must occur on or before June 30, 1987. Prior to that date, there are no enforceable increment of progress toward compliance.

Though not an enforceable condition of the variance, the state has committed to perform a yearly review of the company's progess toward compliance prior to granting the annual variance extension. The letter of commitment, dated December 5, 1983, is included with the state submission. In addition, the variance requires the state, at the end of two years, to review the company's economic situation to determine if the timetable for final compliance can be accelerated.

The lengthy compliance period is necessary because the company has determined that the type of control system which they had originally planned to install would not reduce particulate emissions sufficiently to meet the state emission limitation. The company has decided to design and implement an alternative control system. Estimated control costs have increased significantly. In addition, the company is confronted with a severely depressed iron ore market which has resulted in drastic production cutbacks. At the present time, an accelerated compliance schedule would appear to be financially prohibitive. The state submittal includes a detailed discussion of the facility's economic predicament. Given the June 30, 1987 date for the first legally enforceable compliance increment, the compliance schedule meets the requirements of 40 CFR 51.15(c). For the reasons discussed above, the state granted the facility additional time to achieve compliance. Because the variance will not violate the NAAQS, the state can consider economic impacts in setting a compliance date for the facility (40 CFR 51.2).

Under the Clean Air Act, section 110(a)(2), EPA is required to approve a SIP revision if it meets the requirements in that section. Among other requirements, the state must demonstrate that a revision would not cause or contribute to any violations of the NAAQS. As discussed above, EPA has determined that the source, operating at the particulate emission rate allowed by the variance, would not cause or contribute to any violations of the NAAQS. In addition, EPA finds that all other relevant requirements of section 110(a)(2) have been met.

Action: EPA proposes to approve the Pea Ridge Iron Ore Company variance request as a revision to the Missouri SIP.

EPA is soliciting comments on the state submittal and on EPA's action proposed in this document. The Administrator will consider comments received in deciding to approve or modify the state's request.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (46 FR 8709).

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

This notice of proposed rulemaking is issued under the authority of section 110 of the Clean Air Act (42 U.S.C. 7410).

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: December 27, 1983.

Morris Kay,

Regional Administrator.

[FR Doc. 84–2849 Filed 2–1–84; 8:45 am]

BILLING CODE 6560–50–M

Notices

Federal Register
Vol. 49, No. 23
Thursday, February 2, 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

Agricultural Marketing Service

National Advisory Committee for Tobacco Inspection Services; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

Name: National Advisory Committee for Tobacco Inspection Services.

Date: March 8, 1984.

Place: The Holiday Inn North, 2815 North Boulevard, Raleigh, North Carolina, 27604.

Purpose

To review various regulations issued pursuant to the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 *et seq.),* to hear from individuals who have requested to address the Committee and who have been prescheduled to do so, and to discuss the level of tobacco inspection and related services and the fees and charges associated with providing these services.

The meeting is open to the public. Public participation will be limited to written statements submitted before or at the meeting unless otherwise requested by the Committee Chairperson. Persons, other than members, who wish to address the Committee at the meeting should contact Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW., U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2567.

Dated: January 27, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84–2882 Filed 2–1–84; 8:45 am]

BILLING CODE 3410–02–M

Forest Service

Pacific Crest National Scenic Trail Advisory Council, Northern California Sub-Committee; Meeting

The Northern California Sub-Committee of the Pacific Crest National Scenic Trail Advisory Council will meet on March 2, 1984 at the Fall River Mills Ranger Station, Fall River Mills, California. The meeting will begin at 10:00 a.m.

The purpose of the meeting is to discuss and develop recommendations for the Advisory Council and Secretary of Agriculture on broad questions of policy, programs, and procedures affecting the northern California portion of the Pacific Crest Trail. The Sub-Committee will discuss local trail names, water along the Hat Creek Rim, volunteer projects and trail heads.

The meeting will be open to the public. Persons who wish additional information should contact Dick Benjamin, Recreation Staff Director, Pacific Southwest Region, Forest Service, 630 Sansome Street, San Francisco, California 94111, phone (415) 556–6986.

Dated: January 26, 1984.

Zane G. Smith, Jr.,

Chairman.

[FR Doc. 84–2816 Filed 2–1–84; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Crawford Creek Road Critical Area Treatment, RC&D Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Crawford Creek Road Critical Area Treatment, RC&D Measure, Allegany County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423–5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significnt local, regional, or national impact on the environment. As a result of these findings, Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing critical erosion along Crawford Creek Road as a result of high flows in adjacent Crawford Creek. The planned works of improvement include the extension of an existing culvert, placement of rock riprap in critical areas, installation of a plunge pool, reshaping and vegetative stabilization of exposed banks.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul A. Dodd.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 18, 1984.

Paul A. Dodd,

State Conservationist.

[FR Doc. 84–2818 Filed 2–1–84; 8:45 am]

BILLING CODE 3410–16–M

Milbridge Medical Center, Critical Area Treatment; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Ron E. Hendricks, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207–866–2132.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Milbridge Medical Center Critical Area Treatment RC&D Measure, Washington County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Ron E. Hendricks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for a combined surface and subsurface water control and disposal system consisting of diversion ditches, tile under drain, a surface inlet system, a drop spillway and a pipe outlet at the toe of the bank. Gabion baskets will protect the toe of the bank. The bank above the gabions will be reshaped. All areas disturbed will be vegetated. This planned works of improvement and stabilization is to be installed along 200 feet of the western riverbank of the Narraguagus River at the medical center property in the Town of Milbridge, Maine.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Ron E. Hendricks. The FNSI has been sent to various Federal, State and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated unitl 30 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 20, 1984.

Ron E. Hendricks,

State Conservationist.

[FR Doc. 84–2819 Filed 2–1–84; 8:45 am]

BILLING CODE 3410–16–M

Flint Hills RC&D Critical Area Treatment Measures of Chase, Lyon, Marion and Morris Counties, Kansas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Flint Hills RC&D Critical Area Treatment Measures of Chase, Lyon, Marion and Morris Counties, Kansas.

FOR FURTHER INFORMATION CONTACT: John W. Tippie, State Conservationist, Soil Conservation Service, 760 South Broadway, Salina, Kansas 67401, telephone: (913) 823–4565.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, John W. Tippie, State conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The RC&D measures are to *demonstrate* the ability to reduce critical erosion on fragile soils and establish native vegetation on "go back" areas in the counties of Chase, Lyon, Marion and Morris, in Kansas.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John W. Tippie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: January 25, 1984.

John W. Tippie,

State Conservationist.

[FR Doc. 84–2864 Filed 2–1–84; 8:45 am]

BILLING CODE 3410–16–M

Rivermont School Flood Prevention RC&D Measure, Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notce of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Rivermont School Flood Prevention RC&D Measure, Tazewell County, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North Eighth Street, Richmond, Virginia 23240, telephone 804–771–2455.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not need for this project.

The measure concerns a plan for a dike around Rivermont Elementary School and the flood proofing of two residences and a church in Tazewell County, Virginia. The planned work will include 600 feet of dike and the flood proofing of two residences and a church.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various

Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Manly S. Wilder.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects in applicable.)

Dated: January 23, 1984.

Manly S. Wilder,

State Conservationist.

[FR Doc. 84-2865 Filed 2-1-84; 8:45 am]

BILLING CODE 3410-16

DEPARTMENT OF COMMERCE

Economic Development Administration

Economic Development Assistance Programs as Described in Conference Report on H.R. 3222, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations, 1984; Availability of Funds

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Notice.

SUMMARY:

I. Program: Planning Grants for Economic Development Districts, Redevelopment Areas and Indian Tribes

(Catalog of Federal Domestic Assistance: 11.302 Economic Development—Support for Planning Organizations)

Summary: The Economic Development Administration announces its policies and application procedures for grant funds available to defray administrative expenses in support of the economic development planning efforts of Economic Development Districts (Districts), Redevelopment Areas (Areas) and (Indian Tribes under the authority of section 301(b) of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3121, *et seq.*

Eligibility: Eligible applicants are Districts, Areas and Indian Tribes (including Alaskan Native Villages).

Grant Objective: The objective of these section 301(b) grants is to support the formulation and implementation of economic development programs designed to create or retain full-time permanent jobs and income, particularly for the unemployed and underemployed in the most distressed areas served by the applicant. Planning activities conducted under these grants must be part of a continuous process involving public officials and private citizens.

Funding Availability: Grant funds in the amount of $19.0 million are available in two categories: Districts and Areas (Category A)—$16.0 million; and Indian Tribes (Category B)—$3.0 million.

Funding Instrument: Grant assistance will be provided for up to 75 percent of project costs for Category A grants. Under Category A, the applicant will be required to cover the remaining costs through cash or in-kind contributions. Category B grant assistance will be provided for up to 100 percent of project costs.

Grant Duration: Both Category A and Category B grant assistance will be for up to twelve months duration.

Selection Criteria: For eligible applicants under both Categories A and B, selection will be based upon the responsiveness of the proposed work program to the program regulations contained in 13 CFR 307.22, the economic distress of the area served by the applicant, and for currently funded grantees, past performance. Applicants with unresolved audits or having an established indebtedness to the Government may not be considered for funding. Applications proposed for funding under this program are subject to the requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs."

Pre-Application Procedures: Eligible applicants under both Categories A and B should begin the application process by submitting a letter of request signed by the chief elected official (Chairman of the Board, Tribal Chairman) of the District, area or Indian Tribe indicating a desire to receive funds to carry out the types of planning activities eligible under the 301(b) program. The planning activities should be identified in a work program describing the specific economic development activities that will be carried out during the grant period.

Formal Application Procedures: Following a review of the requests for assistance, EDA will notify proponents who are selected to apply for funding consideration. Selected applicants shall be advised to submit the required application materials, which may include an ED-430 Planning Grant Application, an ED-503 Assurance of Civil Rights Compliance, and other materials as appropriate and required.

Submission Information: Requests for assistance under this program from currently funded grantees should be submitted (postmarked, etc.) no later than January 31, 1984, as previously advised by EDA. New applicants should submit their proposals to the appropriate EDA Regional Ofice (see list below) no later than March 31, 1984. Applicants whose proposals are not selected shall be notified within 90 days of the submission of their proposal. Late proposals may not receive funding consideration. Information can be obtained by contacting Bill Oliver (202) 377-3027 at EDA Headquarters in Washington, D.C., or by contacting the appropriate Regional Office.

II. Program: Planning Grants for Urban Planning Activities

(Catalog of Federal Domestic Assistance: 11.305 Economic Development—State and Local Economic Development Planning)

Summary: The Economic Development Administration announces its policies and application procedures for grant funds available for the Urban Planning Program operated under the authority of Section 302(a) of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3121, *et seq.*

Eligibility: Eligible applicants under this program are cities and urban counties.

Grant Objective: The primary objective of planning grants under Section 302(a) is to strengthen the economic development planning capabilities of cities and urban counties to ensure a more effective use of available resources in addressing of economic problems, particularly those resulting in high unemployment and low incomes. Planning activities conducted under these grants must be part of a continuous process involving public officials and private citizens.

Funding Availability: Grant funds in the amount of $5.0 million are available for providing grant assistance under this program. Funds are available for grant assistance of up to 75 percent of project costs. The applicant is required to cover the remaining costs through cash or in-kind contributions.

Grant Duration: Grant assistance under this program will be for up to twelve months.

Selection Criteria: Consideration of applications will be based upon the responsiveness of proposed work programs to the program regulations contained in 13 CFR 307.52(a) (2), the economic distress of the area served by

the applicant, and, for currently funded grantees, past performance (including information in progress reports which were due on December 1). Applicants with unresolved audits or having an established indebtedness to the Government may not be considered for further funding. Because of the limited amount of funds available for this program, priority consideration will be given to requests for assistance from currently funded grantees who meet the selection criteria. Applications proposed for funding under this program are subject to the requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs."

Pre-Application Procedures: Applicants for section 302(a) planning grants should begin the application process by submitting a letter of request to the appropriate Regional Office. The letter should be signed by the head of the grantee organization indicating a desire to receive funds for activities eligible under the 302(a) program. The submission must include a work program describing the proposed planning activities to be accomplished under the grant.

Formal Application Procedures: Subsequent to the review of the applicant's letter and work program, EDA will notify proponents who are selected to apply for funding consideration. Selected applicants shall be advised to submit an ED–430 Planning Grant Application and other required application materials.

Submission Information: Requests for assistance under this program should be submitted to Beverly L. Milkman, Director, Office of Planning, Technical Assistance, Research and Evaluation, Economic Development Administration, Room 7866, U.S. Department of Commerce, Washington, D.C. 20230. Further information can be obtained from Tony Meyer or Bea Montague in EDA Headquarters on (202) 377–3027. Currently funded grantees that desire additional funding should submit (postmark, etc.) letters of request and work programs no later than January 31, 1984, as previously advised by EDA. New applicants should submit their proposals no later than February 29, 1984. Applicants whose proposals are not selected shall be notified within 90 days of the submission of their proposal. Late proposals may not receive funding consideration.

III. Program: Planning Grants for State Planning Activities

(Catalog of Federal Domestic Assistance: 11.305 Economic Development—State and Local Economic Development Planning)

Summary: The Economic Development Administration announces its policies and application procedures for grant funds available for the State Planning Program operated under the authority of Section 302(a) of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3121, *et seq.*

Eligibility: Eligible applicants under this program are States and territories.

Grant Objective: The primary objective of planning grants under section 302(a) is to strengthen the economic development planning capabilities of States and other eligible entities to ensure a more effective use of available resources in addressing of economic problems, particularly those resulting in high unemployment and low incomes. Planning conducted under these grants must be part of a continuous process involving public officials and private citizens.

Funding Availability: Grant funds in the amount of $3.0 million are available for this program. Assistance can be provided to cover up to 75 percent of project costs. The applicant is required to cover the remaining costs through cash or in-kind contributions.

Grant Duration: Grant assistance under this program will be for up to twelve months.

Selection Criteria: Consideration of applications will be based upon the responsiveness of proposed work programs to the program regulations contained in 13 CFR 307.52(a)(1), the economic distress of the area served by the applicant, and, for currently funded grantees, past performance (including information in progress reports which were due on December 1). Applicants with unresolved audits or having an established indebtedness to the Government may not be considered for further funding. Applications proposed for funding under this program are subject to the requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs."

Pre-Application Procedures: Applicants for section 302(a) planning grants should begin the application process by submitting a letter of request to the appropriate Regional Office. The letter should be signed by the head of the grantee organization indicating a desire to receive funds for activities eligible under the 302(a) program. The submission must include a work program describing the proposed planning activities to be accomplished under the grant.

Formal Application Procedures: Subsequent to the review of the letters of request and work programs, EDA will notify proponents who are selected to apply for funding consideration. Selected applicants shall be advised to submit an ED–430 Planning Grant Application and other required application materials.

Submission Information: Requests for assistance under this program should be submitted to Beverly L. Milkman, Director, Office of Planning, Technical Assistance, Research and Evaluation, Economic Development Administration, Room 7866, U.S. Department of Commerce, Washington, D.C. 20230. Further information can be obtained from Tony Meyer or Bea Montague in EDA Headquarters on (202) 377–3027. Currently funded grantees that desire additional funding should submit (postmark, etc.) letters of request and work programs no later than January 31, 1984, as previously advised by EDA. New applicants should submit proposals no later than February 29, 1984. Applicants whose proposals are not selected shall be notified within 90 days of the submission of their proposal. Late proposals may not receive funding consideration.

IV. Program: Technical Assistance Grants for University Centers

(Catalog of Federal Domestic Assistance: 11.303 Economic Development—Technical Assistance)

Summary: The Economic development Administration announces its policies and application procedures for grant funds available to support University Centers under the authority of section 301(a) of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3121, *et seq.* University Centers, utilizing external resources and those of the college or university of which they are an integral element, provide technical and other kinds of assistance to public bodies, non-profit organizations and private firms located chiefly in areas of economic distress.

Eligibility: Eligible applicants under this program are public and private colleges and universities.

Program Objective: To stimulate colleges and universities to mobilize more fully their resources to overcome problems which impede economic development in the area or region they serve.

Funding Availability: Grant funds in the amount of $3 million are available for this program. Funding will be provided through grant assistance for up to 75 percent of the proposed activities cost. At least 25 percent of the costs must be covered by the grantee. The size of individual grants will vary depending

on the requirements of the grantee's program.

EDA will first give consideration to the refunding of those 38 Centers which presently make up the University Center program. Funds which remain will be utilized to fund new Centers.

Grant Duration: The duration of individual grants may be for a period of up to twelve months.

Selection Criteria: EDA will apply the following criteria in evaluating proposals:

1. The nature and degree of distress in the area or region the Center will serve.
2. The program which the Center proposes to carry out to meet the needs of the service area.
3. The commitment of the University to the Center's mission and purpose in terms of both its financial support and the dedication of other resources.
4. The Center's capacity to provide technical and other types of assistance to jurisdictions and organizations in the service area.

Applicants with unresolved audits or having an established indebtedness to the Government may not be considered for funding. Applications proposed for funding under this program are subject to the requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs."

Submission Information: Interested colleges and universities presently in the program will receive instructions from the appropriate EDA Regional Office regarding submission of proposals.

Interested colleges and universities not presently in the program should indicate that they seek support by submitting a letter signed by the institution's President stating that they wish to participate in EDA's University Center program. If appropriate, EDA will subsequently contact them to request that they submit a five- to ten-page proposal containing the following information:

- *Description of the Area(s) to be Served.* The area should be precisely delineated. Describe, as appropriate, the nature and degree of distress; the major problems impeding development; the needs of particular population groups; and the kinds of ongoing efforts to meet the area or region's needs.
- *University Center's Program.* The kinds of activities in which the Center will engage should be described. Indicate what is unique in the Center's contribution to the development of the area and how the Center's efforts will complement those of other institutions engaged in economic development.
- *The College or University's Commitment.* Show the university's financial contribution in relation to the Federal funding requested. Describe the other resources the university will make available in support of the Center's efforts.
- *Proposed Staffing.* Identify the numbers and kinds of staff the Center will have.
- *Other Resources.* If the Center is presently carrying out other economic development or business resource programs, describe them and identify the sources of funds.
- *Experience.* Describe the Center's experience in carrying out similar programs. Include reports of such programs, if appropriate.
- *Other Information.* The applicant should provide whatever additional information it believes would assist EDA in evaluating the proposal.

The letters of interest by these colleges and universities should be submitted to the appropriate EDA Regional Office no later than March 15, 1984. These institutions will be advised whether they are to submit the brief proposal described above no later than April 15, 1984.

Inquiries should be directed to the appropriate Regional Office or to Scott Rutherford at (202) 376–2812 in EDA Headquarters in Washington, D.C.

V. Program: National and Local Technical Assistance Projects

(Catalog of Federal Domestic Assistance: 11.303 Economic Development—Technical Assistance)

Summary: The Economic Development Administration announces its policies and application procedures for grant funds available to provide technical assistance as may be required to ensure the successful implementation of economic development programs and projects designed to aid areas experiencing economic distress. Funding will be provided under the authority of section 301(a) of the Public Works and Economic Development Act of 1965, as amended 42 U.S.C. 3121, *et seq.*

Eligibility: Eligible applicants under this program are: public or private non-profit organizations, States, counties, cities, towns or townships, educational institutions, Indian tribes, economic development districts, private profit-making firms, and councils of government.

Grant Objective: The objective of section 301(a) technical assistance grants and cooperative agreements is to provide help that will be useful in alleviating or preventing conditions of excessive unemployment or underemployment. Grants and cooperative agreements may be made in either of two categories: Local Technical Assistance (Category A) to support individual State or local economic development activities, or National Technical Assistance (Category B) to address topical issues and problems of concern to the economic development community at large.

Funding Availability: Grant funds in the amount of $5.0 million are available for this program. Recipients of the grant and cooperative agreement assistance will be expected to provide at least 25 percent of project costs through cash or in-kind contributions.

Grant Duration: Assistance will be for the period of time required to complete the scope of work. This will generally not exceed twelve months.

Selection Criteria: 1. Priority will be given to projects that lead in the near term to the creation and retention of private sector jobs.

2. Priority will also be given to projects that stimulate significant private and non-Federal public capital formation and investment for economic development purposes.

3. In addition, priority will be given to projects that combine support for economic development objectives with other Department of Commerce goals, including export promotion, productivity enhancement, technology development and utilization, and minority business development.

4. Projects will also be judged on the quality of the proposed work program and the qualifications of the applicant to carry out that work program.

Applicants with unresolved audits or having an established indebtedness to the Government may not be considered for further funding. Category A applications proposed for funding under this program are subject to the requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs."

Pre-Application Procedures: Applicants for these funds should begin the application process by submitting a brief description of the proposed project, including the EDA funding sought.

Formal Application Procedures: Following review of the proposals, EDA will notify proponents who are selected to apply for funding consideration. Applicants selected for funding consideration will be requested to submit formal application materials. Applicants not selected shall be notified within 90 days of the submission of their proposal.

Submission Information—Category A Applicants. Requests for assistance under this category should be submitted to the appropriate EDA Regional Office (see list below). For further information, contact Scot Rutherford on (202) 377–

2812 in EDA Headquarters or the appropriate Regional Office. Category A proposals should be submitted as soon as possible, but no later than March 31, 1984.

Category B Applicants. Requests for assistance under this category should be submitted to Beverly L. Milkman, Director, Office of Planning, Technical Assistance, Research and Evaluation, Economic Development Administration, Room 7866, U.S. Department of Commerce, Washington, D.C. 20230. Further information can be obtained form Charles Eischen on (202) 377–2127 in EDA Headquarters. Category B proposals submitted (postmarked, etc.) prior to February 29, 1984, will receive consideration for funding from the initial round of funding under the National Technical Assistance Program. Category B proposals submitted after February 29, 1984, but before May 31, 1984, will receive consideration for funding from the second round of funding under that program.

VI. Program: Research and Evaluation Projects

Summary: The Economic Development Administration announces that grant funds are available for research and evaluation projects under the authority of section 301(c) of the Public Works and economic Development Act of 1965, as amended 42 U.S.C. 3121, *et seq.*

Eligibility: Eligible applicants are private individuals, partnerships, firms, corporations, universities and other institutions.

Grant Objective: The objective of section 301(c) grants and cooperative agreements is to

1. Assist in determining the causes of unemployment, underemployment, underdevelopment, and chronic depression in various areas and regions of the Nation.

2. Assist in the formulation and implementation of national, State and local programs which will raise income levels and otherwise produce solutions to the problems resulting from the above conditions.

3. Evaluate the effectiveness of approaches and techniques employed to alleviate economic distress.

Funding Availability: Grant funds in the amount of $2 million are available for these programs.

Grant Duration: Projects will generally not exceed twelve months' duration.

Selection Criteria: Applicants will be judged on the following:

1. Demonstrated knowledge of the problem they wish to investigate.

2. Quality of their workplan.

3. Qualifications of investigators/evaluators.

4. Accompanying budget information.

Applicants with unresolved audits or having an established indebtedness to the Government from previous Department of Commerce projects may not be considered for funding.

Priority Topics: Projects in certain broad areas of Department of Commerce interest will receive priority. These areas include export development, industrial location, regional growth, family income, unemployment, rural economic development, migration, private sector economic development participation, minority economic and business development, and the role of productivity and technology in economic development.

Submission Information: Applicants for these funds should submit brief concept papers describing the proposed project and funding sought to Beverly L. Milkman, Director, Office of Planning, Technical Assistance, Research and Evaluation, Economic Development Administration, Room 7866, U.S. Department of Commerce, Washington, D.C. 20230. Proposals received after March 31, 1984, may not receive priority consideration. Applicants whose proposals are not selected shall be notified within 90 days of the submission of their proposal. For further information contact David H. Geddes at (202) 377–4085.

VII. Program: Grants for Public Works and Development Facilities

(Catalog of Federal Domestic Assistance: 11.300 Economic Development Grants and Loans for Public Works and Development Facilities. 11.304 Economic Development Public Works Impact Projects)

Summary: The Economic Development Administration announces its policies and application procedures for grant funds available for the Public Works program under the authority of Titles I and IV of the Public Works and Economic Development Act of 1965, as amended 42 U.S.C. 3121 *et seq.*, (PWEDA). Eligible applicants under this program are States, local subdivisions thereof, Indian Tribes, and non-profit organizations representing EDA-designated redevelopment areas.

Supplementary Information

Grant Objective: The purpose of the Public Works grant program is to assist communities with the funding of public works and development facilities that contribute to the creation or retention of private sector jobs and to the alleviation of unemployment and underemployment.

Funding availability: Grant funds in the amount of $170 million are available for this program, of which $40 million shall be made available on a priority basis for Economic Development Assistance projects which applied for but did not receive assistance under Public Law 98–8.

Funding Instrument: EDA will provide grants with maximum EDA participation normally ranging from 50 percent to 100 percent of the project cost according to existing regulations. Applicants will be required to provide the matching share, as appropriate.

Applications proposed for funding under this program are subject to the requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs."

Selection Criteria:

A. Regular Public Works Projects: Priority will be given to projects which:

- Come out of a joint public/private local planning process;
- Are consistent with any economic development plan prepared by the State;
- Have a substantial local match commensurate with the relative needs of the area;
- Are located in areas of high unemployment and/or low per capita income;
- Will assist in creating or retaining private sector jobs in the near-term;
- Have a low cost per job ratio;
- Benefit the long-term unemployed or underemployed residents of the area to be served by the project;
- Establish near term private sector jobs in growth industries;
- Have broad community support;
- Would not occur without Federal assistance;
- Are supported by substantial private sector investment;
- Complement Department of Commerce goals such as reducing the Federal trade deficit, assisting minority business development, and assisting the development of domestic fisheries.

In addition, industrial park projects will be evaluated based on:

- Occupancy rates for existing developed industrial acres currently available on a county-wide basis as well as within a 25 mile radius of the project site;
- Commitments from identified tenants to locate in the park; and
- Marketing strategy for promoting the park.

Low priority will be given to projects which:

- Do not benefit the long-term unemployed.
- Cannot be implemented within a reasonable period of time.

• Support downtown commercial activities such as parking garages, pedestrian walkways and non-industrial street repairs, unless it can be demonstrated that EDA's assistance is critical to and an integral part of the local economic development strategy for the area and required to support other ongoing development investments.

• Involve substantial land purchase.

• Involve public buildings (except for PWIP).

• Do not have the grantee's share of project funding in hand or immediately available.

• Support tourism or recreational activities, unless it can be demonstrated that tourism is the major industry in the area in which case the project must directly assist in providing job opportunities for the unemployed and underemployed residents of the area and otherwise support the long-term growth of the area.

Public Works Impact Programs: Priority will be given to Public Works Impact Projects (PWIPs) eligible under section 101(a)(1)(D) of PWEDA if such projects:

• Will directly or indirectly assist in creating employment opportunities or other economic benefits, provide immediate useful work (i.e. construction jobs) for unemployed and underemployed persons in the project area, or primarily benefit low income families by providing essential services;

• Have on-site labor costs of at least 25% or more of the estimated total project costs;

• Can be substantially completed within 12 months from the start of construction.

Supplementary grant rates for PWIP projects will be determined as set forth in 13 CFR 305.5 (e) as amended on May 23, 1983 (see **Federal Register**, Volume 48, No. 100, pages 23154–55).

Application Procedures: Interested applicants should contact the appropriate EDA Regional Office regarding their proposals. Unsuccessful applicants for Pub. L. 98–8 funds in fiscal year 1983 must reapply for consideration for the $40 million described above in paragraph "Funding Availability." EDA will screen proposals before authorizing the submission of a formal application. Proposals will be evaluated based on conformance with statutory and policy requirements, the economic development needs of the area, the merits of the proposed project in addressing those needs and the applicant's ability to manage the grant effectively. Following a review of the preapplication materials, EDA will notify proponents whose projects are selected for funding consideration. Applicants selected will be requested to submit a formal application. Applicants with unresolved audits or having an established indebtedness to the Government may not be considered for funding. Applicants whose applications cannot be approved will be advised as soon as practical after the status of EDA's Public Works funding activities has been determined.

Further Information: For further information contact the appropriate EDA Regional Office (see list below).

VIII. Program: Grants for Economic Adjustment Assistance

(Catalog of Federal Domestic Assistance Nos.: 11.307 and 11.311 Special Economic Development Adjustment Assistance Program—Long-Term Economic Deterioration (LTED) and Sudden and Severe Economic Dislocation (SSED).)

Summary: The Economic Development Administration announces its policies and application procedures for grants available under its Economic Adjustment Program. This program authorized under Title IX of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3121, *et seq.*, (PWEDA), may assist areas experiencing long-term economic deterioration (LTED) and areas threatened or impacted by sudden and severe economic dislocation (SSED).

Scope and Purpose: The LTED program assists eligible applicants in implementing strategies that halt and reverse the long-term decline of their economies. Grants for Revolving Loan Funds (RLF) are usually provided under the LTED program. The SSED program assists eligible applicants in responding to actual or threatened major job losses (dislocations). It is designed to assist communities anticipate and prevent a sudden, major job loss or to reestablish employment opportunities as quickly as possible after one occurs. SSED assistance is intended to respond to structural rather than cyclical job losses. Thus, the dislocation must involve a permanent job loss.

Eligible Applicants: Awards will be open to all applicants eligible for assistance under Title IX. These include the following: A designated EDA "redevelopment area," or a non-profit organization determined by EDA to be the representative of a redevelopment area; an Economic Development District; a State; a city or other political sub-division of a State, or a consortium of such political sub-divisions; an Indian tribe; a Community Development Corporation defined in the Community Economic Development Act of 1981. Applicants with unresolved audits or having an established indebtedness to the Government may not be considered for funding. Applications proposed for funding under this program are subject to the requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs."

Funding Considerations: Grant funds in the amount of $33 million are available for the Economic Adjustment program for FY 1984. Not less than $16.5 million shall be available for Revolving Loan Fund (RLF) projects. Under the LTED program EDA will consider proposals that capitalize or recapitalize Revolving Loan Funds in LTED eligible areas (contact EDA's Regional Office to determine eligibility). Under the SSED program EDA will consider proposals that respond to actual or threatened permanent job losses that exceed the following threshold criteria:

1. For areas not in Standard Metropolitan Statistical Areas. a. If the unemployment rate of the Labor Market Area exceeds the national average, the dislocation must amount to the lesser of 4 percent of the employed population, or 1,000 direct jobs.

b. If the unemployment rate of the labor Market Area is equal to or less than the national average, the dislocation must amount to the lesser of 8 percent of the employed population, or 2,000 direct jobs.

2. For areas within Standard Metropolitan Statistical Areas. a. If the unemployment rate of the Standard Metropolitan Statistical Area exceeds the national average, the dislocation must amount to the lesser of 0.5 percent of the employed population, or 4,000 direct jobs.

b. If the unemployment rate of the Standard Metropolitan Statistical Area is equal to or less than the national average, the dislocation must amount to the lesser of 1 percent of the employed population, or 8,000 direct jobs.

Actual dislocations must have occurred within one year and threatened dislocations must be anticipated to occur within two years of the date EDA is contacted.

Surpassing the minimum impact threshold does not confer SSED program eligibility on an area but merely permits consideration of an area.

Economic Adjustment proposals will be assessed according to the evaluation criteria listed below.

Evaluation Criteria: Proposals will be evaluated based on conformance with statutory and regulatory requirements, the economic adjustment needs of the area. the merits of the proposed project in addressing those needs and the applicant's ability to manage the grant effectively.

Key factors in EDA's selection of proposed LTED/RLF projects include:

1. Economic and Financial Needs of the Project Area. a. Areas with the highest levels of economic distress (high unemployment, underemployment, low per capita income, vacant plants and deteriorating infrastructure, etc.) will receive priority consideration.

b. Financial need will be evaluated based on the applicant's analysis of the local capital market and how clearly this analysis defines the financial problems to be addressed by the RLF projects.

2. Objectives and Benefits of Proposed Projects. Priority will be given to projects which:

a. Stimulate private sector employment. The number and types of jobs to be created/retained will be key factors in project selection along with the job/cost ratio established for the RLF portfolio as a whole;

b. Target assistance to specific needs within the area. RLF assistance may be targeted to specific geographic areas, industries, types of employers, types of workers, sizes of firms or in other ways that maximize the impact of RLF resources on area needs;

c. Leverage private investment by attracting other lenders (banks, equity firms, private investors) to participate in loan activities along with the RLF. A minimum ratio of two private dollars to one RLF is required for the initial loan portfolio as a whole. Projects designed to leverage higher ratios of private investment will receive priority consideration (Note: The local share or other funds used by the RLF to finance loans cannot be counted as "leveraged" dollars);

d. Direct new job opportunities to the long-term unemployed and underemployed;

e. Assist minorities, women and members of other economically disadvantaged groups in obtaining RLF loans;

f. Support the goals of state and local economic development plans for the area, including the OEDP and the Title IX adjustment strategy, as appropriate;

g. Support other ongoing or future development investments, particularly other elements of the Title IX adjustment strategy;

h. Provide technical and management assistance for RLF borrowers, in addition to loan funds;

i. Use creative financing techniques to overcome specific gaps in the local capital market;

j. Make loans on a timely basis. The implementation schedule for RLF projects will normally require that RLF loans in the initial round be closed (and all EDA funds disbursed) within 2 years of grant approval;

k. Obtain additional funding to capitalize the RLF. RLF grantees are required to provide a 25% local matching share. Projects which include a larger matching share or secure commitments for future funding from other public or private sources will receive priority consideration; and

l. Coordinate activities with other economic development organizations, loan programs and private lenders in the area.

3. Effective Management of the RLF EDA will also evaluate proposed projects to determine that the RLF will be properly managed. Key factors include:

a. A strong and effective Loan Administrative Board with broad community representation, including appropriate private sector, minority and women's representation.

b. Staff capacity in program and policy development, finance, law, marketing, credit analysis, loan packaging, processing and servicing.

c. Efficient procedures for loan selection, approval, and servicing which emphasize the economic development potential of loans as well as sound management and financing practices.

d. Adequate resources to cover administrative costs of the RLF.

e. The applicant's experience and capacity for administering economic and business loan programs will also be a major factor in project selection. If the applicant has designated another organization to administer the project, EDA will evaluate the experience and capacity of that organization, rather than the applicant's.

f. Non-government (but not including EDD's) applicants must be sponsored by the local or state government having jurisdiction over the project area and the sponsor must be willing to assume responsibility for operating the RLF should the non-government entity no longer be able to administer the project.

Key factors in EDA's selection of proposed SSED projects include:

1. Severity of the specific dislocation(s) targeted for assistance.

2. Capacity of the state or local jurisdiction to administer the program as evidenced by organizational strucuture, personnel, and experience.

3. Potential for success of the proposed activities in saving jobs and/or creating new jobs for dislocated workers.

4. State and local efforts in support of the proposed activity; i.e., related projects and activities.

5. Support to be provided by the private sector, and the relationship of the proposed investment to other Federal investments (e.g., Urban Development Action Grants).

6. Creativity used in addressing the adjustment problems (e.g., Employee Stock Ownership Plans).

7. The cost per job created or retained.

8. The extent to which the proposed funds would complement, rather then duplicate, other public and private investments in the area.

9. The amount of EDA and other Federal assistance recently provided or being provided to the State or local area (areas receiving a substantial amount of EDA or other Federal assistance will not be accorded priority consideration).

10. Willingness to provide at least a 25 percent matching share.

11. If a Revolving Loan Fund is proposed, the potential economic development benefits to result from recycling the loan proceeds.

Pre-Application Procedures: Eligible applicants can respond to this announcement by contacting the EDA Regional Office for their area. For further information about this program inquiries should be directed to Paul J. Dempsey, Director, Office of Economic Adjustment, Economic Development Administration, Room 7857, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–2659.

EDA Regional Offices: The EDA Regional Offices and the States they cover are:

- Craig M. Smith, Director, Philadelphia Regional Office, Mall Building, 325 Chestnut Street, 4th Floor, Philadelphia, Pennsylvania 19106, Telephone (215) 597–4603: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.
- Hugh M. Farmer, Acting Director, Atlanta Regional Office, 1365 Peachtree Street, N.E., Atlanta, Georgia 30309, Telephone (404) 881–7401: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
- Edward G. Jeep, Director, Chicago Regional Office, 175 W. Jackson Blvd., Suite A–1630, Chicago, Illinois 60604, Telephone (312) 353–7707: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
- Joseph B. Swanner, Director, Austin Regional Office, 600 American Bank Tower, 221 West Sixth Street, Austin, Texas 78701, Telephone (512) 482–5461: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
- William J. Roberts, Director, Denver Regional Office, Tremont Center, 333 West Colfax Avenue, Denver, Colorado 80204, Telephone (9303) 837–4714: Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.
- Robert M. Hill, Director, Seattle Regional Office, 1700 Westlake Avenue,

North, Seattle, Washington 98109, Telephone (206) 442–0596: Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington.

Dated: January 27, 1984.

J. Bonnie Newman,

Assistant Secretary-Designate for Economic Development.

[FR Doc. 84–2856 Filed 2–1–84; 8:45 am]

BILLING CODE 3510–24–M

International Trade Administration

University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket Number: 83–290. Applicant: University of California, Berkeley, CA 94720. Instrument: Microdensitometer, M85. Manufacturer: Vickers Instruments, United Kingdom. Intended Use: See notice at 48 FR 40931.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a scanning mode (where the light beam scans a fixed sample) and a sensitivity to corticotraphin of 5×10^{-15} grams per milliliter. The National Institutes of Health advises in its memorandum dated November 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84–2853 Filed 2–1–84; 8:45 am]

BILLING CODE 3510–DS–M

University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket Number: 83–320. Applicant: University of California, Livermore, CA 94550. Instrument: Milimeter Radar Subsystem, Model VZQ 2750A1 and Accessories. Manufacturer: Varian Associates, Canada. Intended Use: See notice at 48 FR 47041.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides selectable pulse widths from 10–500 nanoseconds and a repetition rate of over 20 kilohertz. The National Bureau of Standards advises in its memorandum dated December 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84–2855 Filed 2–1–84; 8:45 am]

BILLING CODE 3510–DS–M

Mayo Foundation; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket Number: 83–317. Applicant: Mayo Foundation, Rochester, MN 55905. Instrument: Cryomicrotome/Sledge Type, LKB 2258–041. Manufacturer: LKB Produkter, AB, Sweden. Intended Use: See notice at 48 FR 45280.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument has a vacuum waste system for operator safety and can cut sections as large as 140 mm X 160 mm from frozen specimens of bone and tissue. The National Institutes of Health advises in its memorandum dated December 6, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84–2854 Filed 2–1–84; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS); Proposed Wilmington Harbor South Dredged Material Disposal Area, New Castle County, Delaware (Operations and Maintenance of the Christina River, Wilmington Harbor, Delaware)

AGENCY: Philadelphia District, U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action evaluates the need for, and alternate methods of, providing a dredged material disposal area near the confluence of the Christina and Delaware Rivers. The approximately 220-acre site would be used for the disposal of material from the Christina

River Federal Channel and turning basin adjacent to the Marine Terminal facilities.

A DEIS was prepared for this project under the Corps' permit authority and noticed in Volume 47, Number 219 of the **Federal Register** on November 12, 1982. The applicant has since withdrawn the permit application. The disposal area is now being developed as a Federal project. A second DEIS will be prepared under this new authority.

2. Alternatives To Be Considered Include:

A. No action;

B. Plans eliminated from further study;

C. Plans considered in detail;

Continued use of Cherry Island;

Marsh creation at Bellevue, Delaware;

Upland disposal at Lukens Steel site, New Castle, Delaware;

Upland disposal at Christina River interchange site;

Upland creation at Port of Wilmington site; and

Marsh creation at Port of Wilmington site

3. Several scoping meetings have been held with agency participation from the Delaware Department of Natural Resources and Environmental Control, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the U.S. Environmental Protection Agency. Written public comments have been received in response to the first DEIS and to the public notice issued under the permit application.

Significant Issues and Concerns To Be Addressed Include:

Wetland Habitat
Intertidal Habitat
Shallow Water Habitat
Aquatic Biota
Dike Construction and Stability
Borrow Area
Mitigation Plan
Economic Need

4. It is anticipated that further scoping meetings will be unnecessary.

5. The DEIS is scheduled to be released for public comment in Spring, 1985.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. Roy E. Denmark, Jr., (telephone No. 215–597–4833 or 3931), Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, Philadelphia District, Custom House, 2nd & Chestnut Streets, Philadelphia, PA 19106.

Roy E. Denmark, Jr.,

Chief, Environmental Resources Branch.

[FR Doc. 84–2817 Filed 2–1–84; 8:45 am]

BILLING CODE 3710–GR–M

Department of the Navy

Privacy Act of 1974; Amendments to the Notices for Systems of Records

AGENCY: Department of the Navy, DOD.

ACTION: Notice of amendment to the notices for systems of records.

SUMMARY: The Department of the Navy proposes to amend the notices for two systems of records in its inventory of systems of records subject to the Privacy Act of 1974. The proposed amendments and system notices as amended are set forth below.

DATES: The proposed actions will be effective without further notice on 30 days.

ADDRESS: Send any comments to the system managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B30), Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone: 202/694–2004.

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

FR Doc. 83–109 (48 FR 26029) June 6, 1983.

The proposed amendments are not within the purview of the provision of 5 U.S.C. 552a(o) which requires the submission of an altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 30, 1984.

SYSTEM NAME:

Navy Personnel Records System (48 FR 26037) June 6, 1983.

CHANGES:

In **PURPOSES(S)**, add the following entry: "Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy military personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the manual and automated system of records.

"Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of military personnel and the operation of personal affairs and functions."

In **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES**, delete the first, fourth, and last paragraphs in their entirety.

Add the following two paragraphs at the end of the entry: "To officials of the Department of Justice for the purpose of representing the DOD in pending or potential litigation.

"Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged or retired from the Armed Forces information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual the United States Government will be liable for the losses the facility may incur."

N05330–2

SYSTEM NAME:

Administrative Personnel Management System (48 FR 26087) June 6, 1983.

CHANGES:

In **CATEGORIES OF RECORDS IN THE SYSTEM**, in line 2, after the word "* * * location * * *," add the following phrase: "* * * (assigned organization code and/or work center code); MOS; labor code; payments for training, travel advances and claims, hours assigned and worked * * *" In line 6, after the phrase: "* * * retention group * * *," add the phrase: "* * * hire/termination dates; type of appointment; leave; trade, * * *" In line 16, after the word: "* * * personnel * * *," add the word: "* * * financial * * *"

In **AUTHORITY FOR MAINTENANCE OF THE SYSTEM**, at the end of the entry, add the following phrase: "* * * and 2208."

In **PURPOSE(S)**, add the following paragraph: "Officials and employees of the Department of the Navy in the performance of their duties relating to the management, supervision and administration of all Navy military and civilian personnel such as preparing social and/or emergency recall rosters, watch bill lists, and clearance and

access control lists; contacting appropriate personnel in emergenices; training; analyzing and controlling financial, budget, travel, and labor cost matters; tracking travel advances and claims and payments for training; manpower and grades; maintaining statistics for minorities; employment; projection of retirement losses; verifying employment to requesting banking; rental and credit organizations; name change location; checklist prior to leaving activity; payment of mutual aid benefits; and similar financial and administrative uses requiring personnel data.

"Arbitrators and hearing examiners in civilian personnel matters relating to civilian grievances and appeals."

In ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES, delete the entire entry and substitute with the following: "The blanket routine uses that appear at the beginning of the Department of the Navy's compilation apply to this system."

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

In RETRIEVABILITY, at the end of the entry add the following phrase: "* * * work center and/or job order."

As amended, systems N01070–3 and N05330–2 read as follows:

N01070–3

SYSTEM NAME:

Navy Personnel Records System.

* * * * *

PURPOSE(S):

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy military personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the manual and automated system of records.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of military personnel and the operation of personal affairs and functions.

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

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's military manpower management program.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. State, local, and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of such agencies.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of military personnel and the operation of personnel affairs and functions.

Officials and employees of the National Research Council in Cooperative Studies of the National History of Disease; of Prognosis and of Epidemology. Each study in which the records of members and former members of the naval service are used must be approved by the Chief of Naval Personnel

Officials and employees of the Department of Health and Human Services, Veterans' Administration, and Selective Service Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy. The Senate of the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of the files or records of Navy military personnel.

Officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to assistance of the members and their dependents and relatives.

Duly appointed Family Ombudsmen in the performance of their duties related to the assistance of the members and their families.

State and local agencies in performance of their official duties related to verification of status for determination of eligibility for Veterans' Bonuses and other benefits and entitlements.

Such civilian contractors and their employees as are or may be operating in accordance with an approved, official contract with the U.S. Government. When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Officials and employees of the Office of the Sergeant at Arms of the United States House of Representatives in the performance of official duties related to the verification of the active duty naval service of members of Congress.

To officials of the Department of Justice for the purpose of representing the DOD in pending or potential litigation.

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged or retired from the Armed Forces information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual the United States Government will be liable for the losses the facility may incur.

* * * * *

N05330–2

SYSTEM NAME:

Administrative Personnel Management System.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence/records concerning identification, location (assigned organization code and/or work center code); MOS; labor code; payments for training, travel advances and claims, hours assigned and worked, routine and emergency assignments, functional responsibilities, clearance, educational and experience characteristics, travel, retention group, hire/termination dates; type of appointment; leave; trade, vehicle parking, disaster control, community relations (blood donor, etc.), employee recreation programs, grade and series or rank/rate, retirement category, awards, property custody, personnel actions/dates, violations of rules, physical handicaps and health data, veterans preference, mutual aid association memberships, union memberships, qualifications and other data needed for personnel, financial,

line and security management, as appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031 and 2208.

PURPOSE(S):

Officials and employees of the Department of the Navy in the performance of their duties relating to the management, supervision and administration of all Navy military and civilian personnel such as preparing social and/or emergency recall rosters, watch bill lists, and clearance and access control lists; contacting appropriate personnel in emergencies; training; analyzing and controlling financial, budget, travel, and labor cost matters; tracking travel advances and claims and payments for training; manpower and grades; maintaining statistics for minorities; employment; projection of reitrement losses; verifying employment to requesting banking; rental and credit organizations; name change location; checklist prior to leaving activity; payment of mutual aid benefits; and similar financial and administrative uses requiring personnel data.

Aribrators and hearing examiners in civilian personnel matters relating to civilian grievances and appeals.

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

The blanket routine uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

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

* * * * *

RETRIEVABILITY:

Name, SSAN, Case number, organization, work center and/or job order.

[FR Doc. 84-2828 Filed 2-1-84; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Matching Program—Department of the Navy/City of New York

AGENCY: Department of the Navy, DOD.

ACTION: Notice of a Matching Program—Department of the Navy/City of New York.

SUMMARY: The Department of the Navy proposes to match by computer certain U.S. Navy allotment records with records of recipients of food stamps and public assistance in the City of New York. The matches will be made under a written agreement between the City of New York and the Navy. The Navy will perform the matches using data provided by the City and information from existing Navy allotment records. A matching report is set forth below.

DATE: The match began on January 15, 1984.

ADDRESS: Send any comments to: Chief of Naval Operations (OP-09B1P), Department of the Navy, Washington, DC 20350. Telephone: 202/694-2004.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Chief of Naval Operations (OP-09B1P), Department of the Navy, Washington, DC 20350. Telephone: 202/694-2004.

SUPPLEMENTARY INFORMATION: At the request of the City of New York, the Department of the Navy has tentatively agreed to match certain data in the Navy records concerning recipients of allotments from Navy members with certain welfare records of the City of New York. Set forth below is the information required by paragraph 5.f.1. of the Revised Supplemental Guidance for Conducting Computerized Matching Programs issued by the Office of Management and Budget (47 FR 21656; May 11, 1982). A copy of this notice has been provided to both Houses of Congress and the Office of Management and Budget.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

January 27, 1984.

Report of a Matching Program Department of the Navy/City of New York, New York

a. *Authority:* Title 42, United States Code, Subchapter IV, "Grants to States for Aid and Services to Needy Families with Children and for Child Welfare Services" and Title 7, United States Code, Chapter 51, "Food Stamp Program."

b. *Program Description:* Using computer tapes prepared by the City of New York, the Department of the Navy will match the names on the tape against its computer data base of individuals receiving allotments authorized by Navy members. These New York tapes will contain the names and addresses of current public assistance/food stamp recipients. These will be matched to the names and addresses of current Navy allottees. "Hit" data will be supplied on a paper listing to New York City for visual review and screening. The Navy will use a specially developed computer program to implement this match.

c. *Records to be Matched:* Names and addresses of current public assistance/food stamp recipients from the New York City Department of Income Maintenance file. Names and addresses of current Navy allottees from the Navy system of records identified as NO77220-5, entitled: "Joint Uniform Military Pay System (JUMPS)" described in the **Federal Register** at Volume 48, **Federal Register**, Page 26135, June 6, 1983.

c. *Period of the Match:* The matches will begin on January 15, 1984 and additional matches will be made upon request but no more than four times a year.

e. *Security:* Only the Navy personnel who perform the actual match will have access to the Navy file and the New York City computer tapes. Only the list of "hits" will be turned over to personnel from the City of New York. The New York City personnel will have access only to the details of the "hits" and not other information or names in the Navy files. The City intends to retain the listings provided for six months and storage will be in locked cabinets. Upon completion of the match, the computer tapes provided by the City, will be returned to the City and no copies will be retained by the Navy.

f. *Disposition of Records:* The Navy will not retain or copy the tapes provided by the City. The tapes will be returned to the City along with the "hit" data. The City officials will visually review the "hit" data to ensure that the records pertain to the same individuals and to make initial follow up determinations. In those situations where there is any question as to eligibility, the recipient will be contacted to resolve the issue. No benefits will be discontinued solely on the basis of the "hit" data listings. The City of New York will retain the listings received from the Navy for only six months and will dispose of them by shredding or burning.

g. *Other Comments:* The Navy will not provide the "hit' data developed to any other Federal, state or local agencies. Also no Navy bestowed rights, privileges or benefits of individuals will be terminated solely based on a "hit" or the records provided by the City of New York in connnection with this program.

[FR Doc. 84-2829 Filed 2-1-84; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Guaranteed Student Loan Program and PLUS Program

AGENCY: Office of Postsecondary Education.

ACTION: Notice of Special Allowances for Quarter Ending December 31, 1983.

The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP) or the PLUS Program. This sp ecial allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087–1). Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087–1(b)(2)(B), for the quarter ending December 31, 1983, the special allowance will be paid at the following rates:

	Applicable interest rate (percent)	Annual special allowance rate (percent)	Special allowance rate (percent) for quarter ending December 31, 1983
GSLP loans or PLUS loans made prior to October 1, 1981	7	5.75	.014375
	9	3.75	.009375
GSLP loans or PLUS loans made on or after October 1, 1981	7	5.66	.01415
	8	4.66	.01165
	9	3.66	.00915
	12	0.66	.00165
	14	0.00	.00000

The Assistant Secretary determines the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate by making the following four calculations:

(a) *Step 1.*

Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the quarter for which this notice applies;

(b) *Step 2.*

Subtract from that average the applicable interest rate (7, 8, 9, 12, or 14 percent) of loans for which a holder is requesting payment;

(c) *Step 3.*

(1) Add 3.5 percent to the remainder; and

(2) In the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent;

(d) *Step 4.*

Divide the resulting percent of Step 3 (either (c)(1) or (c)(2), as applicable) by four.

FOR FURTHER INFORMATION CONTACT: Andrejs Penikis, Program Specialist, or Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 245–2475.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

Dated: January 30, 1984.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 84–2874 Filed 2–1–84 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Bilingual Education; Meeting Correction

AGENCY: Department of Education.

ACTION: Notice of meeting correction.

SUMMARY: This notice corrects the dates announced for the meeting of the National Advisory Council on Bilingual Education published in the **Federal Register** of Friday, January 27, 1984, Page *3512* which read October 10 & 11, 1984. The announcement should read: The National Advisory Council will meet on February 10 & 11, 1984.

FOR FURTHER INFORMATION CONTACT: Ramon Ruiz, Designated Federal Official, Room 421, Reporter's Building, 400 Maryland Avenue, SW., Washington, D.C. 20202, (202) 245–2600.

Dated: January 30, 1984.

Jesse M. Soriano,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 84–2923 Filed 2–1–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Designation of Properties Under the Provisions of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978 (Pub. L. 95–604)

AGENCY: Department of Energy.

ACTION: Under the terms of a consent order filed in the United States District Court for the District of Columbia on June 23, 1983 (Civil Action No. 81–1353), the Department of Energy was ordered to "* * * 'designate', as that term is used in Section 102 of UMTRCA, 42 U.S.C. 7912, all vicinity properties as defined in section 101(6)(B) of UMTRCA, 42 U.S.C. 7912(6)(B), which have not previously been designated," and to publish in the **Federal Register** the number of such vicinity properties which have been designated and the nearest processing site and city. In this notice the Department announces the designation of 8156 such properties which are in the vicinity of the 24 inactive uranium processing sites previously designated under UMTRCA, 42 U.S.C. 102(a)(1), and are suspected to contain residual radioactive material derived from those sites.

SUMMARY: The purpose of the Uranium Mill Tailings Radiation Control Act of 1978 is to provide, in cooperation with interested states, Indian tribes, and persons who own or control inactive mill tailings sites, a program of assessment and remedial action at these sites to stabilize and control the tailings in a safe and environmentally sound manner and to minimize or eliminate radiation health hazards.

In accordance with the provisions of section 102(a)(1) of the Act, the Secretary of Energy designated on November 8, 1979, 24 inactive uranium processing sites and established priorities for conducting remedial action at these sites.

This notice announces the designation by the Secretary of Energy of 8156 public and private properties in the vicinity of the 24 inactive uranium processing sites, suspected to contain residual radioactive material derived from the processing sites. These properties are located in the vicinity of these sites and cities as indicated below:

Processing site	Location	No. of vicinity properties designated
Monument Valley	Monument Valley, AZ	17
Tuba City	Tuba City, AZ	8
Durango	Darango, CO	137
Grand Junction	Grand Junction, CO	6,905
Gunnison	Gunnison, CO	14
Maybell	Maybell, CO	0
Naturita	Naturita, CO	60
Rifle (2 sites)	Rifle, CO	384
Slick Rock (2 sites)	Slick Rock, CO	4
Lowman	Lowman, ID	17
Ambrosia Lake	Ambrosia Lake, NM	0
Shiprock	Shiprock NM	17
Belfield	Belfield, ND	11
Bowman	Bowman, ND	3
Edgemont	Edgemont, SD	216
Lakeview	Lakeview, OR	4
Canonsburg	Canonsburg, PA	111
Falls City	Falls City, TX	20
Green River	Green River, UT	29
Mexican Hat	Mexican Hat, UT	21
Salt Lake City	Salt Lake City, UT	127
Converse County	Converse County, WY	1
Riverton	Riverton, Wy	50

Following the designation of these properties, surveys will be conducted to confirm whether any levels of radioactivity found at these properties exceed the EPA Standards for Remedial Actions at Inactive Uranium Processing Sites (40 CFR 192), which would make these properties eligible for inclusion in the Department's remedial action program.

Further information regarding the above designations, including property

address and location, the identity of commercial or public uses of properties, and the nature and extent of the radioactive materials on such properties, to the extent available, may be obtained by writing to Mr. John E. Baublitz, Director, Division of Remedial Action Projects, Office of the Assistant Secretary for Nuclear Energy, Washington, D.C. 20545, telephone (301) 353–5272 and requesting such information pursuant to the Freedom of Information Act.

Dated: January 30, 1984.

Shelby T. Brewer,

Assistant Secretary for Nuclear Energy.

[FR Doc. 84–2924 Filed 2–1–84; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATES: Last notice published Thrusday, January 12, 1984 (49 FR 1548).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Divsion, Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Ave. SW., Washington, D.C. 20585, (202) 252–2308.

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington D.C. 20503, (202) 395–7340.

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C. 20503, (202) 395–7313.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer for the appropriate agnecy as shown above. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., January 30, 1984.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE Forms Under Review by OMB

Form No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respondent burden 8)	Abstract (9)
EIA–176	Annual Report of Natural & Supplemental Gas Supply & Disposition.	Extension	Annual	Mandatory	Natural gas pipeline companies, distributors, Underground storage operators, SNG plant operators, field, well or processing plant operators.	1,806	22,936	Form EIA–176 collects data on natural gas supply and disposition and relevant costs, prices and related information at the State level. Data are used to determine the quantity of natural gas consumed by market sector.

[FR Doc. 84–2925 Filed 2–1–84; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. RP81-61-016 and RP82-80-013]

ANR Pipeline Co. (Formerly Michigan Wisconsin Pipe Line Co.); Corrected Filing

January 27, 1984.

Take notice that on January 19, 1984, ANR Pipeline Company (formerly Michigan Wisconsin Pipe Line Company) (ANR), filed two corrected sheets to its December 2, 1983, filing of fifty-five (55) executed Service Agreements entered into between ANR and customers, which reflected revisions in various terms in previously filed Service Agreements as authorized by Federal Energy Regulatory Commission order of February 10, 1983. The two sheets which have been corrected for minor typographical errors are:

Great River Gas Company—page 2 of Agreement dated February 10, 1983.
Ohio Gas Company—page 2 of Agreement dated February 10, 1983.

ANR states that copies of the filing were sent to all customers affected and to the following Commissions: Illinois Commerce Commission, Public Service Commission of Indiana, Iowa State Commerce Commission, Kansas State Corporation Commission, Michigan Public Service Commission, Missouri Public Service Commission, Public Utilities Commission of Ohio, Tennessee Public Service Commission, and the Public Service Commission of Wisconsin.

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 Rule 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 February 2, 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 proceedings. 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. 84-2909 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM81-19, Docket No. ST82-261-001]

Arkansas Oklahoma Gas Corp.; Extension Reports

January 30, 1984.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. Three other symbols are used for transactions pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations. A "G(HS)" indicates transportation, sale or assignments by a Hinshaw pipeline; A "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before March 2, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST82-261-001 [1]	Arkansas Oklahoma Gas Corp., P.O. Box 2406, Fort Smith, AR 72902	Tennessee Gas Pipeline Co	01-09-84	G	04-02-84
ST82-268-001	Florida Gas Transmission Co., P.O. Box 44, Winter Park, FL 32790	Valero Transmission Co	01-03-84	B	04-12-84
ST82-275-001	Transcontinental Gas Pipe Line Corp. P.O. Box 1396, Houston, TX 77251.	Richie Gas System, Inc	01-03-84	B	04-08-84
ST82-276-001	do	Philadelphia Electric Co	01-03-84	B	04-05-84
ST82-277-001	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001	Transcontinental Gas Pipe Line Corp	01-06-84	C	04-07-84
ST82-295-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Tennessee Gas Pipeline Co	01-11-84	G	05-05-84
ST82-307-001	Stauffer-Wyoming Pipeline Co., P.O. Box 513, Green River, WY 82935	Northwest Pipeline Corp	01-04-84	D	04-05-84

[1] These extension reports were filed after the date specified by the Commission's Regulations, and shall be the subject of a further Commission order.

NOTE.—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 84-2910 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-75-000]

Consolidated System LNG Co.; Informal Conference

January 27, 1984.

Take notice that an informal conference will be convened at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. on February 7, 1984, at 10:00 a.m. in the above-styled proceedings. At the conference various issues raised by the application filed by Consolidated System LNG Company and the answers to the Commission's August 1, 1983 Show Cause order will be discussed. All parties to these proceedings are invited to attend and participate, but mere attendance by interested persons will not serve to make them formal parties to the proceeding.

For further information contact William J. Froehlich, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8430.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2920 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. EF84-2011-002, EF84-2011-003, EF84-2011-004, EF84-2011-005, EF84-2021-002, EF84-2021-003, EF84-2021-004, and EF84-2021-005]

Department of Energy—Bonneville Power Administration; Order Granting Request for Temporary Interim Rates, Denying Renewed Motion for Partial Summary Disposition, Granting Request for Clarification and Deferring Action on Requests for Hearing

January 27, 1984.

On November 25, 1983, the Bonneville Power Administration (BPA or Bonneville) filed an application for rehearing and request for clarification of the Commission's order of October 26, 1983, in this proceeding (25 FERC ¶61,140). On the same date, the Public Utilities Commission of the State of California (CPUC) filed a request for rehearing as well. Also on November 25, 1983, a group of California utilities (California Utilities)[1] filed a renewed motion for partial summary disposition, petition for reconsideration and request for hearing. On November 28, 1983, the California Energy Commission (CEC) also filed a request for rehearing, one day out of time.

On December 12, 1983, a group of Northwest parties (Northwest Parties)[2] filed an answer opposing the California Utilities' renewed motion for partial summary disposition. On December 13, 1983, the California Utilities filed a motion for leave to reply to the memorandum of the Northwest Parties. On January 3, 1984, BPA filed a motion to strike the renewed motion of the California Utilities and all subsequent pleadings related thereto. The California Utilities filed an opposition to BPA's motion on January 10, 1983.[3]

On December 13, 1983, Puget Sound Power & Light Company (Puget Sound) filed a letter to the Commission's Secretary requesting that, should the Commission take any action other than denial of BPA's application, it be given an opportunity to respond to that application. Puget Sound also expresses a concern that the Commission staff has privately met with the BPA staff regarding BPA's application. Puget Sound requests notice and the opportunity to participate in any such meetings. On January 3, 1984, the Public Generating Pool joined in Puget Sound's requests.[4]

On January 4, 1984, Pacific Power & Light Company and Portland General Electric Company (Private Utilities) filed a motion for leave to answer BPA's application. Acknowledging that the Commission's Rules of Practice and Procedure do not provide for answers to requests for rehearing and that even under our rules for answers to motions their request is untimely, the Private Utilities seek leave to answer BPA in order to "point out peculiar harm to their stockholders that would arise if the revised form of relief were made effective immediately." Motion at 2. In their answer, the Private Utilities note that BPA has requested temporary interim approval of its proposed transmission rates, and request that if this proposal is granted, interim approval not be made effective until 30 days from the Commission's order. The Private Utilities assert that this time is needed to make retail rate filings in the States in which they serve retail loads in order to obtain approval for pass-through of any BPA rate increases. Without such advance notice, the Private Utilities state that they would not receive full recovery of the costs to them of the higher rates. On January 11, 1984, the Washington Water Power Company joined in the Private Utilities' request.

On January 18, 1984, BPA filed a status report on its progress towards compliance with the Commission directive to provide separate accounting information.

Discussion

As a preliminary matter, we shall address Puget Sound's request. Under our regulations, the Administrator or a designee is entitled to seek guidance from our staff prior to submitting a new transmission rate application. 18 CFR 300.2. Under current circumstances, we view BPA's request to meet with our staff as falling within the type of meeting contemplated by this regulation, since it concerns guidance in complying with a previous Commission mandate.

BPA Application

Our order of October 26, 1983, granted interim approval of BPS's wholesale power rates and denied its request for interim approval of its transmission rates. Further, we extended approval of the current transmission rates, which would otherwise have expired on

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[1] Southern California Edison Company, Pacific Gas and Electric Company, Department of Water and Power of the City of Los Angles, Public Service Department of the City of Glendale, Public Service Department of the City of Burbank, Water and Power Department of the City of Pasadena, and San Diego Gas & Electric Company.

[2] Direct Service Industries, Inc., Public Generating Pool, Public Power Council, Portland General Electric Company, and the Public Utility Commissioner of Oregon.

[3] The California Utilities state that their "renewed motion" is not an application for reconsideration because "the Commission denied their earlier motion for partial summary disposition *without prejudice*." Motion at 2. The California Utilities have misinterpreted our earlier order and taken this statement out of context. Our intention was to consider the California parties' objections while conducting "a more detailed review of BPA's proposal . . . for purposes of determining whether the rates should be confirmed and approved on a final basis." 25 FERC ¶ 61,140 at 61,374-75. Thus, we denied the California Utilities' request for summary disposition as it applied to BPA's request for interim approval without prejudice to our considering it later with respect to final confirmation and approval. The California Utilities' renewed motion, therefore, was inappropriate and is in essence an application for rehearing. Because the intent of our order may not have been entirely clear, all subsequent pleadings related to this filing have been considered on their merits, although procedurally improper. We shall, therefore, deny BPA's motion to strike but emphasize that such a litany of improper filings will not be entertained in the future unless good cause is shown for their consideration.

[4] We note that both Puget Sound and the Public Generating Pool were granted intervention in this proceeding by our October 26, 1983 order. In seeking intervention, both parties' failed to comment on or protest, with any specificity, the proposed transmission rate, although both had an opportunity to do so. The subject transmission rate examined on rehearing has not changed by virtue of BPA's application. It is the same rate. In addition to the fact that our rules do not provide for answers to requests for rehearing, we see no good cause for providing either Puget Sound or the Public Generating Pool with an additional opportunity to comment on the proposed rates.

December 31, 1983, for a period of one year. We rejected the proposed transmission rates because of BPA's failure to comply with a previous Commission order directing BPA to file a separate accounting of its costs.

In its November 25, 1983, pleading, BPA expressly states that it does not seek rehearing of the Commission's rejection of the proposed transmission rates. Rather, BPA requests temporary interim approval of those rates four months, effective as of the date of the Commission's order on rehearing or a time specified by the Commission. During that period, BPA proposes to collect and submit the necessary information to satisfy the Commission's directive. Specifically, BPA has submitted a suggested format for an accounting methodology and requests an opportunity to discuss its compliance efforts with the Commission's technical staff.

In its January 18, 1984, status report, BPA identifies two issues which it has confronted in the course of meeting the Commission's mandate. The first concerns the fact that the transmission component is bundled with BPA's wholesale power rates. To separate out these transmission related costs would require changes in BPA's current rate design methodology. The second problem involves the question of whether BPA should develop separate repayment studies for determining BPA's generation and transmission revenue requirements. BPA asserts that implementation of separate studies on an historical basis would be infeasible. BPA seeks staff guidance on how to approach these two problems and reiterates its request for a meeting with our technical staff.

Further, BPA has compiled preliminary cost and revenue data for Fiscal Year (FY) 1982 presented in the tabular format suggested in its November 25, 1983, pleading. BPA states that if the Commission approves this format, it would be prepared for each successive fiscal year, starting in FY 1983, and submitted with each future rate filing. BPA expects the FY 1983 data to be available within two to three weeks. BPA does not, however, "believe it would be efficacious to compile this information for fiscal years prior to FY 1983 because of the subjective judgements necessary to reconstruct historic data." Status Report at 6.

We are encourage by BPA's apparent commitment to resolve this matter. However, upon examination of BPA's proposal for tracking transmission and generation costs, we find that such a tracking method will not accomplish the results required by our October 26, 1983 order, given the way Bonneville currently designs its rates. Although under its proposal BPA would separately track its transmission and generation costs, it would subsequently roll all of these costs together into its next repayment study of designing and ultimately into the design of its rates. We would therefore be unable to determine which costs were or were not being recovered in BPA's rates. Because revenue deficiencies are not experienced uniformly over the generation and transmission components of the system, an adequate tracking system must ensure that the deficient revenues from one component are not being subsidized by the other component. A single power repayment study which combines transmission and generation costs precludes the proper assignment of revenue deficiencies to the two functions. We therefore believe that Bonneville must develop separate repayment studies for its generation and transmission systems.

In its January 18, 1984 filing, Bonneville seeks guidance as to whether it must change the current design of its wholesale power rates to separate out ("unbundle") its transmission-related costs. We do not believe that this is required, since the same results could be accomplished by comparing estimated use of the transmission system—by both power (Federal) and wheeling (non-Federal) customers—with actual use at the end of the year. Any variances could then be factored into the power repayment studies in Bonneville's next rate filing.

Bonneville also requests guidance as to whether it must attempt to reconstruct a functionalization of costs for prior periods, contending that this would be infeasible since the data are not available and any reconstruction would be highly subjective. We believe that any system designed to assure that the cost of Bonneville's transmission system are equitably shared by Federal, and non-Federal users must begin with the most accurate investment figures possible. We recognize that if data are not available, any reconstruction of such data must necessarily be subjective. However, we believe that reasonable estimates are preferable to using figures that are known to be incorrect.

We shall grant BPA's request for clarification and provide the following specific instructions to assist BPA in complying with our separate accounting requirement:

(1) Establish separate books of account for the Federal Columbia River Transmission System (FCRTS).

(2) The FCRTS shall be comprised of all investments, including administrative and management costs, related to the transmission of electric power, except where, for good cause shown, specific facilities have been excluded.

(3) Determine the total FCRTS investment from the effective date of the Federal Columbia River Transmission System Act of 1974 forward, stating specifically the date of each investment, its repayment date and the amount paid from transmission revenues from that date to the present. Provide an accounting of all deficits or excess during this historic period and an assignment of such deficits or excess to Federal and non-Federal usage of the system. Estimates should be made and supported for any period for which raw data are not available.[5]

If Bonneville meets the requirements set forth in this order, the format which it proposes at Exhibit No. 1 of its November 25, 1983 pleading (as illustrated in its filing of January 18, 1984) would be acceptable.

In the meantime, we shall grant BPA's request for temporary interim approval beginning February 1, 1984, based on Bonneville's assurances that four months from the date of this order, BPA will file with this Commission the above-delineated information. We have been concerned from the outset that BPA's failure to justify approval of its transmission rates on an interim basis would undoubtedly result in some underrecovery of revenues and thus compound any delays in repaying the Federal treasury. Since a major part of our statutory responsbility is to ensure that the Federal investment is repaid, we believe that interim approval of the transmission rates, subject to refund, can be justified in light of Bonneville's assurances that it will provide within four months, the information required to enable us to review the rates on a final basis. The proposed transmission rates shall remain in effect, subject to refund, pending our review of the filing and the information submitted by Bonneville.

Although the February 1, 1984 effective date does not give the Private Utilities the 30 day advance notice which they requested, we believe they should have adequate time to make the requisite retail filings prior to any billings from BPA under this rate. Because the transmission rate was filed with the State commissions previously and then withdrawn, it should require little time for the Private Utilities to

[5] Nothing in these instructions should be construed to imply any change in the priorities set for the use of the FCRTS. First priority of access to the FCRTS should continue to be given to transmission and other related services for the sale of Federal power.

compile the needed documents for such filings. Since the Private Utilities have provided us with no details regarding their difficulties in filing with the State commissions, we have no basis for presuming that our assumptions are incorrect.[6]

We shall also require that Bonneville file a status report with the Commission 60 days from the date of this order to ensure that appropriate progress has been made toward compliance. This report should include the format for the transmission and generation repayment studies and a progress report on the development of the investment data from 1974 to 1982 required by our order.

TGT–1 Rate

BPA also seeks interim approval of its proposed TGT–1 transmission rate, effective as of November 1, 1983, which, BPA believes, was inadvertently rejected along with all of BPA's transmission rates. According to BPA, this rate is based solely upon cost-sharing provisions in the Eastern Intertie transmssion agreement between itself and five investor-owned utilities. The Eastern Intertie is comprised of two federally owned 500 kV transmission lines which span 85 miles across eastern and western Montana. BPA states that it is a separately identified portion of the Federal system and was not operational until November 1, 1983. Consequently, BPA believes that this rate is not affected by the separate transmission accounting problem.

We shall grant BPA's request for rehearing of our denial of interim approval of the TGT–1 rate. BPA is correct that our disapproval of this rate was inadvertent. BPA's transmission filing did not make clear the circumstances described by its pleading. It appears that the Eastern Intertie is a separate self-sustaining facility and can be severed from the overall transmission system filing. On this basis, interim approval shall be granted.

Finally, BPA requests an opportunity to respond to all comments on the scope of further proceedings before this Commission. The Commission's October 26, 1983 order had given all parties an opportunity to delineate what issues should be set for hearing pursuant to section 7(k) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act or Act). We believe that all parties' responses to each others' comments would be helpful. We, therefore, shall grant BPA's request and allow cross-comments on the scope of further proceedings in these dockets.

California Parties

The California Utilities, CPUC, and CEC each seek rehearing or reconsideration of the Commission's interim approval of BPA's rates for non-firm power sold outside the Pacific Northwest region but within the United States (Rate Schedule NF–83).[7] Alternatively, the California Utilities and CEC request that the non-firm rates be set for hearing pursuant to section 7(k) of the Act.

These parties are specifically concerned about the spill and displacement rates which they contend are discriminatory and anticompetitive. According to the California parties, due to BPA's price-leadership role in the Northwest surplus energy market, BPA's non-firm rates effectively set a floor price for such power. Because they believe that the interim rate is excessive, the California parties argue that they will be forced to pay other Northwest suppliers a similarly excessive rate. Since entities other than BPA supply one-third of the exported surplus power from the Northwest region, the California parties contend that excessive rates paid to these utilities are irretrievably lost. Accordingly, these parties contend that they will be irreparably harmed by the implementation of the non-firm energy rates even if they are in effect subject to refund. Consequently, these parties contend that these rates should be revoked and not permitted to take effect until the conclusion of a section 7(k) hearing.

Sales of Northwest suplus power to California are transacted under an agreement between BPA and the other Northwest parties referred to above. This agreement, known as the "Exportable Agreement," provides that during spill conditions all parties who have exportable surplus energy will receive a share of the Pacific Intertie in proportion to the size of their surplus. Further, all export energy sold under this agreement is sold at BPA's rate. Consequently, the California Utilities argue that the agreement makes "BPA a price-leader by contract." Motion at 11.

We find that this provision, however, serves to refute rather than support the California parties' argument. Attachment B of the California Utilities' pleading contains the following statement from a BPA memo dated December 5, 1982, from the Chief of BPA's Contract Management Branch:

> When a party schedules its apportioned "Exportable Energy" to BPA, such party's energy is combined with all other Exportable Energy, and *sold by PBA as Federal energy to California utilities* under existing power sales contracts at the lowest rate specified under BPA's Wholesale Nonfirm Energy Rate Schedule. The scheduling party is credited (i.e., paid) for its "sale" of Exportable Energy by BPA at the referenced rate. (emphasis supplied).

Thus, BPA appears to treat all energy sold under the Exportable Agreement as Federal energy sales. Accordingly, contrary to the California claims, these sales would apparently be subject to the same refund provisions in effect for sales of energy generated from Federal facilities.

In any event, the price leadership question was clearly addressed in the preamble of our recent rule on interim approval of BPA's rates. In discussing CEC's comments on the rule, we stated:

> Regarding the "price leadership" problem raised by CEC, the Commission notes that any utility regulated by the Commission would have to file a change in rates with this Commission prior to "following" BPA's price. The Commission would, of course, review this rate change under its Federal Power Act (FPA) authority, with all the protections attached thereto. The rate could be suspended, collected subject to refund, and would have to meet the "just and reasonable" standard of the Federal Power Act. If rates that are not subject to the Commission's rate review jurisdiction "follow" BPA's "lead", the situation is admittedly different. However, Congress has not provided a way to avoid the kinds of impacts that concern CEC without seriously diminishing the Commission's interim approval authority and contravening Congress' objective of obtaining swift Commission action, which would be the inevitable results of holding a section 7(k) hearing prior to granting interim approval. The issues to be resolved at such a hearing are precisely the issues that have to be resolved in order to confirm and approve the rates on a final basis. It is unlikely that Congress intended that interim rate approval, even for nonregional rates, serve this function. Accordingly, this final rule does not require that a hearing be held prior to approval of rates on an interim basis. FERC Statutes and Regulations ¶30,483 at 30,635.

Furthermore, any rates which are not subject to our jurisdiction are, presumably, subject to the jurisdiction of the appropriate State regulatory authority. The parties may seek the necessary protections from those authorities. Accordingly, we shall deny the California parties' request for

[6] For example, on January 24, 1984, BPA's direct service industrial customers filed an answer to the Private Utilities asserting that 30 days' notice was not required.

[7] The California Utilities also formally object to BPA's surplus firm power rate (Rate Schedule SP–83). They contend that this rate is not based on a proper cost allocation. They have refrained, however, from addressing this objection in their pleading because of their interpretation of Commission precedent denying rate design review of such rates.

revocation of interim approval of BPA'S NF–83 rate.

The California parties have also raised the issue of the cost basis of the NF–83 rates. Specifically, the CPUC contends that this rate should be based strictly upon BPA's marginal costs in providing this service. This issue, as well as the other issues raised by the California parties, would be more appropriately addressed by the Commission after receipt of all cross-comments. At that time, we will evalutate the necessity of a section 7(k) hearing and what issues that hearing should cover. Accordingly, we shall defer ruling on all requests for hearings under section 7(k) of the Act.

The Commission orders: (A) BPA's request for rehearing and clarification is hereby granted as discussed in the body of this order. BPA's proposed transmission rates are hereby permitted to be placed into effect on an interim basis, subject to refund, for a period of one year effective February 1, 1984, pending the Commission's final confirmation and approval, or disapproval or the transmission rates.

(B) BPA's request for interim approval of its TGT–1 transmission rate is hereby granted. BPA's TGT–1 rate is hereby permitted to be placed into effect on an interim basis, for a period of one year effective as of November 1, 1983, subject to refund with interest as set forth in Part 300 of the Commission's regulations, pending final confirmation and approval, or disapproval of BPA's TGT–1 rate and charges. Docket Nos. EF84–2011–002, *et al.*

(C) All requests for rehearing and reconsideration, except as provided above, are hereby denied.

(D) California Utilities' renewed motion for partial summary disposition is hereby denied.

(E) BPA's request for an opportunity to respond to all comments filed pursuant to ordering paragraph (F) of our order of October 26, 1983, is hereby granted. Within thirty (30) days of the date of this order, BPA and all other parties who wish to do so, shall file cross-comments on this matter.

(F) Action on all requests for a hearing pursuant to section 7(k) of the Act is hereby deferred.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2922 Filed 2–1–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–216–000]

Idaho Power Co.; Filing

January 30, 1984.

The filing Company submits the following:

Take notice that on January 19, 1984, Idaho Power Company (Idaho) tendered for filing a Service Agreement between it and the City of Eugene, Oregon and the City of Farmington, New Mexico, covering the sale of nonfirm energy under Idaho Power Company's 1st Revised FERC Electric Tariff, Volume No. 1.

Idaho requests an effective date of February 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 13, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2913 Filed 2–1–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. G–2755–001, et al.]

Kerr-McGee Corp., et al.; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates [1]

January 30, 1984.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 15, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

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

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft³	Pressure base
G–2755–001, D, Jan. 10, 1984	Kerr-McGee Corp	Phillips Petroleum Co., Bob #1 Section 39, Block 2, GH&H Survey 3-T, T&NO Survey, Sherman County, Tex.	(1)	
G–11742–009, D, Jan. 16, 1984	Mobil Oil Corp., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Northwest Central Pipeline Corp., Hugoton Field, Grant, et al., Kansas.	(2)	
CI61–956–001, D, Jan. 6, 1984	Sun Exploration and Production Co., P.O. Box 2880, Dallas, Tex. 75221–2880.	Valero Interstate Transmission Co., Yeary Field, Kleberg County, Tex.	(3)	
CI61–1717–000, D, Jan. 9, 1984	do	Valley Gas Transmission Inc., South Elsa Field, Hidalgo County, Tex.	(4)	
CI62–53–000, D, Jan. 16, 1984	Shell Western E&P Inc., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.	El Paso Natural Gas Co., James Ranch Field, Eddy County, N. Mex.	(5)	
CI64–32–000, D, Dec. 22, 1983	Sun Exploration and Production Co., P.O. Box 2880, Dallas, Tex. 75221–2880.	Arkansas Louisiana Gas Co., Anthon Field, Custer County, Okla.	(6)	

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft³	Pressure base
CI73-845-001, D, Sept. 22, 1983	Cities Service Oil & Gas Corp., (successor to Cities Service Co.), P.O. Box 300, Tulsa, Okla. 74102.	Southern Natural Gas Co., Main Pass Block 296, Offshore Louisiana.	(7)	
CI70-984-000, D, Jan. 13, 1984	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Columbia Gas Transmission Corp., Eugene Island Block 273, Offshore Louisiana.	(8)	
CI70-983-000, D, Jan. 13, 1984	....do	Texas Gas Transmission Corp., Eugene Island Block 273, Offshore Louisiana.	(8)	
CI76-629-006, D, Jan. 13, 1984	Conoco Inc., P.O. Box 2197, Houston, Tex. 77252	Tennessee Gas Pipeline Co., West Cameron 66 Field, (first half reserves only, delivered from Platforms A, B, C, and D) only, Offshore Louisiana.	(9)	
CI84-174-000 (CI70-498), B, Jan. 11, 1984.	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Slick Creek Field, Washakie County, Wyo.	(10)	
CI84-175-000, A, Jan. 13, 1984	....do	UGI Corp., Eugene Island 215 D, Offshore Louisiana, South Marsh Island 116 A, Offshore Louisiana, Vermilion Block 50, Offshore Louisiana, High Island A-270-B, Offshore Louisiana, West Cameron 638-B, Offshore Louisiana.	(11)	14.73
CI84-176-000 (CI75-267), B, Jan. 16, 1984.	Sun Exploration and Production Co., P.O. Box 2880, Dallas, Tex. 75221-2880.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	(12)	
CI84-177-000 (CI68-1149), B, Jan. 18, 1984.	Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex. 77252-2180.	United Gas Pipe Line Co., Laura Lavelle Field, Houston County, Tex.	(13)	
CI84-178-000, A, Jan. 19, 1984	Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840.	Texas Eastern Transmission Corp., East Cameron Area, Block 321, Offshore Louisiana.	(14)	15.025
CI84-179-000 (CI74-519), B, Jan. 20, 1983.	Mitchell Energy Offshore Corp., 2001 Timberloch Place, P.O. Box 4000, The Woodlands, Texas 77380.	Natural Gas Pipeline Co. of America, Block 176-3 Field, Galveston County, (Offshore) Tex.	(15)	
CI84-180-000, A, Jan. 20, 1984	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Lynchburg Gas Co., Eugene Island 215 D, Offshore Louisiana, South Marsh Island 116 A, Offshore Louisiana, Vermilion Block 50, Offshore Louisiana, High Island A-270-B, Offshore Louisiana, West Cameron 638-B, Offshore Louisiana.	(16)	14.73
CI84-181-000, A, Jan. 20, 1984	....do	Caroline Pipeline Co., Eugene Island 215 D, Offshore Louisiana, South Marsh Island 116 A, Offshore Louisiana, Vermilion Block 50, Offshore Louisiana, High Island A-270-B, Offshore Louisiana, West Cameron 638-B, Offshore Louisiana.	(17)	14.73
CI84-182-000, A, Jan. 20, 1984	....do	Public Service Company of North Carolina, Inc., Eugene Island 215 D, Offshore Louisiana, South Marsh Island 116 A, Offshore Louisiana, Vermilion Block 50, Offshore Louisiana, High Island A-270-B, Offshore Louisiana, West Cameron 638-B, Offshore Louisiana.	(18)	14.73
CI84-183-000, A, Jan. 20, 1984	....do	North Carolina Natural Gas Corp., Eugene Island 215 D, Offshore Louisiana, South Marsh Island 116 A, Offshore Louisiana, Vermilion Block 50, Offshore Louisiana, High Island A-270-B, Offshore Louisiana, West Cameron 638-B, Offshore Louisiana.	(19)	14.73
CI84-184-000, A, Jan. 20, 1984	....do	ICI Amercias, Inc., Eugene Island 215 D, Offshore Louisiana, South Marsh Island 116 A, Offshore Louisiana, Vermilion Block 50, Offshore Louisiana, High Island A-270-B, Offshore Louisiana, West Cameron 638-B, Offshore Louisiana.	(20)	14.73
CI84-185-000, A, Jan. 20, 1984	....do	City of Alexander City, Eugene Island 215 D, Offshore Louisiana, South Marsh Island 116 A, Offshore Louisiana, Vermilion Block 50, Offshore Louisiana, High Island A-270-B, Offshore Louisiana, West Cameron 638-B, Offshore Louisiana.	(21)	14.73
CI84-187-000 (CI64-657), B, Jan. 20, 1984.	Phillips Oil Co., 336 HS&L Building, Bartesville, Okla. 74004.	Warren Petroleum Co., East Panhandle Sweet Gas Field, Wheeler County, Tex.	(22)	
CI84-188-000, B, Jan. 23, 1984	Paramount Producing Co	Northern Natural Gas Co., Section 3, Block E, H&GN Survey, Roberts County, Tex.	(23)	
CI84-189-000, A, Jan. 23, 1984	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001	United Gas Pipeline Co., Butler "B" Lease, McCaskill Field, Karnes County, Tex.	(24)	14.73

[1] Kerr-McGee Corporation has assigned its leases on the two wells to Phillips Petroleum Company effective August 1, 1983.
[2] Not Used.
[3] To release gas for irrigation fuel.
[4] Partial Assignment and Bill of Sale executed on September 29, 1983, effective October 1, 1983.
[5] Effective January 1, 1984, Shell Western E&P Inc. has acquired a portion of the interests of Shell Oil Company.
[6] Rquest to amend certificate to include Sun's interest in the Lyle Coil Unit No. 1 well, Section 17-15N-17W, Custer County, Oklahoma, which interest is presently covered under Hunt Oil Company's certificate in Docket No. CI63-1045 and Hunt Oil Company (Operator) et al., FERC Gas Rate Schedule No. 57.
[7] By Assignment of Oil and Gas Lease dated September 7, 1983, Cities Service Company assigned OCS-G-1673, Offshore Louisiana to its wholly-owned subsidiary, Cities Service Oil and Gas Corporation.
[8] For use at E1260 as platform fuel, compressor fuel and gas lift gas.
[9] First half reserves underlying portions of OCS G-3251, OCS G-1860, OCS G-2826, OCS G-2819, and OCS G-3256 have been depleted.
[10] Gas being sold in interstate under percentage type contract.
[11] Applicant is filing under Gas Purchase and Sales Agreement dated January 5, 1984.
[12] Assignment and Bill of Sale executed on November 11, 1983, effective November 1, 1983.
[13] Supply of gas committed to contract has been depleted, the wells were plugged and abandoned on January 12, 1970, the leases were cancelled March 8, 1970 and the contract was terminated on December 21, 1983.
[14] Applicant is filing under Gas Purchase Contract dated December 21, 1983.
[15] Reserves depleted, all wells plugged and abandoned, contract terminated.
[16] Applicant is filing under Gas Purchase and Sales Agreement dated December 23, 1983.
[17] Applicant is filing under Gas Purchase and Sales Agreement dated December 29, 1983.
[18] Applicant is filing under Gas Purchase and Sales Agreement dated December 27, 1983.
[19] Applicant is filing under Gas Purchase and Sales Agreement dated December 30, 1983.
[20] Applicant is filing under Gas Purchase and Sales Agreement dated December 16, 1983.
[21] Applicant is filing under Gas Purchase and Sales Agreement dated January 5, 1984.
[22] Change to a percentage-type payment contract.
[23] This well is being drained by a Tenneco offset. Due to a decline in the gas market demand Northern has had this well shut-in on occasions for extensive periods of time which resulted in tremendous volumes of underage accruing. This situation has resulted in a breach of contract by Northern due to their not honoring the take or pay provision of the contract between Northern and Paramount
[24] Applicant is filing under Gas Purchase Contract dated December 2, 1983.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 84-2915 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST84-207-000]

Oklahoma Natural Gas Co., a Division of ONEOK Inc. and ONG Western, Inc.; Application for Approval of Rates

January 30, 1984.

Take notice that on December 9, 1983, Oklahoma Natural Gas Company, a division of ONEOK Inc. and ONG Western, Inc. (Applicant), 624 South Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. ST84-207-000 an application pursuant to § 284.123(b)(2)(i) of the Commission's Regulations for approval of rates for the transportation of natural gas on behalf of Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement with Panhandle for the transportation of natural gas on behalf of Panhandle and that such agreement provides for a transportation fee of 10 cents per million Btu. Applicant requests the Commission to approve this rate as being fair and equitable and not in excess of the rates an interstate pipeline would be permitted to charge for similar services.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to a 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. 84-2916 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-92-000]

Pennsylvania Power & Light Co.; Filing

January 27, 1984.

On November 14, 1983, Pennsylvania Power & Light Company (PP&L) tendered for filing proposed changes in its Rate Schedule FERC Nos. 28, 32, 45, 50, 51, 54, 56, 57, 58, 63, 65, 69, 70, 71, 79, and 61, applicable to the Boroughs of Watsontown, Dunconnon, Blakely, Weatherly, Schuylkill Haven, Perkasie, St. Clair, Catawissa, Ephrata, Lehighton, Olyphant, Hatfield, Mifflinburg, Quackertown, Kutztown and to Citizens' Electric Company of Lewisburg, respectively. PP&L stated that the proposed increase was necessary due to the increase in cost of providing service to these jurisdictional customers. The proposed changes would increase revenues from jurisdictional sales and service by $4,169,105 or 20.0%, based on the 12-month period ending June 30, 1984. PP&L originally requested an effective date of January 14, 1984, but later asked to defer the proposed effective date pending settlement discussions.

On January 6, 1984, PP&L filed a proposed Settlement Agreement together with the rate schedule revisions applicable to its wholesale customers. The settlement provides that the proposed rates are to take effect on March 4, 1984, in lieu of the originally proposed date. PP&L states its belief that all parties to the proceeding support the settlement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 6, 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 proceedings. 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. 84-2917 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-117-000]

Philadelphia Electric Co.; Order Accepting Rates for Filing, Noting Interventions, Granting Waiver of Filing Requirements, Denying Motion to Consolidate, and Termination Docket

Issued: January 27, 1984.

On November 30, 1983, Philadelphia Electric Company (PE) tendered for filing proposed modifications to the fuel adjustment clauses applicable to service to the Borough of Lansdale (Lansdale) and to the Conowingo Power Company (Conowingo).[1] PE seeks these modifications in order to retain the fuel cost savings associated with test power expected to be produced by PE's Limerick Unit No. 1 nuclear generating station. The company requests that the proposed modifications become effective, without suspension, on January 30, 1984. In addition, PE requests waiver of the Commission's filing requirements, to the extent deemed necessary.[2]

PE represents that is is currently constructing the Limerick Nuclear Plant and that Unit No. 1 is scheduled to begin test operation during the fourth quarter of 1984. PE anticipates that Unit No. 1 will undergo approximately five months of test operation, during which it will generate at least 1.3 billion kilowatt-hours of test power. PE states that, under its currently effective wholesale fuel adjustment clauses for Lansdale and Conowingo, reductions in fuel costs resulting from the availability of test energy from Unit No. 1 would flow through to customers in the form of lower fuel adjustment charges. PE contends that this result is inconsistent with the prescribed accounting treatment for test power set forth in the Commission's Uniform System of Accounts, Electric Plant Instructions, Section 3, Paragraph 18 (18 CFR Part 101).

PE proposes to modify its wholesale fuel adjustment clauses generally to utilize the "fair value" for test power and the pro forma interchange accounting similar to that approved by the Pennsylvania Public Utilities Commission for PE's retail rates.[3] PE asserts that these modifications will ensure that its resale customers pay neither more nor less than they would have paid in the absence of test power generation. According to PE, its proposal

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[1] *See* Attachment A for rate schedule designations.

[2] PE states that it recently filed a full cost of service and billing comparisons for Periods I and II in Docket Nos. ER84-9-000 and ER84-10-000, which it incorporates by reference in this filing.

[3] In valuing the test energy on its system, PE would employ a formularly approach which considers its fuel savings as a result of being able to reduce the output of existing generation, reduce interchange purchases, and increase interchange sales to other utilities on the Pennsylvania-New Jersey-Maryland Interconnection. PE submits that it will determine the fair value of test energy based on actual hour-by-hour cost data on PE and other PJM Companies through a computer simulation of what the system costs would be without test power. According to a clarifying letter submitted by the company on January 18, 1984, after charging the cost of nuclear fuel to its CWIP account, that account will then be credited by an amount representing the fair value of test energy.

will also obviate potential wholesale/retail rate discrimination.

Notice of PE's filing was published in the **Federal Register**,[4] with comments due on or before December 22, 1983. Timely motions to intervene were filed by the People's Counsel of Maryland (People's Counsel) and by Lansdale. People's Counsel requests that PE's filing be suspended and set for hearing on the grounds that PE's proposed modification of its fuel adjustment clauses would distort the effect of these clauses and that "the value of the savings passed on to consumers through the accounting method proposed by the company is less than the value under the present fuel adjustment clauses." People's Counsel also suggests, as an alternative to suspension and hearings on the proposed modifications, that the Commission convene a conference among the interested parties. People's Counsel contends that there is no need to implement rates by January 30, 1984, since test operations for Unit No. 1 are not expected to start until the fourth quarter of 1984.

Lansdale requests that the Commission reject the filing as contrary to the Commission's existing fuel adjustment clause regulations. If not rejected, Lansdale contends that PE's filing should be considered in a proceeding under section 206 of the Federal Power Act and given prospective effect only. Lansdale objects that PE has offered no reasons why its fuel adjustment clauses should be modified generally to account for test energy when it is only the test energy from Limerick Unit No. 1 that is determining the "fair value" of the test energy. In addition, Lansdale contends that, since the test energy from Unit No. 1 is not anticipated to be generated until the fourth quarter of 1984, a five month suspension is justified. Finally, Lansdale requests a hearing and consolidation of this proceeding with PE's prior rate increase filing in Docket No. ER84–10–000.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motions to intervene serve to make People's Counsel and Lansdale parties to this proceeding.

Based on our analysis of PE's filing, we find that the proposed fuel clause modifications are reasonable and will properly account for test power savings. PE has not sought to recover construction work in progress (CWIP) through its rates to the affected customers. If PE does not revise its fuel adjustment clause, as proposed herein, customers would realize the fuel cost savings associated with the new generating unit before beginning to contribute to the costs of that unit. The Commission is not presented here with the question of the appropriate treatment of fuel cost savings associated with test power where CWIP is included in rate base. That issue remains for another day. (See 18 CFR 35.26). We note that PE's proposed method for accounting for test energy is essentially identical to that approved by the Commission in Opinion No. 176, *Pennsylvania Power & Light Company*, 23 FERC ¶ 61,395 (1983). The People's Counsel and Lansdale have raised only broad conceptual challenges to the principles underlying PE's proposed fuel clause mechanism, but identify no specific issues regarding PE's particular implementation of that mechanism.

Accordingly, consistent with Opinion No. 176, we shall accept PE's rates for filing without suspension or hearing to become effective as of January 30, 1984.[5] Since we are not setting this proceeding for hearing and we are terminating this docket, we shall deny Lansdale's request for consolidation with PE's pending rate proceeding.

Two additional items should be noted. First, consistent with Order Nos. 144 and 144–A, PE must normalize all tax timing differences associated with its treatment of the test energy. Second, PE should file sufficient information with the Commission to allow verification of the fuel costs that it proposes to use in calculating the "fair value" of the test energy.

The Commission orders:

(A) PE's request for waiver of § 35.14 of the Commission's regulations is granted and the proposed modifications to its fuel adjustment clauses for Lansdale and Conowingo are accepted for filing to become effective on January 30, 1984 without suspension or hearing.

(B) Within thirty (30) days following the end of testing of Limerick Unit No. 1, PE shall file, in journal form, the accounting entries made to effect the treatment of test energy approved herein. This filing shall include a detailed explanation of the derivation of all figures.

(C) The motion to consolidate Docket Nos. ER84–117–000 and ER84–10–000 is hereby denied.

(D) Docket No. ER84–117–000 is hereby terminated.

(E) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

Philadelphia Electric Company (PE)

Docket No. ER84–117–000

Rate Schedule Designations

Filed: December 30, 1983.

Designation	Description
Philadelphia Electric Company	
(1) Supplement No. 11 to Rate Schedule FPC No. 44 (Supersedes Supplement No.1).	Fuel Adjustment Clause.
(2) Supplement No. 12 to Rate Schedule FPC No. 36.	Fuel Adjustment Clause.
Susquehanna Electric Company	
(3) Supplement No. 12 to Rate Schedule FPC No. 2.	Fuel Adjustment Clause.

[FR Doc. 84–2921 Filed 2–1–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP83–95–005]

Transwestern Pipeline Co.; Proposed Changes In FERC Gas Tariff

January 27, 1984.

Take notice that Transwestern Pipeline Company (Transwestern) on January 23, 1984 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheet:

Substitute Twenty-fourth Revised Sheet No. 5

The above tariff sheet is being issued in substitution of that sheet filed November 30, 1983 to be effective January 1, 1984 revising the GRI Funding Unit approved by Commission Order issued December 30, 1983 in Docket No. RP83–95–000, *et al.* The GRI Funding Unit filed to be effective January 1, 1984 was incorporated in Transwestern's underlying rates effective October 1, 1983. Subsequent to the November 30, 1983 filing, Transwestern exercised the "market-out" provisions in certain of its gas contracts and reduced its rates to be effective December 1, 1983. Such reduced rates were approved by Commission order issued January 4, 1984 in Docket No. TA84–1–42–003 (PGA 84–1a). The sole purpose of this filing is to reflect the GRI Funding Unit with the proper underlying rates approved to be effective December 1, 1983.

[4] 48 FR 55505 (1983).

[5] By definition, the proposed modifications, while accepted for filing, cannot operate until testing of new units actually commences. Therefore, the concern expressed by the intervenors with respect to the company's proposed January 30, 1984 effective date is misplaced.

The proposed effective date of this tariff sheet is January 1, 1984.

A copy of this filing was served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 6, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2919 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-114-001]

Diana-Dolgeville Corp.; Application for Commission Recertification of Qualifying Status of a Small Power Production Facility

January 30, 1984.

On January 13, 1984, Diana-Dolgeville Corporation ("DD"), 420 Lexington Avenue, Suite 3020, New York, New York 10170, submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The Dolgeville Hydroelectric Project ("Project") (FERC Project No. 4008-002) is located in the Village of Dolgeville, New York, on East Canada Creek. The project includes a proposed 5 megawatt hydroelectric powerplant.

By notice of June 29, 1982, (19 FERC section 62,560), the Commission certified the Project as a qualifying small power production facility. The requested amendment concerns a proposed change in the identity of the owner of the facility and minor change in the description of the Project. The owners of the Project will be DD and one of the following: (i) Morgan Guaranty Trust Company of New York; (ii) Prudential Interfunding Corp.; (iii) Manufacturers Hanover Leasing Corporation; or (iv) a grantor trust, the grantor and sole beneficiary of which would be DD or Prudential Interfunding Corporation and the Trustee would be a large financial institution. No electric utility or electric utility holding company will possess either a legal or beneficial ownership interest in the Project.

The description of the Project will change in that instead of "a 710 foot long, 10 foot diameter reinforced fiberglass penstock," the Project will be constructed with "a 710 foot long, 12 foot diameter steel penstock."

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. 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.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and polution abatement.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2911 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-115-001]

Diana-Dolgeville Corp.; Application for Commission Recertification of Qualifying Status of a Small Power Production Facility

January 30, 1984.

On January 13, 1984, Diana-Dolgeville Corporation ("DD"), 420 Lexington Avenue, Suite 3020, New York, New York 10170 submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The Diana Hydroelectric Project ("Project") (FERC Project No. 3763-001) is located in the Town of Diana, Village of Harrisonville, Lewis County, New York, on the West Branch Osweyatchie River. The project includes a proposed 1.875 megawatt hydroelectric power plant.

By notice of June 25, 1982, (19 FERC section 62,528), the Commission certified the Project as a qualifying small power production facility. The requested amendment concerns a proposed change in the identity of the owner of the facility and minor change in the description of the Project. The owners of the Project will be DD and one of the following: (1) Morgan Guaranty Trust Company of New York; (ii) Prudential Interfunding Corp.; (iii) Manufacturers Hanover Leasing Corporation; or (iv) a grantor trust, the grantor and sole beneficiary of which would be DD or Prudential Interfunding Corporation and the Trustee would be a large financial institution. No electric utility or electric utility holding company will possess either a legal or beneficial ownership interest in the Project.

The description of the Project will change in that instead of having a 10 foot reinforced fiberglass penstock and a 1,900 mm diameter, horizontal S-type Kaplan turbine with a rated capacity of 2,500 kW, the Project will be constructed with an 11 foot diameter steel penstock and a 1,650 mm diameter S-type Kaplan turbine and a generator with a rated capacity of 1,875 kW.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 15 days after the date of publication of this notice and must be served on the applicant. 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.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves

only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2912 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-104-000]

Energy Conversion Technology, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 25, 1984.

On December 15, 1983, Energy Conversion Technology, Inc., (Applicant) of 5233 Bakman Avenue, North Hollywood, California 91601, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. On January 4, 1984, supplemental information was filed to complete the application.

The small power production facility will be located nine miles southeast of Tehachapi, California. The primary energy source for the facility will be wind. The facility will consist of over one hundred wind turbine generators. The electric power production capacity of the facility will be 10 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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. 84-2908 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-122-000]

International Power Technology; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

January 30, 1984.

On January 4, 1984, International Power Technology "IPT"), 506 Oakmead Parkway, Sunnyvale, California 94086, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

This topping-cycle cogeneration facility will be located at the Ontario, California production plant of Sunkist Growers, Inc. The facility will utilize two Cheng Cycle Series 7 systems based on Detroit Diesel Allison 501-KH gas turbines, and will have a design capacity of 12,000 kW. IPT will sell and lease back the facility from an institutional investor and will operate the facility subject to a lease and energy sale agreement with Sunkist. Sunkist will purchase steam for process use.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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. 84-2914 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-124-000]

Texas Industries, Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

On January 4, 1984, Texas Industries, Inc., 8100 Carpenter Freeway, Dallas, Texas 75247, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will consist of a coal fired steam generator, condensing steam turbine generator, feedwater system, heat rejection system, coal handling system, ash handling system, controls and other supporting equipment. The facility will provide extraction steam to be utilized in heat exchangers for heating cement plant process water for use in an adjacent cement plant. The electric generation portion of the facility will have a normal net rating of 100 MW. The facility will be located adjacent to the Midlothian cement plant owned by Texas Industries, Inc., located near Midlothian, Texas.

Any person desiring to be heard or objecting to the granting or qualifying status 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. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. 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. 84-2916 Filed 2-1-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[SAB-FRL 2517-5]

Science Advisory Board, Subcommittee on Risk Assessment for Radionuclides; Open Meeting—February 21-22, 1984

Under Pub. L. 92-463, notice is hereby given of a two day meeting of the Science Advisory Board's Subcommittee on Risk Assessment for Radionuclides. The meeting will be held on February 21-22, 1984 in Room 1112, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, Virginia. The meeting will begin at 9:30 a.m. on February 21 and will adjourn at approximatley 1 p.m. on February 22.

The purpose of the meeting is to enable the Subcommittee to provide scientific advice to the Agency on several documents related to the assessment of risk to public health from radionuclides. The documents include: (1) AIRDOS–EPA: A Computerized Methodology for Estimating Environmental Concentrations and Dose to Man From Airborne Releases of Radionuclides; (2) "Life Table Methodology For Evaluating Radiation Risk: An Application Based on Occupational Exposures," *health Physics* Vol. 42, p. 439; (3) RADRISK/BEIR–3, Part I: Basis for EPA Radiation Risk Assessment, Office of Radiation Programs, (Draft of January 1984; (4) RADIRISK/BEIR–3, Part II: Dosimetric Methods and Codes Used to Assess Radiation Risk, Office of Radiation Programs, (Draft of January 1984).

The documents have been placed in Docket A–79–11 and are available for inspection and copying normal working hours. The docket is located at EPA's Central Docket Section, West Tower Lobby, Waterside Mall, 401 M Street, SW., Washington, D.C.

The meeting is open to the public. Any member of the public wishing to obtain information or submit comments to the Subcommittee should write or call Dr. Terry F. Yosie, Director, Science Advisory Board (A–101) 401 M Street, Washington, D.C. 20460; (202)(382–4126, before close of business February 10, 1984.

For Further Information Contact: Terry Yosie (202) 382–4126.

Dated: January 27, 1984.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 84–2848 Filed 2–1–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–53057; TSH–FRL 2517–2]

Premanufacture Notices; Monthly Status Report for December 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for December 1983.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E–106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments are to be identified with the document control number "[OPTS–53057]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Information Management Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, DC 20460; (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–229, 401 M Street, SW., Washington, DC 20460; (202–382–3736).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during December; (b) PMNs received previously and still under review at the end of December; (c) PMNs for which the notice review period has ended during December; (d) chemical substances for which EPA has received a notice of commencement to manufacture during December and (e) PMNs for which the review period has been suspended. Therefore, the December 1983 PMN Status Report is being published.

Dated: January 25, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report, December 1983

I. 70 Premanufacture Notices Received During the Month

PMN No.	Identity and generic name	FR citation	Expiration date
84–242	Generic name: Copolymer of acrylates and methacrylates	48 FR 55917 (12/16/83)	Feb. 29, 1984.
84–243	Generic name: Ester-amide	48 FR 55917 (12/16/83)	Mar. 3, 1984.
84–244	Generic name: Alkyl ester	48 FR 55917 (12/16/83)	Do.
84–245	Zinc amino acid complex	48 FR 55917 (12/16/83)	Mar. 4, 1984.
84–246	Zinc amino acid complex	48 FR 55917 (12/16/83)	Do.
84–247	Zinc amino acid complex	48 FR 55917 (12/16/83)	Do.
84–248	Zinc amino acid complex	48 FR 55917 (12/16/83)	Do.
84–249	Generic name: 1H-indole, 2,3 dihydro-1,3,3 trimethyl-2-[2-2,4,6-trisubstituted phenyl)ethenyl]-	48 FR 55917 (12/16/83	Mar. 5, 1984.
84–250	Nickel fluorotitanate	48 FR 55917 (12/16/83)	Do.
84–251	Mixture of alpha, beta, gamma-cyclodextrin, other cyclodextrins and oligosaccharides	48 FR 56846 (12/23/83)	Mar. 7, 1984.
84–252	Generic name: Modified polymer of styrene with alkyl methacrylates	48 FR 56846 (12/23/83)	Mar. 10, 1984.
84–253	Generic name: Blocked isocyanate modified epoxy resin	48 FR 56846 (12/23/83)	Do.
84–254	Polymer of: 1,3-benzenedicarboxylic acid, 1,4-benzenedicarboxylic acid, hexanedioic acid, 2,2¹-oxybis(ethanol), 1,3-dihydro-1,3-dioxo-5-iso benzofuran carboxylic acid, 2,2-dimethyl-1,3-propanediol, 2,2,4-trimethyl-1,3-pentanediol.	48 FR 56846 (12/23/83)	Do.
84–255	Withdrawn		
84–256	Polymer of: methyl methacrylate, 2-ethyl hexyl acrylate, dimethyl amino ethyl methacrylate	48 FR 56846 (12/23/83)	Mar. 11, 1984.
84–257	Generic name: Modified polyester polyurethane from substituted alkanediols, alkanedioic acid, and a di isocyanate.	48 FR 56846 (12/23/83)	Do.
84–258	Generic name: Modified polyster polyurethane from substituted alkanediols, alkanedioic acid, and a di isocyanate.	48 FR 56846 (12/23/83)	Do.
84–259	Generic name: Bis(polyalkylaminotriphenyl)-bis (alkylamino)benzene	48 FR 56846 (12/23/83)	Do.
84–260	Generic name: Alkyleneamine methylene phosphonic acid	48 FR 56847 (12/23/83)	Do.
84–261	Generic name: Polyester/alkyd from alkanediols, carbomonocyclic anhydride and mixed acids	48 FR 56847 (12/23/83)	Do.
84–262	Polymer of: safflower oil, 1,2,3-propanetriol, 2,5-furandione, 4,5,6,6,8-Hexachloro-3a,4,7,7,a-tetrahydro-4,7-methanoisobenzofuran.	48 FR 56847 (12/23/83)	Mr. 12, 1984.
84–263	Generic name: Alkyl phosphate ester amine salt	48 FR 56847 (12/23/83)	Do.
84–264	Generic name: Alkyl sulfonate	48 FR 57618 (12/30/83)	Mar. 14, 1984.

I. 70 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
84-265	Generic name: Copolymer of acrylic acid with alkyl methacrylates and an alkyl acrylate	48 FR 57618 (12/30/83)	Mar. 18, 1984.
84-266	Generic name: Modified fluoroalkyl urethane	48 FR 57618 (12/30/83)	Do.
84-267	Generic name: Alkenyl modified oxyalkylene polymer	48 FR 57618 (12/30/83)	Do.
84-268	Generic name: Isocyanate-terminated polyurethane	48 FR 57618 (12/30/83)	Do.
84-269	Generic name: Isocyanate-terminated polyurethane	48 FR 57618 (12/30/83)	Do.
84-270	Generic name: Isocyanate-terminated polyurethane	48 FR 57619 (12/30/83)	Do.
84-271	Generic name: Polyurethane dispersion	48 FR 57619 (12/30/83)	Do.
84-272	Generic name: Polyurethane dispersion	48 FR 57619 (12/30/83)	Do.
84-273	Generic name: Polyurethane dispersion	48 FR 57619 (12/30/83)	Do.
84-274	Poly (OXY-1,4-butanediyl)-X-(1-0X0-2-propenyl)-w-[(1-0X0-2-propenyl)OXY]-	48 FR 57619 (12/30/83)	Do.
84-275	Generic name: Modified acrylate polymer	48 FR 57619 (12/30/83)	Do.
84-276	Generic name: Diarylazomethine N-oxide	48 FR 57619 (12/30/83)	Mar. 19, 1984.
84-277	Generic name: Spiroglycol	48 FR 57619 (12/30/83)	Mar. 20, 1984.
84-278	11-Bromoundecanoyl chloride	48 FR 57619 (12/30/83)	Do.
84-279	Cholest-5-en-3-ol(3Beta)-, 11-bromoundecanoate	48 FR 57619 (12/30/83)	Do.
84-280	Cholest-5-en 3 ol(3Beta)-, 11-[(1-oxo-2-propenyl)oxy]undecanoate	48 FR 57619 (12/30/83)	Do.
84-281	Cholest-5-en-3-ol(3Beta)-, 4-[(1-oxo-2-propenyl)oxy]butanoate	48 FR 57619 (12/30/83)	Do.
84-282	Cholest-5-en-3-ol(3Beta)-, 4-chlorobutanoate	48 FR 57619 (12/30/83)	Do.
84-283	Generic name: Polymer of substituted alkyl acrylates	49 FR 930 (1/6/84)	Mar. 21, 1984.
84-284	Generic name: Mercapto carboxylic acid ester reaction product with olefin	49 FR 930 (1/6/84)	Do.
84-285	Generic name: Methyl-oxo-ethyl-disubstituted heteromonocycle	49 FR 930 (1/6/84)	Do.
84-286	Generic name: 3-methyl substituted aliphatic	49 FR 930 (1/6/84)	Do.
84-287	Generic name: 3-methyl substituted aliphatic nitrile	49 FR 930 (1/6/84)	Do.
84-288	Generic name: 2-methyl substituted aliphatic nitrile	49 FR 931 (1/6/84)	Do.
84-289	Generic name: Alkylated onium salt, substituted sulfur compound, substitued sulfide	49 FR 931 (1/6/84)	Do.
84-290	Generic name: Reaction product of glycerin, ethylene oxide and hydrocarbyl halide	49 FR 931 (1/6/84)	Do.
84-291	Generic name: Reaction product of alkenyl-succinic anhydride and substituted alcohol	49 FR 931 (1/6/84)	Mar. 26, 1984.
84-292	Naphthalene sulfonic acid, diisononyl-, compound with morpholine	49 FR 931 (1/6/84)	Do.
84-293	Generic name: Di-alkyl methyl amine	49 FR 931 (1/6/84)	Do.
84-294	1-cyclopentylidene-4-ethoxycarbonylpiperazinium tetrafluoroborate	49 FR 931 (1/6/84)	Do.
84-295	Generic name: Disubstituted piperazine salt	49 FR 931 (1/6/84)	Do.
84-296	2-methyl-3-(3-sulfopropyl)naphtho(2,3-d) thiazolium hydroxide inner salt	49 FR 931 (1/6/84)	Do.
84-297	Generic name: Polyurethane polymer	49 FR 931 (1/6/84)	Do.
84-298	Generic name: Polyurethane polymer	49 FR 931 (1/6/84)	Do.
84-299	Generic name: Polyurethane polymer	49 FR 931 (1/6/84)	Do.
84-300	Generic name: Polyurethane polymer	49 FR 931 (1/6/84)	Do.
84-301	Generic name: Polyurethane polymer	49 FR 931 (1/6/84)	Do.
84-302	Generic name: Polyurethane polymer	49 FR 931 (1/6/84)	Do.
84-303	Generic name: Polyurethane polymer	49 FR 932 (1/6/84)	Do.
84-304	Generic name: Benzyl dialkyl methyl quaternary ammonium chloride	49 FR 932 (1/6/84)	Do.
84-305	2-propenoic acid, 2-methyl-,2-((((1-methyl-propylidene)amino)oxy)carbonyl)amino)ethyl ester	49 FR 932 (1/6/84)	Mar. 27, 1984.
84-306	Benzoic acid, 2-((((2-((2-methyl-1-oxo-2-propenyl)oxy)ethyl)amino)carbonyl)oxy-, methyl ester	49 FR 932 (1/6/84)	Do.
84-307	2-propenoic acid, 2-methyl-, 2-((hexahydro 2-oxo-1H-azepin-1-yl)carbonyl)amino)ethyl ester	49 FR 932 (1/6/84)	Do.
84-308	Generic name: Benzenamine, 2-substituted-4-[2-(5-substituted-2,3-dihydro-1,3,3-trialkyl-1H-indol-2-yl)ethenyl]-.	49 FR 932 (1/6/84)	Do.
84-309	Generic name: Polyether acid phosphate	49 FR 1787 (1/13/84)	Mar. 28, 1984.
84-310	Generic name: Amine salt of a substituted organic acid	49 FR 1787 (1/13/84)	Do.
84-311	Generic name: Cyclic alkene-yne	49 FR 1788 (1/13/84)	Do.
84-312	Methyltris(2-methyl-3-butyn-2-oxy)silane	49 FR 1788 (1/13/84)	Do.

II. 50 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity and generic name	FR citation	Expiration date
84-191	Generic name: Polymer of laurolactam, caprolactam, alkanedioic acid and alkanediamine	48 FR 52504 (11/18/83)	Jan. 29, 1984.
84-192	Generic name: Polymer of laurolactam, caprolactam, alkanedioic acid and alkanediamine	48 FR 52504 (11/18/83)	Do.
84-193	Generic name: Functional copolymer of styrene with acrylate type monomers	48 FR 52504 (11/18/83)	Do.
84-194	Generic name: Diisocyanate polymers with polyether polyols	48 FR 52504 (11/18/83)	Do.
84-195	Generic name: Diisocyanate polymers with polyether polyols	48 FR 52504 (11/18/83)	Do.
84-196	Generic name: Diisocyanate polymers with polyether polyols	48 FR 52504 (11/18/83)	Do.
84-197	Carboxylic acid, C_6-C_{18} mono and C_6-C_{18} di-, polymers with neopentyl glycol and propylene glycol	48 FR 52506 (11/18/83)	Feb. 1, 1984.
84-198	Generic name: 2-ethyl-2(hydroxymethyl)-1,3-propanediol; benzoic acid; substituted propanediol; 1,3-benzenedicarboxylic acid; cyclic oxo-benzene carboxylic acid; mixed vegetable oils and polymer.	48 FR 52506 (11/18/83)	Do.
84-199	Acriflavine hydrochloride	48 FR 52506 (11/18/83)	Feb. 4, 1984.
84-200	4,4'-(1,2-ethanediyldiimino)bis-3-pentene-2-one	48 FR 52506 (11/18/83)	Do.
84-201	Generic name: Tetrasubstituted dithiadiphosphetane	48 FR 52506 (11/18/83)	Feb. 5, 1984.
84-202	Generic name: Chromophore substituted polyoxyalkylene	48 FR 52506 (11/18/83)	Do.
84-203	Generic name: Trisubstituted amino thiophene	48 FR 52506 (11/18/83)	Do.
84-204	Generic name: A derivitized olefinic polymer	48 FR 52506 (11/18/83)	Feb. 6, 1984.
84-205	Generic name: Thermoplastic polyurethane	48 FR 53162 (11/25/83)	Feb. 7, 1984.
84-206	Generic name: Thermoplastic polyurethane	48 FR 53162 (11/25/83)	Do.
84-207	Generic name: Thermoplastic polyurethane	48 FR 53162 (11/25/83)	Do.
84-208	Generic name: Vegetable oil polyamide resin	48 FR 53162 (11/25/83)	Feb. 11, 1984.
84-209	Generic name: Pentasubstituted phenyl fatty acid ester	48 FR 53162 (11/25/83)	Do.
84-210	Generic name: 4-substituted benzoyl chloride	48 FR 53162 (11/25/83)	Do.
84-211	Generic name: 3,7-bis(di-substituted amino)-5-(substituted phenyl) phenazinium salt	48 FR 53162 (11/25/83)	Do.
84-212	Generic name: 3,7-bis(di-substituted amino)-5-(substituted phenyl) phenazinium salt	48 FR 53162 (11/25/83)	Do.
84-213	Generic name: 2,8-phenazinediamine, tetrasubstituted-5,10-dihydro-10-(substituted-phenyl)-5-(4-substituted) benzoyl.	48 FR 53162 (11/25/83)	Do.
84-214	Generic name: Reaction products of quinone and amine	48 FR 53163 (11/25/83)	Feb. 12, 1984.
84-215	Generic name: 2-butenedioic (E)-, ditridecyl ester	48 FR 54394 (12/2/83)	Feb. 15, 1984.
84-217	Generic name: Phosphonium catalyst	48 FR 54394 (12/2/83)	Do.
84-218	Generic name: Modified polyester	48 FR 54394 (12/2/83)	Feb. 19, 1984.
84-219	Generic name: Modified alkyd polymer	48 FR 54394 (12/2/83)	Do.
84-220	Generic name: Benzenesulfonic acid, 4-[[4-substituted]-3-methyl-5-oxo-2-pyrazolin-1-yl]-, salt	48 FR 54395 (12/2/83)	Do.
84-221	Generic name: Ethoxylated alkyl quarternary amine	48 FR 54395 (12/2/83)	Feb. 20, 1984.
84-222	Generic name: Urethane bisoxazolidine	48 FR 54395 (12/2/83)	Do.

II. 50 Premanufacture Notices Received Previously and Still Under Review at the End of the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
84-223	Generic name: Aromatic sulfonate of substituted heteropolycycle	48 FR 55332 (12/12/83)	Feb. 22, 1984.
84-224	Generic name: Alkoxylated bisphenol A, inorganic ester, monoethanolamine salt	48 FR 55332 (12/12/83)	Do.
84-225	Generic name: Polyester—imide resin	48 FR 55332 (12/12/83)	Do.
84-226	Generic name: 1,3-benzenedicarboxylic acid polymer with 1,4-benzenedicarboxylic acid adipic acid and polyols.	48 FR 55332 (12/12/83)	Feb. 25, 1984.
84-227	Generic name: Fatty acids, esters with polyol	48 FR 55332 (12/12/83)	Do.
84-228	Generic name: Modified copolymer of alkenoic esters and substitued alkenoic esters with styrene	48 FR 55333 (12/12/83)	Do.
84-229	Zinc ammonium phosphate	48 FR 55333 (12/12/83)	Do.
84-230	Zinc magnesium orthophosphate	48 FR 55333 (12/12/83)	Do.
84-231	Generic name: Aliphatic polycarbonate diol	48 FR 55333 (12/12/83)	Do.
84-232	Generic name: Alkyd resin	48 FR 55333 (12/12/83)	Feb. 26, 1984.
84-233	Silicon aluminum oxynitride	48 FR 55333 (12/12/83)	Do.
84-234	Generic name: Diisocyanate polymer with polyether polyols	48 FR 55333 (12/12/83)	Feb. 27, 1984.
84-235	Generic name: Diisocyanate polymer with polyether polyols	48 FR 55333 (12/12/83)	Do.
84-236	Generic name: Diisocyanate polymer with polyether polyols	48 FR 55333 (12/12/83)	Do.
84-237	Generic name: Hydroxyalkylene-bis-[-trialkyl ammonium chloride]	48 FR 55333 (12/12/83)	Do.
84-238	Generic name: Alkenyltrialkylammonium phosphate	48 FR 55333 (12/12/83)	Do.
84-239	Generic name: Amine derivative of a fatty acid condensation polymer	48 FR 55333 (12/12/83)	Do.
84-240	Generic name: Trisubstituted benzoxazolium salt	48 FR 55333 (12/12/83)	Feb. 28, 1984.
84-241	Generic name: Trisubstituted benzoxazolium salt	48 FR 55333 (12/12/83)	Do.

III. 224 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month.

[Expiration of the notice review period does not signify that the chemical had been added to the inventory]

PMN No.	Identity and generic name	FR citation	Expiration date
83-110	Generic name: Saturated acid diester	47 FR 52223 (11/19/82)	Dec. 12, 1983.
83-115	Generic name: Naphthalenedisulfonic acid, disodium salt, [(2-((sodium sulfooxyethyl) sulfonyl)aryl)azo), and monochlorotriazinyl amino, substituted, copper complex.	47 FR 52224 (11/19/82)	Dec. 14, 1983.
83-486	Generic name: Zirconium propanoate, substituted	48 FR 8343 (2/28/83)	Dec. 8, 1983.
83-622	1,3,6-Naphthalenetrisulfonic acid, 7-[[4-[[4-[[4-[(4,8,-disulfo-2-naphthalenyl]azo]-3-methylphenyl]amino]-6-[(4-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-2-methylphenyl]azo]-,hexasodium salt.	48 FR 16332 (4/15/83)	Dec. 12, 1983.
83-997	Generic name: 6-diethylamino-2-(substituted) spiro(xanthene-9,3'-phthalide)	48 FR 35713 (8/5/83)	Dec. 7, 1983.
83-998	Generic name: 6-dibutylamino-2-(substituted) spiro(xanthene-9,3'-phthalide)	48 FR 35714 (8/5/83)	Do.
83-1102	Generic name: Aliphatic acid ester of n-alkyl perfluoro sulfonamido alkanol	48 FR 41639 (9/16/83)	Dec. 4, 1983.
83-1103	Generic name: Esterified copolymers of alpha olefins and maleic anhydride	48 FR 41639 (9/16/83)	Do.
83-1104	PEG-120 methyl glucoside dioleate	48 FR 41639 (9/16/83)	Do.
83-1105	Methyl glucoside dioleate	48 FR 41639 (9/16/83)	Do.
83-1106	Generic name: Polyester of phthalic anhydride and lower glycols	48 FR 41639 (9/16/83)	Do.
83-1107	Generic name: Amine salt of a carboxyl terminated polyester urethane polymer	48 FR 41639 (9/16/83)	Do.
83-1108	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41639 (9/16/83)	Do.
83-1109	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1110	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1111	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1112	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1113	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1114	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41639 (9/16/83)	Do.
83-1115	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1116	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1117	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1118	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1119	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1120	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1121	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1122	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1123	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1124	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1125	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1126	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1127	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41640 (9/16/83)	Do.
83-1128	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1129	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1130	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41640 (9/16/83)	Do.
83-1131	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1132	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1133	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1134	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1135	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1136	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1137	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1138	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1139	Generic name: Alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1140	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1141	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1142	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1143	Generic name: Salt of alpha olefin/2,5 furandione copolymer	48 FR 41641 (9/16/83)	Do.
83-1144	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1145	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1146	Generic name: Salt of alpha olefin/2,5 furandione polymer	48 FR 41641 (9/16/83)	Do.
83-1147	Generic name: Styrene/alpha olefin/2,5 furandione copolymer	48 FR 41642 (9/16/83)	Do.
83-1148	Generic name: Ammonia salt of styrene/alpha olefin/2,5 furandione polymer	48 FR 41642 (9/16/83)	Do.
83-1149	Generic name: Styrene/alpha olefin/2,5 furandione polymer	48 FR 41642 (9/16/83)	Do.
83-1150	Generic name: Ammonia salt of styrene/alpha olefin/2,5 furandione polymer	48 FR 41642 (9/16/83)	Do.
83-1151	Generic name: Diethoxydiphenylalkanone	48 FR 41642 (9/16/83)	Dec. 5, 1983.
83-1152	Generic name: Substituted sulfonated naphthalene	48 FR 41642 (9/16/83)	Do.
83-1153	Generic name: Urethane compound	48 FR 41642 (9/16/83)	Do.

III. 224 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH.—Continued

[Expiration of the notice review period does not signify that the chemical had been added to the inventory]

PMN No.	Identity and generic name	FR citation	Expiration date
83-1154	Generic name: Urethane compound	48 FR 41642 (9/16/83)	Do.
83-1155	Generic name: Copolymer of mixed acrylate and methacrylate monomers	48 FR 41642 (9/16/83)	Do.
83-1156	Generic name: Substituted cyclopentadiene formal dehyde copolymer	48 FR 41642 (9/16/83)	Do.
83-1158	Generic name: Polymer of styrene with mixed alkyl acrylates and methacrylates	48 FR 41642 (9/16/83)	Do.
83-1159	Generic name: Complex epoxy resin adduct	48 FR 41642 (9/16/83)	Do.
83-1160	Generic name: Substituted heterocycle	48 FR 41642 (9/16/83)	Do.
83-1161	Generic name: Combination of a metal phosphate and metal oxides	48 FR 41643 (9/16/83)	Do.
83-1164	Generic name: Trisubstituted pyrimidine	48 FR 41643 (9/16/83)	Do.
83-1165	Generic name: Monosubstitutedbenzenesulfonyl-isocyanate	48 FR 41643 (9/16/83)	Do.
83-1166	Generic name: Monosubstitutedphenyl magnesium bromide	48 FR 41643 (9/16/83)	Do.
83-1167	Generic name: Trisubstitutedmethylsilane hydrochloride	48 FR 41643 (9/16/83)	Do.
83-1168	Generic name: Monosubstitutedbenzyl chloride	48 FR 41643 (9/16/83)	Do.
83-1169	Generic name: Monosubstitutedbenzylthiosulfate salt	48 FR 41643 (9/16/83)	Do.
83-1170	Generic name: Monosubstitutedbenzylsulfonyl-chloride	48 FR 41643 (9/16/83)	Do.
83-1171	Generic name: Monosubstitutedbenzenealkyl-sulfonylisocyanate	48 FR 41643 (9/16/83)	Do.
83-1172	Generic name: Monosubstitutedbenzoic acid	48 FR 41643 (9/16/83)	Do.
83-1173	Generic name: Monosubstitutedbenzoic acid methyl ester	48 FR 41643 (9/16/83)	Do.
83-1174	Generic name: Monosubstitutedheterocycle-diazonium chloride	48 FR 41643 (9/16/83)	Do.
83-1175	Generic name: Monosubstitutedheterocycle-sulfonylisocyanate	48 FR 41643 (9/16/83)	Do.
83-1176	Generic name: Trisubstitutedbenzenesulfonyl chloride	48 FR 41643 (9/16/83)	Do.
83-1177	Generic name: Trisubstitutedphenol, ammonium salt	48 FR 41644 (9/16/83)	Do.
83-1178	Generic name: Monosubstitutedphenol, sodium salt	48 FR 41644 (9/16/83)	Do.
83-1179	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 41644 (9/16/83)	Do.
83-1180	Generic name: Polyglycol alcohol polymer	48 FR 41644 (9/16/83)	Do.
83-1181	Generic name: Polyglycol alcohol polymer	48 FR 41644 (9/16/83)	Do.
83-1182	Generic name: Polyglycol alcohol polymer	48 FR 41644 (9/16/83)	Do.
83-1183	Generic name: Substituted polyalkylene polyamine	48 FR 41644 (9/16/83)	Do.
83-1184	Polymer of: styrene, butyl acrylate, t-octyl acrylamide, acrylic acid, methacrylic acid	48 FR 41644 (9/16/83)	Do.
83-1185	Generic name: Substituted-1-sila-2-azacyclopentane	48 FR 41644 (9/16/83)	Do.
83-1186	Generic name: Vinyl interpolymer containing hydroxyl and carboxyl groups	48 FR 41644 (9/16/83)	Dec.6, 1983.
83-1187	Generic name: Vinyl interpolymer containing hydroxyl and carboxyl groups	48 FR 41644 (9/16/83)	Do.
83-1188	Generic name: Organic acid salt of the succinimide of alpha olefin and alkene/alkene copolymer	48 FR 41644 (9/16/83)	Do.
83-1189	Generic name: Succinimide of alpha olefin and alkene/alkene copolymer	48 FR 41644 (9/16/83)	Do.
83-1190	Generic name: Alpha olefin succinic anhydride	48 FR 41644 (9/16/83)	Do.
83-1191	Generic name: Alkenyl succinic acid metal salt	48 FR 41644 (9/16/83)	Do.
83-1192	Generic name: Alkenyl succinic acid metal salt	48 FR 41644 (9/16/83)	Do.
83-1193	Generic name: Organic acid salt of 3 heteropolycycle alkyl succinimide of thiol alkene/alkene copolymer.	48 FR 41645 (9/16/83)	Do.
83-1194	Generic name: 3 heteropolycycle alkyl succinimide of thiol alkene/alkene copolymer	48 FR 41645 (9/16/83)	Do.
83-1195	Generic name: Succinic anhydride of thiol alkene/alkene copolymer	48 FR 41645 (9/16/83)	Do.
83-1196	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1197	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1198	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1199	Generic name: Reaction product of alkyl succinic anhydride and polyamine	48 FR 41645 (9/16/83)	Do.
83-1200	Generic name: Diyne diurea	48 FR 43397 (9/23/83)	Dec. 7, 1983.
83-1201	Generic name: Diyne diurea	48 FR 43397 (9/23/83)	Do.
83-1202	Generic name: Diyne diurea	48 FR 43397 (9/23/83)	Do.
83-1203	Generic name: Diyne diurea	48 FR 43397 (9/23/83)	Do.
83-1204	Generic name: Diyne diurea	48 FR 43398 (9/23/83)	Do.
83-1205	Generic name: Diyne diurea	48 FR 43398 (9/23/83)	Do.
83-1206	Generic name: Polyester of dicarboxylic acids and a difunctional alcohol	48 FR 43398 (9/23/83)	Do.
83-1207	Generic name: Polyester of dicarboxylic acids and a difunctional alcohol	48 FR 43398 (9/23/83)	Do.
83-1208	Generic name: Polyester of dicarboxylic acids and a difunctional alcohol	48 FR 43398 (9/23/83)	Do.
83-1209	Generic name: Monosubstitutedbenzenesulfonamide	48 FR 43398 (9/23/83)	Do.
83-1210	Generic name: Trisubstitutedbenzenesulfonylchloride	48 FR 43398 (9/23/83)	Do.
83-1211	Generic name: Monosubstitutedheterocyclesulfonamide	48 FR 43398 (9/23/83)	Do.
83-1212	Generic name: Monosubstitutedheterocyclesulfonylchloride	48 FR 43398 (9/23/83)	Do.
83-1213	Generic name: Monosubstitutedaminoheterocycle	48 FR 43398 (9/23/83)	Do.
83-1214	Generic name: Disubstitutedchloromethylmethylsilane	48 FR 43398 (9/23/83)	Do.
83-1215	Generic name: Monosubstitutedbenzenesulfonamide	48 FR 43398 (9/23/83)	Do.
83-1216	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 43398 (9/23/83)	Do.
83-1217	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 43398 (9/23/83)	Do.
83-1218	Generic name: Monosubstitutedbenzenesulfonylisocyanate	48 FR 43398 (9/23/83)	Do.
83-1219	Generic name: Monosubstitutedbenzenesulfonamide	48 FR 43399 (9/23/83)	Do.
83-1220	Generic name: Monosubstitutedbenzylsulfonamide	48 FR 43399 (9/23/83)	Do.
83-1221	Generic name: Substituted dialkylphenol	48 FR 43399 (9/23/83)	Do.
83-1223	Generic name: Bisphenol glycidyl ether polyglycol reaction product	48 FR 43399 (9/23/83)	Do.
83-1224	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1225	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1226	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1230	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1231	Generic name: Fluorocarbon polymer	48 FR 43399 (9/23/83)	Do.
83-1232	Generic name: Polymer of aliphatic diamines, an alkanediol polyester, a monoalcohol polyether, a metal salt of an alkanediol polyether, and aliphatic diisocyanates.	48 FR 43399 (9/23/83)	Do.
83-1233	Generic name: Vinyl—Phosphorothioic acid ester, amine salt	48 FR 43399 (9/23/83)	Do.
83-1234	Generic name: Vinyl—epoxy ester	48 FR 43399 (9/23/83)	Dec. 10, 1983.
83-1235	Generic name: Vinyl—epoxy ester	48 FR 43400 (9/23/83)	Do.
83-1236	Generic name: Vinyl—epoxy ester	48 FR 43400 (9/23/83)	Do.
83-1237	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acid	48 FR 43400 (9/23/83)	Do.
83-1239	Generic name: Modified acrylic polymer	48 FR 43400 (9/23/83)	Do.
83-1240	Generic name: Copolymer of alkyl methacrylates and vinyl mono-heterocycle	48 FR 43400 (9/23/83)	Do.
83-1241	Generic name: Polymer of: adiprene 167, teracol 650 and 2-hydroxy ethyl acrylate	48 FR 43400 (9/23/83)	Do.
83-1242	Generic name: Polyamic acid	48 FR 43400 (9/23/83)	Dec. 21 1983.
83-1243	Generic name: Polymer of formaldehyde and substituted phenols and hydrobromic acid	48 FR 43400 (9/23/83)	Dec. 10, 1983.
83-1244	Generic name: Modified polyester	48 FR 43400 (9/23/83)	Do.
83-1245	Generic name: Polyester	48 FR 43400 (9/23/83)	Do.
83-1246	Generic name: Fatty alcohol	48 FR 43400 (9/23/83)	Dec. 11, 1983
83-1247	Generic name: Dialkyl maleate ester	48 FR 43400 (9/23/83)	Do.
83-1248	Benzeneacetic acid, α,α'-(1,2-ethanediyldiimine)bis[2-hydroxy-5-sulfo]tetrasodium salt	48 FR 43401 (9/23/83)	Do.
83-1251	Generic name: Linseed oil alkyd resin	48 FR 43401 (9/23/83)	Do.

III. 224 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH.—Continued

[Expiration of the notice review period does not signify that the chemical had been added to the Inventory]

PMN No.	Identity and generic name	FR citation	Expiration date
83-1252	Generic name: Potassium salt of a substituted propyl sulfonic acid	48 FR 43401 (9/23/83)	Do.
83-1259	Generic name: Rare earth silicate	48 FR 43401 (9/23/83)	Do.
83-1260	Generic name: Substituted heterocycle	48 FR 43401 (9/23/83)	Do.
83-1261	Generic name: Disubstituted aniline	48 FR 43401 (9/23/83)	Do.
83-1262	Generic name: Polysubstituted heterocycle	48 FR 43401 (9/23/83)	Do.
83-1263	Generic name: Substituted heterocyclic azo disubstituted aniline	48 FR 43401 (9/23/83)	Do.
83-1264	Generic name: Polysubstituted heterocyclic azo disubstituted aniline	48 FR 43401 (9/23/83)	Do.
83-1265	Generic name: Polyesteramide CR 1236	48 FR 43401 (9/23/83)	Dec. 13, 1983.
83-1266	9H-thioxanthen-9-one, 2-chloro-	48 FR 43402 (9/23/83)	Do.
83-1271	Generic name: Carboxylic acid derivatives of alkoxylated polyamines	48 FR 44900 (9/30/83)	Dec. 14, 1983.
83-1272	Generic name: Epoxy modified acrylic polymer	48 FR 44900 (9/30/83)	Do.
83-1273	Generic name: Chromophor substituted polycxyalkylene	48 FR 44901 (9/30/83)	Do.
83-1275	3-(5-carboxypentyl)-5(1-ethyl[1], 4-dihydroquinolylidene-4-ethylidene)-4-oxo-2-thioxo-thiazolidine	48 FR 44901 (9/30/83)	Do.
83-1276	Quinolinium, 4-[2-(acetylphenylamino)ethenyl]-1-ethyl-, iodide	48 FR 44901 (9/30/83)	Do.
83-1277	3-thiazolidinehexanoic acid, 4-oxo-2-thioxo	48 FR 44901 (9/30/83)	Do.
83-1278	Generic name: Hydroxy functional acrylic copolymer	48 FR 44901 (9/30/83)	Dec. 17, 1983.
83-1279	Generic name: Water dispersed oligourethane	48 FR 44901 (9/30/83)	Do.
83-1280	Generic name: Polyurethane prepolymer resin	48 FR 44901 (9/30/83)	Do.
83-1281	Generic name: Premetallized aromatic substituted disazo	48 FR 44901 (9/30/83)	Do.
83-1282	Generic name: Reaction product of metal complex, diazotized aromatic compounds and fustic extract.	48 FR 44901 (9/30/83)	Do.
83-1283	Generic name: Substituted aromatic disazo	48 FR 44901 (9/30/83)	Do.
83-1284	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44901 (9/30/83)	Do.
83-1285	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44901 (9/30/83)	Do.
83-1286	Generic name: Aromatic substituted triazo	48 FR 44901 (9/30/83)	Do.
83-1287	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44901 (9/30/83)	Do.
83-1288	Generic name: Reaction product of diazotized aromatic compounds with fustic extract	48 FR 44902 (9/30/83)	Do.
83-1289	Polymer of: 1,4 cyclohexanedimethanol, neopentyl glycol, trimethylol propane, isophthalic acid, fumaric acid.	48 FR 44902 (9/30/83)	Dec. 18, 1983.
83-1290	Generic name: Substituted pyridine	48 FR 44902 (9/30/83)	Do.
83-1291	Generic name: Polyfunctional mercaptan	48 FR 44902 (9/30/83)	Dec. 19, 1983.
83-1292	Generic name: Urathane modified polyester	48 FR 44902 (9/30/83)	Do.
83-1293	Generic name: 2-(2-chlorophenyl)-1-substituted-2-hydroxy-1-ethanone	48 FR 44902 (9/30/83)	Dec. 20,1983.
83-1294	Generic name: Dimer acids, monocarboxylic acid, dicarboxylic acids, diamines polyamide resin	48 FR 45842 (10/7/83)	Dec. 21, 1983.
83-1295	Generic name: Alkyl (substituted-phenyl) alkylate	48 FR 45842 (10/7/83)	Do.
83-1296	Generic name: Polyol acetal	48 FR 45842 (10/7/83)	Do.
83-1297	Generic name: Polyurethane	48 FR 45842 (10/7/83)	Do.
83-1298	Generic name: Acrylic copolymer	48 FR 45842 (10/7/83)	Do.
83-1299	Generic name: Styrene acrylic copolymer	48 FR 45842 (10/7/83)	Do.
83-1300	Generic name: Fatty acid mercapatan acrylic copolymer	48 FR 45842 (10/7/83)	Do.
83-1301	Generic name: Polymer of aliphatic and alicyclic diamines and aliphatic and benzene dicarboxylic acids.	48 FR 45843 (10/7/83)	Dec. 24, 1983.
83-1302	Generic name: Polymer of aliphatic and alicyclic diamines and aliphatic and benzene dicarboxylic acids.	48 FR 45843 (10/7/83)	Do.
83-1303	Generic name: Dimethyl siloxanes and silicones	48 FR 45843 (10/7/83)	Do.
83-1304	Generic name: Dimethyl siloxanes and silicones	48 FR 45843 (10/7/83)	Do.
83-1305	Generic name: Naphthalene, dialkylated	48 FR 45843 (10/7/83)	Do.
83-1306	Generic name: Dialkylated naphthalenesulfonic acid	48 FR 45843 (10/7/83)	Do.
83-1307	Generic name: Dialkylated naphthalene sulfonic acid barium salt	48 FR 45843 (10/7/83)	Do.
83-1308	Generic name: Benzo-heterocyclic, 2-[[4-[alkyl (2-hydroxyalkyl)amino]phenyl]-azo]-6-methoxy-3-alkyl-, chloride.	48 FR 45843 (10/7/83)	Do.
83-1309	Generic name: Polymer with methyl metharcrylate, butyl acrylate,and hydroxy functional acrylic monomers.	48 FR 45843 (10/7/83)	Do.
83-1310	δ mercaptopropyl methyl dimethoxy silane	48 FR 45843 (10/7/83)	Dec. 25, 1983.
83-1311	Generic name: Phenolated rosin-modified alkyd	48 FR 45843 (10/7/83)	Do.
83-1312	Generic name: Urethane acrylate	48 FR 45843 (10/7/83)	Do.
83-1313	Generic name: Modified, maleated metal resinate	48 FR 45843 (10/7/83)	Do.
83-1314	Generic name: Isocyanatoarylsilane	48 FR 45843 (10/7/83)	Do.
83-1315	Generic name: Rosin modified alkyd	48 FR 45844 (10/7/83)	Do.
83-1316	Generic name: Alkyl fatty ester	48 FR 45844 (10/7/83)	Do.
83-1317	Generic name: Neopentylglycol alkyl ester	48 FR 45844 (10/7/83)	Do.
83-1318	Generic name: Methyl fatty acid esters	48 FR 45844 (10/7/83)	Do.
83-1319	Cesium bicarbonate	48 FR 45844 (10/7/83)	Do.
83-1320	Generic name: Polymer of acrylic acid, acrylic acid esters, and methacrylic acid esters	48 FR 45844 (10/7/83)	Do.
83-1321	Generic name: Benzophenotetracarboxy imide amide prepolymer	48 FR 45844 (10/7/83)	Do.
83-1322	Generic name: Modified, maleated metal resinate	48 FR 45844 (10/7/83)	Dec. 26, 1983.
83-1323	Generic name: Acrylourethane	48 FR 45844 (10/7/83)	Dec. 27, 1983.
83-1324	Generic name: Polyesteramide	48 FR 45844 (10/7/83)	Do.
83-1325	1-H-imidazole-1-carboxamide, N,N',-1,5 naphtha-lenediylbis	48 FR 46851 (10/14/83)	Dec. 28, 1983.
83-1327	Nickel dibenzyldithiocarbamate	48 FR 46852 (10/14/83)	Do.
83-1328	Generic name: Organic salt of quaternary aliphatic amine	48 FR 46852 (10/14/83)	Do.
83-1329	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 46852 (10/14/83)	Do.
83-1330	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 46852 (10/14/83)	Do.
83-1331	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 46852 (10/14/83)	Do.
83-1332	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 46852 (10/14/83)	Do.
83-1333	Generic name: Vinyl chloride, hydrocarbon elastomer, polyolefin copolymer	48 FR 46852 (10/14/83)	Do.
83-1334	Generic name: Vinyl chloride, hydrocarbon elastomer copolymer	48 FR 46852 (10/14/83)	Do.
83-1335	Generic name: Vinyl chloride, hydrocarbon elastomer copolymer	48 FR 46852 (10/14/83)	Do.
84-1	Generic name: Polyester of dicarboxylic acids and difunctional alcohols	48 FR 46852 (10/14/83)	Dec. 31, 1983.
84-2	Generic name: Amine salt of a modified carboxyl terminated polyester urethane polymer	48 FR 46852 (10/14/83)	Do.
84-3	Generic name: Modified magnesium fluoro-germanate	48 FR 46852 (10/14/83)	Do.
84-4	Generic name: Tannins, methylamino methylated	48 FR 46852 (10/14/83)	Do.
84-5	Generic name: Aliphatic polyester, cyclohexane diisocyanato based polyurethane	48 FR 46853 (10/14/83)	Do.
84-6	Generic name: Polyurethane based on TDI and a polycarbonate	48 FR 46853 (10/14/83)	Do.

IV. 33 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture

PMN No.	Chemical identification	FR citation	Date of commencement
80-177	Oxirane, polymer with methyl oxirane, 1,3-diisocyanatomethylbenzene, and (2-hydroxyethyl)-2-propenoate.	45 FR 54423 (8/15/80)	Aug. 29, 1983.
80-355	Generic name: (p-Dialkylamino phenyl)-diaryl heterocycle	46 FR 11027 (2/5/81)	Dec. 2, 1983.
81-535	Generic name: Heteromonocycle modified fumarated rosin ester	46 FR 53522 (10/29/81)	Oct. 28, 1982.
82-162	2-[2,2-difluorohydroxyethyl-poly-(oxy-difluoromethylene)-poly-(oxy trifluoroethylene)oxy]-2,2-difluoroethanol.	47 FR 39242 (9/7/82)	Aug. 12, 1983.
82-165	2[isocyanato-2,2-difluoroethyl-poly-(oxydifluoromethylene)-poly-(oxytetrafluoroethylene)oxy]-2,2-difluoroethyl isocyanate.	47 FR 39242 (9/7/82)	July 18, 1983.
82-241	Penta(oxy-1,2-ethanediyl), alfa-(carboxymethyl)-omega-hydroxy-, C_{12-13} linear primary-alkyl ethers	47 FR 15407 (4/9/82)	Dec. 6, 1983.
82-249	Generic name: Modified hydroxy functional acrylic copolymer	47 FR 16404 (4/16/82)	Jan. 9, 1984.
82-305	Generic name: Modified hydroxyethylcellulose	47 FR 19761 (5/7/82)	Aug. 1, 1983.
82-374	Generic name: Alkyl thiadiazole	47 FR 23554 (5/28/82)	Aug. 29, 1983.
83-296	Generic name: Rosin metallic salt	47 FR 57335 (12/23/83)	Oct. 20, 1983.
83-349	Generic name: Polyol polymethacrylate	48 FR 863 (1/7/83)	Mar. 1983.
83-370	Generic name: 8-acetyl-3-dodecyl-7,7,9,9-tetramethyl-1,3,8-triazaspiro[4,5]decane,-2,4-dione	48 FR 3045 (1/24/83)	Dec. 7, 1983.
83-400	Generic name: Copolymer of acrylic and methacrylic monomers	48 FR 5304 (2/4/83)	Dec. 6, 1983.
83-435	Generic name: Acrylate of polybutadiene	48 FR 6397 (2/11/83)	Apr. 1983.
83-462	Generic name: Succinide ester amide	48 FR 7300 (2/18/83)	Nov. 16, 1983.
83-483	Generic name: Mixed fatty acids; alkanepolyol; benzenecarboxylic acids polymer	48 FR 7302 (2/18/83)	Nov. 30, 1983.
83-583	Generic name: Organotrimethoxysilane	48 FR 14035 (4/1/83)	On or about July 16, 1984.
83-652	Generic name: Modified poly (amido-amine)	48 FR 20488 (5/6/83)	June 24, 1983.
83-680	Generic name: Hydroxyethylaminoethylated tannin	48 FR 21370 (5/12/83)	July 28, 1983.
83-779	Generic name: Cyclomethylene citronellol	48 FR 24969 (6/3/83)	Week of Dec. 12, 1983.
83-824	Generic name: Organofunctional polydimethylsiloxane	48 FR 29049 (9/19/83)	Nov. 12, 1983.
83-994	Generic name: Saturated natural fatty acid choline chloride	48 FR 35713 (8/5/83)	Dec. 1983.
83-1085	Generic name: Substituted phenylacetamide	48 FR 39691 (9/1/83)	Dec. 23, 1983.
83-1086	Generic name: Aliphatic unsaturated copolyester	48 FR 40782 (9/9/83)	Dec. 15, 1983.
83-1107	Generic name: Amine salt of a carboxyl terminated polyester urethane polymer	48 FR 41639 (9/16/83)	Week of Dec. 5, 1983.
83-1253	Generic name: Rare earth silicate	48 FR 43401 (9/23/83)	Dec. 12, 1983.
83-1260	Generic name: Substituted heterocycle	48 FR 43401 (9/23/83)	Do.
83-1261	Generic name: Disubstituted aniline	48 FR 43401 (9/23/83)	Do.
83-1262	Generic name: Polysubstituted heterocycle	48 FR 43401 (9/23/80)	Dec. 14, 1983.
83-1263	Generic name: Substituted heterocyclic azo disubstituted aniline	48 FR 43401 (9/23/83)	Do.
83-1265	Generic name: Polyesteramide CR 1236	48 FR 43401 (9/23/83)	Dec. 19, 1983.
83-1282	Generic name: Reaction product of metal complex, diazotized aromatic compounds and fustic extract.	48 FR 44901 (9/30/83)	1st of Feb. 1984.
83-1285	Generic name: Reaction product of diazotized aromatic compounds and fustic extract	48 FR 44901 (9/30/83)	Do.

V. 56 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No.	Identity and generic name	FR citation	Date suspended
80-146	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt.	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
82-60	Generic name: Zinc, O,O-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 15, 1982.
82-387	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982.
82-388	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do.
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10/18/82)	Oct. 22, 1982.
83-333	Generic name: Reaction product of polycyclesulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali.	48 FR 73 (1/3/83)	Mar. 14, 1983.
83-401	Generic name: Naphthalenetrisulfonic acid, chlorotriazinylamino-methoxymethylphenylazo	48 FR 5304 (2/4/83)	Aug. 16, 1983.
83-418	Generic name: Benzenedisulfonic acid, chlorotriazinylaminodimethylphenylazo-sulfonaphthaleneazo	48 FR 5306 (2/4/83)	Do.
83-434	Generic name: Unsaturated aliphatic diether	48 FR 6397 (2/11/83)	Apr. 20, 1983.
83-461	Generic name: Substituted alkoxy silane	48 FR 7300 (2/18/83)	Apr. 25, 1983.
83-634	Generic name: Substituted mono azo aromatic	48 FR 17385 (4/22/83)	July 5, 1983.
83-669	Generic name: Chromium complex of substituted phenolazosulfonaphthol with naphtholazosulfonaphthol.	48 FR 20490 (5/6/83)	Aug. 5, 1983.
83-677	Generic name: Chromium complex of substituted alkylaminoformimidphenol with sulfonaphtholazosulfophenylpyrazolone.	48 FR 20491 (5/6/83)	Do.
83-755	4-hydroxy-8-phenylaminonaphthalene-2-sulfonic acid	48 FR 24967 (6/3/83)	Aug. 17, 1983.
83-770	Generic name: Cobalt complex of a substituted phenolazonaphthol	48 FR 24968 (6/3/83)	Aug. 15, 1983.
83-771	Generic name: Chromium complex of substituted phenolazoalkylarylamino-formimidphenol with sulfonaphthylazosulfonaphthol.	48 FR 24968 (6/3/83)	Do.
83-785	Generic name: Substituted heteromonocycle sulfonylphenyl azo substituted naphthalene-sulfonic acid, salt.	48 FR 26884 (6/10/83)	Aug. 24, 1983.
83-822	Generic name: Trisubstituted aniline	48 FR 29049 (6/24/83)	Sept. 28, 1983.
83-831	Generic name: Disazo solvent red dye	48 FR 29055 (6/24/83)	Sept. 9, 1983.
83-845	Generic name: Tetrasodium salt of μ-(2-(2-hydroxy-3-nitro-5-sulfo-phenylazo)-2'-(2-hydroxy-5- substituted-3-sulfphenylazo)-3,3'-disulfo-6,6'-iminodi-1-naphtholate-(0,0',0'',0' '')(8⁻))dicopper- (II)acid.	48 FR 30434 (7/1/83)	Sept. 16, 1993.
83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30435 (7/1/83)	Sept. 21, 1983.
83-875	4-(2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N-(2-phenoxyethyl)amino]benzene	48 FR 31462 (7/8/83)	Do.
83-876	4-(2-cyano-4-nitrophenylazo)-[N,N-bis(2-propionyloxyethyl)amino]-3-chlorobenzene	48 FR 31462 (7/8/83)	Do.
83-913	Generic name: Copper sulfonylphenazopolyhydroxy phenazobenzoate	48 FR 32383 (7/15/83)	Oct. 1, 1983.
83-1006	Generic name: (Amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, and (amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, salts with sodium and potassium.	48 FR 36648 (8/12/83)	Oct. 14, 1983.
83-1007	Generic name: (Substituted)-(substituted)-hydroxy-naphthalenesulfonic acid, sodium salts	48 FR 36648 (8/12/83)	Do.
83-1012	Generic name: Bis(sulfophenylchlorotriazine-aminosulfophenylazo) hydroxyaminodisulfonaphthalene	48 FR 36648 (8/12/83)	Oct. 24, 1983.
83-1018	Generic name: Substituted-naphthalene tetradisulfonic acid, bis[(substituted-hydroxyphenylazo)phenyl]derivative.	48 FR 36649 (8/12/83)	Do.
83-1023	Generic name: Alkyl aryl phosphine	48 FR 36649 (8/12/83)	Oct. 20, 1983.
83-1026	Generic name: Disubstitutedsulfamoylcarbomonocycle azo substituted naphthalene sulfonic acid, sodium salt.	48 FR 37699 (8/19/83)	Oct. 27, 1983.
83-1029	Generic name: Substituted heterocycle	48 FR 37699 (8/19/83)	Nov. 3, 1983.

V. 56 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity and generic name	FR citation	Date suspended
83-1033	Generic name: C_{5-8} carboxylic acid	48 FR 37700 (8/19/83)	Dec. 8, 1983.
83-1042	Acridine, 9-phenyl	48 FR 37700 (8/19/83)	Oct. 17, 1983.
83-1048	Generic name: Polyether polyurethane	48 FR 38890 (8/26/83)	Oct. 27, 1983.
83-1057	Generic name: 1,1-di(alkylsubstituted) hydrazine	48 FR 38890 (8/26/83)	Nov. 4, 1983.
83-1062	Generic name: Polycarboxylic acid	48 FR 39689 (9/1/83)	Nov. 19, 1983.
83-1092	Generic name: Mixed castor amide with diethylene triamine	48 FR 40783 (9/9/83)	Oct. 11, 1983.
83-1093	Generic name: Mixed castor amide with amino ethyl ethanol amine	48 FR 40783 (9/9/83)	Do.
83-1157	Generic name: Substituted oxirane	48 FR 41642 (9/16/83)	Nov. 29, 1983.
83-1162	Generic name: Substituted pyridine	48 FR 41643 (9/16/83)	Do.
83-1163	Generic name: Substituted pyridine	48 FR 41643 (9/16/83)	Do.
83-1222	Generic name: Substituted alkyl halide	48 FR 43399 (9/23/83)	Do.
83-1227	Generic name: Perhalo alkoxy ether	48 FR 43399 (9/23/83)	Do.
83-1228	Generic name: Perhalo alkoxy ether	48 FR 43399 (9/23/83)	Do.
83-1229	Generic name: Perhalo alkoxy ether	48 FR 43399 (9/23/83)	Do.
83-1238	Generic name: Substituted anthraquinone	48 FR 43400 (9/23/83)	Dec. 9, 1983.
83-1267	9H-thioxanthen-9-one, 2,4-diethyl	48 FR 43402 (9/23/83)	Nov. 28, 1983.
83-1268	9H-thioxanthen-9-one, 2,4-dimethyl	48 FR 43402 (9/23/83)	Do.
83-1269	Methanone, (4-methoxy-3-methylphenyl)	48 FR 43402 (9/23/83)	Do.
83-1270	9H-thioxanthen-9-one, 4-chloro	48 FR 43402 (9/23/83)	Do.
83-1274	Acetamide, 2-chloro-N-chloromethyl-N-(2-ethyl-6-methylphenyl)	48 FR 44901 (9/30/83)	Dec. 9, 1983.
84-7	N,N,N',N'-tetraglycidyl-1,3-bisaminomethyl cyclohexane	48 FR 46853 (10/14/83)	Dec. 21, 1983.
84-68	Generic name: Substituted anthraquinone aryl amine	48 FR 50953 (11/4/83)	Dec. 28, 1983.
84-69	Generic name: Substituted anthraquinone ammonium salt	48 FR 50953 (11/4/83)	Do.
84-216	Generic name: Phosphate ester	48 FR 54394 (12/2/83)	Dec. 7, 1983.

[FR Doc. 84-2850 Filed 2-1-84; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-335]

Alabama Federal Savings & Loan Association, Tuscaloosa, Ala.; Final Action; Approval of Conversion Application

Dated: January 27, 1984.

Notice is hereby given that on January 6, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Alabama Federal Savings and Loan Association, Tuscaloosa, Alabama, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, P.O. 56527, Peachtree Center Station, Atlanta, Georgia, 30343.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,
Assistant Secretary.

[FR Doc. 84-2901 Filed 2-1-84; 8:45 am]
BILLING CODE 6720-01-M

[No. AC-336]

Heritage Federal Savings & Loan Association, Daytona Beach, Fla.; Final Action; Approval of Conversion Application

Dated: January 27, 1984.

Notice is hereby given that on October 27, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Heritage Federal Savings and Loan Association, Daytona Beach, Florida, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Altanta, Georgia 30343.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,
Assistant Secretary.

[FR Doc. 84-2902 Filed 2-1-84; 8:45 am]
BILLING CODE 6720-01-M

[No. AC-338]

Grand Rapids Mutual Federal Savings & Loan Association, Grand Rapids, Mich.; Final Action; Approval of Conversion Application

Dated: January 27, 1984.

Notice is hereby given that on December 29, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Grand Rapids Mutual Federal Savings and Loan Association, Grand Rapids, Michigan, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Indianapolis, P.O. Box 60, Indianapolis, Indiana 46206.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,
Assistant Secretary.

[FR Doc. 84-2904 Filed 2-1-84; 8:45 am]
BILLING CODE 6720-01-M

[No. AC-333]

Monroe Savings & Loan Association, Monroe, N.C.; Final Action; Approval of Conversion applications

Dated: January 27, 1984.

Notice is hereby given that on January 17, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Monroe Savings and Loan Association, Monroe, North Carolina, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and

at Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Post Office Box 56527, Peachtree Center Station, Atlanta, Georgia, 30343.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-2900 Filed 2-1-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-339]

Westchester Federal Savings Bank, New Rochelle, N.Y.; Final Action; Approval of Conversion Application

Dated: January 27, 1984.

Notice is hereby given that on January 11, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Westchester Federal Savings Bank, New Rochelle, New York, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York, 10048.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-2905 Filed 2-1-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-337]

Yoakum Federal Savings & Loan Association Yoakum, Tex.; Final Action; Approval of Conversion Application

Dated: January 27, 1984.

Notice is hereby given that on October 26, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Yoakum Federal Savings and Loan Association, Yoakum, Texas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Dallas, 500 East John Carpenter Freeway, Post Office Box 619026, Dallas/Fort Worth, Texas 75261-9026.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-2903 Filed 2-1-84; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-334]

York Federal Savings & Loan Association, York, Pa.; Final Action; Approval of the Conversion Application

Dated: January 27, 1984.

Notice is hereby given that on January 16, 1984, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of York Federal Savings and Loan Association, York, Pennsylvania, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the said Corporation, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Pittsburgh, 11 Stanwix Street, Fourth Floor, Gateway Center, Pittsburgh, Pennsylvania, 15222-1395.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 84-2899 Filed 2-1-84; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

BankAmerica Corp.; To Expand the Activities of BA Futures Inc.

BankAmerica Corporation, San Francisco, California, has aplied, 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 expand the activities of BA Futures Incorporated, San Francisco, California.

Applicant states that the proposed subsidiary would engage *de novo* in the activities of executing and clearing, for nonaffiliated persons, options on futures contracts in U.S. government securities and options on other financial futures contracts that may from time to time be approved for trading on major exchanges. These activities would be performed from offices of Applicant's subsidiary in San Francisco, California; Atlanta, Georgia; Chicago, Illinois; Houston, Texas; London, England; Los Angeles, California; New York, New York; Seattle, Washington; and Republic of Singapore, and the geographic areas to be served are the entire United States and abroad. 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 § 225.4(b).

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 William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than February 24, 1984.

Board of Governors of the Federal Reserve System, January 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2839 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

Clark Bancshares; Acquisition of Bank Shares by a Bank Holding Company

Clark Bancshares, Clarks, Nebraska, 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 51 percent of the voting shares of Tereco, Inc. and indirectly acquire Farmers State Bank, Silver Creek, Nebraska. 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).

Clark Bancshares, 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 operate a general insurance agency in Silver Creek, Nebraska.

These activities would be performed from offices of Applicant's subsidiary in Silver Creek, Nebraska, a town with a population of fewer than 5,000 persons. 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 § 225.4(b).

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 Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than February 24, 1984.

Board of Governors of the Federal Reserve System, January 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2840 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

Den Norske Creditbank; Engaging de Novo in Permissible Nonbanking Activities

January 27, 1984.

The organization listed in this notice has 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 § 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.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to the 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 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.

Comments regarding this application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 20, 1984.

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

1. *Den Norske CreditBank*, Oslo, Norway; to engage *de novo* through its subsidiary DNC Finance, in the activities of commercial lending, such as would be performed by a mortgage or commercial finance company, including making and acquiring loans secured by real property, equipment, accounts receivable and inventory.

Board of Governors of the Federal Reserve System, January 30, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2847 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover Corp.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The bank holding company listed in this notice has applied under § 225.23(a)(2) or (f) 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 § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to the application, 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.

Comments regarding this application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 28, 1984.

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

1. *Manufacturers Hanover Corporation*, New York, New York, to acquire C.I.T. Financial Corporation, New York, New York, and engage in factoring—in purchasing accounts receivable, collecting accounts receivable, making loans to clients, either unsecured or secured by receivables (i.e., customer invoices) assigned by the clients to the factor; commercial and industrial finance—making secured loans to businesses, sometimes referred to as "asset-based financing", and making unsecured loans to businesses; leasing—leasing personal or real property, acting as agent, broker or adviser in leasing such property under the conditions set forth in § 225.4(a)(6) (i) and (ii) of Regulation Y; Sales finance—purchasing notes or contracts that arise from sales of goods

and industrial and business equipment (for example, mobile home, automobile and industrial equipment finance activities); consumer finance—making or acquiring direct personal cash loans generally on an installment basis to individuals, secured or unsecured (for example, consumer finance, personal finance, small loan, direct cash loan and home equity lending activities or other consumer finance activities permitted under state law); industrial banking—engaging in industrial bank and industrial loan activities (the institutions do not accept demand deposits or other transaction accounts); credit servicing—servicing loans and other extensions of credit for any person and servicing sales finance contracts; insurance activities—acting as agent or broker for the sale of credit life, accident and health, disability, and property and casualty insurance; mortgage banking—originating and servicing loans secured by real estate and providing financing secured by real estate for construction projects; investing in community welfare projects—making equity and debt investments in companies or projects designed primarily to promote community welfare.

Board of Governors of the Federal Reserve System, January 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2841 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

Midlantic Banks 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 (49 FR 794) 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 28, 1984.

A. **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; to acquire 100 percent of the voting shares or assets of Union Trust Company of Wildwood, New Jersey, Wildwood, New Jersey.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Citizens Financial Services, Inc.*, Mansfield, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of First Citizens National Bank, Mansfield, Pennsylvania.

C. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Ohio Bancorp*, Youngstown, Ohio; to acquire 6.10 percent of the voting shares or assets of The Union Commercial & Savings Bank, East Palestine, Ohio.

2. *Spectrum Financial Corporation*, Wheeling, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Security National Bank & Trust Co., Wheeling, West Virginia.

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

1. *First Chicago Corporation*, Chicago, Illinois; to acquire 100 percent of the voting shares or assets of American National Corporation, Chicago, Illinois and thereby indirectly acquire American National Bank & Trust Company of Chicago, Chicago, Illinois; First American Bank of Bensenville; Bensenville, Illinois; First National Bank of Libertyville, Libertyville, Illinois; First Arlington National Bank, Arlington Heights, Illinois; and The Elgin National Bank, Elgin, Illinois. Comments on this application must be received not later than February 15, 1984.

2. *Iowa First Bancshares Corp.*, Muscatine, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Muscatine, Muscatine, Iowa and 80 percent of First National Bank in Fairfield, Fairfield, Iowa.

3. *River Valley Bancorporation, Inc.*, Rothschild, Wisconsin; to acquire 80 percent or more of the voting shares or assets of New London National Bank, New London, Wisconsin.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Kansas Bancorp II, Inc.*, Concordia, Kansas; to acquire 100 percent of the nonvoting preferred shares of First Glasco Bancshares, Inc., Glasco, Kansas. Comments on this application must be received not later than February 17, 1984.

2. *Roxbury Bancshares, Inc.*, Kansas City, Missouri; to become a bank holding company by acquiring 96 percent of the voting shares of Roxbury State Bank, Roxbury, Kansas.

3. *Victory Bancorp, Inc.*, Nowata, Oklahoma; to become a bank holding company by acquiring 93.23 percent of the voting shares of Victory Bancshares, Inc., Nowata, Oklahoma, thereby indirectly acquiring 89.46 percent of the voting shares of Victory National Bank of Nowata, Nowata, Oklahoma.

F. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *BancCentral Bancorp, Inc.*, Amarillo, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of BancCentral (formerly North State Bank of Amarillo), Amarillo, Texas.

Board of Governors of the Federal Reserve System, January 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2842 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

Monarch Bancorp; Formation of a Bank Holding Company

Monarch Bancorp, Laguna Niguel, California, has 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 a bank holding company by acquiring 100 percent of the voting shares of Monarch Bank, Laguna Niguel, 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)).

Monarch Bancorp, Laguna Niguel, 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 M.B. Mortgage

Company, Inc., Laguna Niguel, California.

Applicant states that the proposed subsidiary would engage in the activities of mortgage banking. These activities would be performed from offices of Applicant's subsidiary in Laguna Niguel, California and the geographic areas to be served is the State of California. 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 § 225.4(b).

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 21, 1984.

Board of Governors of the Federal Reserve System, January 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2843 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

Norwest Corp.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies and Acquisitions of Nonbanking Companies

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (49 FR 794) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied to under § 225.23(a)(2) of 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 § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to the application, 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 competion, 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.

Comments regarding this application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 28, 1984.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota, to merge with Bankshares of Nebraska, Inc., Grand Island, Nebraska and thereby indirectly acquire The First National Bank of Grand Island, Grand Island, Nebraska, Bankshares of Nebraska Life Insurance Company, Grand Island, Nebraska and the insurance division of Bankshares of Nebraska, Inc., Grand Island, Nebraska. Bankshares of Nebraska Life Insurance Company, will engage in general insurance activities, particularly reinsurance on credit life, health and accident policies written by primary insurers; and the insurance agency division of Bankshares of Nebraska Inc., Grand Island, Nebraska will engage in general insurance activities mainly to provide insurance services for customers of the bank who have a credit relationship with the bank, to include insurance for homeowners, automobile, life business, group hospitalization, pension programs, profit sharing and farm policies.

Board of Governors of the Federal Reserve System, January 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2844 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

Puget Sound Bancorp; Proposal To Engage in the Arranging of Equity Financing

Puget Sound Bancorp, Tacoma, Washington, has 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 engage through an existing subsidiary Washington Mortgage Corporation, Seattle, Washington.

Applicant states that the subsidiary would engage in the activities of arranging equity financing and acting as an investment or financial adviser to the extent of providing portfolio investment advice to persons in connection with commercial or income-producing real estate investments. These activities would be performed from offices of Applicant's subsidiary in Seattle and Tacoma, Washington; Portland, Oregon; Phoenix, Arizona; Honolulu, Hawaii; Newport Beach, California and the geographic area to be served is the United States.

Although arranging equity financing has not been added to the list of activities specified by the Board in § 225.4(a) of Regulation Y, the Board has determined by order that this activity is closely related to banking. *E.g. Trust Company of Georgia*, 69 Federal Reserve Bulletin 225 (1983).

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 William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than February 24, 1984.

Board of Governors of the Federal Reserve System, January 27, 1984.

James McAfee,

Associate Secretary of the Board

[FR Doc. 84-2845 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

Security Pacific Corp.; Acquisition of a Company Engaged in Permissible Nonbanking Activities

The bank holding company listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (49 FR 749) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to the application, 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 this application must by received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 27, 1984.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation,* Los Angeles, California, to acquire certain assets of Citicorp Industrial Credit, Inc., Harrison, New York and Citicorp Business Credit, Inc. and Citibank, N.A., both of New York, New York, and thereby engage, through it subsidiary, Security Pacific Business Credit, Inc., in factoring activities from offices located in Los Angeles, California, Atlanta, Georgia, and New York, New York.

Board of Governors of the Federal Reserve System, January 27, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-2838 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

United Security Bancshares, Inc., 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 Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *United Security Bancshares, Inc.,* Canton, Georgia; to become a bank holding company by acquiring 91.1 percent of the voting shares of United Security Bank, Sparta, Georgia. Comments on this application must be received not later than February 27, 1984.

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

1. *First State Bancorp,* Howell, New Jersey; to become a bank holding company by acquiring at least 90 percent of the voting shares of Howell State Bank, Howell, New Jersey. Comments on this application must be received not later than February 27, 1984.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Independent Bancorp. Inc.,* Channelview, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Channelview Bank, Channelview, Texas. Comments on this application must be received not later than February 27, 1984.

2. *Kiamichi Bancshares, Inc.,* Hugo, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Citizens State Bank, Hugo, Oklahoma. Comments on this application must be received not later than February 27, 1984.

Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *McKeesport National Corporation,* McKeesport, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of McKeesport National Bank, McKeesport, Pennsylvania. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Comments on this application must be received not later than February 27, 1984.

Board of Governors of the Federal Reserve System, January 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2846 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules; The News Corp. Ltd. et al.

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the

Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 83-1124—The News Corporation Limited's proposed acquisition of voting securities of Warner Communications, Incorporated.	Jan. 18, 1984.
(2) 83-1111—Warner Communications Incorporated's proposed acquisition of BHC, Incorporated (Chris-Craft Industries, Incorporated, UPE).	Do.
(3) 83-1112—Chris-Craft Industries, Incorporated's proposed acquisition of voting securities of Warner Communications, Incorporated.	Do.
(4) 83-1079—DWG Corporation's proposed acquisition of voting securities of Peabody International Corporation.	Jan. 19, 1984.
(5) 83-1113—Republic Health Corporation's proposed acquisition of assets of Vesper Society.	Jan. 20, 1984.
(6) 84-0017—Health Resources Corporation of America's proposed acquisition of assets of North Miami General Hospital, Incorporated.	Do.
(7) 83-1055—Pay'n Save Corporation's proposed acquisition of voting securities of NWD Investment Company, Incorporated, (Kenneth R. Eads, UPE).	Jan 24, 1984.
(8) 84-0010—United Financial Group Incorporated of voting securities of Castle and Cooke, Incorporated.	Do.
(9) 83-1115—The 1964 Simmons Trust's proposed acquisition of voting securities of GAF Corporation.	Do.
(10) 84-0030—F.J.C. Lilley PLC's proposed acquisition of voting securities of The John W. Cowper Company, Incorporated.	Do.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580; (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-2852 Filed 2-1-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81N-0393; DESI 6514]

Drugs for Human Use; Drug Efficacy Study Implementation; Prescription Drugs Offered for Relief of Symptoms of Cough, Cold, or Allergy; Amendment

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) amends a notice of opportunity for hearing which proposed to withdraw approval of the entire new drug applications (NDA's) for five "Phenergan" expectorants. As amended, the proposal applies to the NDA's only as they pertain to the old formulations of four of the products. FDA announces the conditions for marketing the four reformulated and renamed products for the indications for which they are regarded as effective.

EFFECTIVE DATE: February 2, 1984.

ADDRESS: Communication in response to this notice should be identified with Docket No. 81N-0393, and directed to the attention of the appropriate office named below:

Supplements to full new drug applications (identify with NDA number): Division of Surgical-Dental Drug Products (HFN-160), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFN-530), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFN-310), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFN-501), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David T. Read, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of May 25, 1982 (47 FR 22610), FDA revoked the temporary exemption from the time limits for completing certain phases of the Drug Efficacy Study Implementation (DESI) program that had been granted for five "Phenergan" expectorants. These prescription products are offered for the relief of symptoms of cough, cold, or allergy. FDA reclassified the five products as lacking substantial evidence of effectiveness, proposed to withdraw approval of the new drug applications for those products in their entirety, and offered an opportunity for a hearing on the proposal. Hearing requests were submitted for the five products.

1. Phenergan Expectorant with Codeine (NDA 8-306) containing 5 milligrams (mg) promethazine hydrochloride, 0.0104 milliliter (mL) ipecac fluidextract, 43.8 mg potassium guaiacolsulfonate, 60 mg citric acid, 197.2 mg sodium citrate, and 10 mg codeine phosphate per 5 mL; Wyeth Laboratories, Inc., Division of American Home Products Corp., P.O. Box 8299, Philadelphia, PA 19101. Wyeth has supplemented NDA 8-306 to provide for a reformulation that changes the name from "Phenergan Expectorant with Codeine" to "Phenergan with Codeine Cough Syrup" and contains 6.25 mg promethazine hydrochloride and 10 mg codeine phosphate per 5 mL.

2. Phenergan VC Expectorant Plain (NDA 8-604, misidentified in previous notices as NDA 8-306) containing 5 mg promethazine hydrochloride, 0.0104 mL ipecac fluidextract, 43.8 mg potassium guaiacolsulfonate, 60 mg citric acid, 197.2 mg sodium citrate, and 5.5 mg phenylephrine hydrochloride per 5 mL; Wyeth Laboratories. Wyeth has Supplemented NDA 8-604 to provide for a reformulation that changes the name from "Phenergan VC Expectorant Plain" to "Phenergan VC Plain" and contains 6.25 mg promethazine hydrochloride and 5 mg phenylephrine hydrochloride per 5 mL.

3. Phenergan VC Expectorant with Codeine (NDA 8-306) containing 5 mg promethazine hydrochloride, 0.0104 mL ipecac fluidextract, 43.8 mg potassium guaiacolsulfonate, 60 mg citric acid, 197.2 mg sodium citrate, 5.5 mg phenylephrine hydrochloride, and 10 mg codeine phosphate per 5 mL; Wyeth Laboratories. Wyeth has supplemented NDA 8-306 to provide for a reformulation that changes the name from "Phenergan VC Expectorant with Codeine" to "Phenergan VC with Codeine Cough Syrup" and contains 6.25 mg promethazine hydrochloride, 5 mg

phenylephrine hydrochloride, and 10 mg codeine phosphate per 5 mL.

4. Pediatric Phenergan Expectorant with Dextromethorphan (NDA 11–265) containing 5 mg promethazine hydrochloride, 0.0104 mL ipecac fluidextract, 44 mg potassium guaiacolsulfonate, 60 mg citric acid, 197 mg sodium citrate, and 7.5 mg dextromethorphan hydrobromide per 5 mL; Wyeth Laboratories. Wyeth has supplemented NDA 11–265 to provide for a reformulation that changes the name from "Pediatric Phenergan Expectorant with Dextromethorphan" to "Phenergan with Dextromethorphan Cough Syrup" and contains 6.25 mg promethazine hydrochloride and 15 mg dextromethorphan hydrobromide per 5 mL.

Also named in the May 25, 1982 notice was Phenergan Expectorant Plain (NDA 8–604) containing 5 mg promethazine hydrochloride, 0.0104 mL ipecac fluidextract, 44 mg potassium guaiacolsulfonate, 60 mg citric acid, and 197 mg sodium citrate per 5 mL; Wyeth Laboratories. That product is unaffected by this amendment.

Hearing requests are still pending on the five original expectorant formulations listed above. These products will be the subject of a future **Federal Register** notice.

FDA now amends the May 25, 1982 notice: the proposal to withdraw approval of NDA's 8–306, 8–604 insofar as it pertains to Phenergan VC Plain, and 11–265 does not apply to those NDA's as supplemented to provide for the reformulations described above. Each component (except promethazine hydrochloride) of the reformulations was considered to be safe and effective by the over-the-counter (OTC) drug review panel for cough, cold, allergy, bronchodilator, and antispasmodic (CCABA) drugs (41 FR 38339). Promethazine hydrochloride was classified by FDA as an effective antihistamine (42 FR 44275). The OTC drug review panel for CCABA drugs concluded that combinations containing an antihistamine and an antitussive, with or without a nasal decongestant, each present in amounts within the effective dosage range, are safe and effective (41 FR 38326).

The notice is also amended to include the following conditions for approval and marketing of the four reformulated products listed above.

A. *Effectiveness classification.* FDA as reviewed all available evidence and concludes that the four drug products, as reformulated, are effective for the indications in the labeling conditions below. The drug products lack substantial evidence of effectiveness in their old formulations, and for other labeled indications. This notice does not prevent FDA, in any future OTC drug monograph, from including any of the ingredients listed above, and requiring labeling different from that approved for prescription use.

B. *Conditions for approval and marketing.* FDA is prepared to approve abbreviated new drug applications for the formulations now regarded as effective and supplements to the previously approved new drug applications under conditions described herein.

1. *Form of drug.* The preparation is in a syrup form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The indications are as follows:

For Promethazine with Codeine Cough Syrup and Promethazine with Dextromethorphan Cough Syrup: For relief of coughs and upper respiratory symptoms associated with allergy or the common cold.

For Promethazine with Phenylephrine: For relief of upper respiratory symptoms, including nasal congestion, associated with allergy or the common cold.

For Promethazine with Phenylephrine and Codeine Cough Syrup: For relief of coughs and upper respiratory symptoms, including nasal congestion, associated with allergy or the common cold.

3. *Marketing status of "reformulated" products.* Approval of an abbreviated new drug application (21 CFR 314.2, previously 314.1(f) (revised and recodified January 21, 1983; 48 FR 2751)) or of a supplement to an approved or effective new drug application must be obtained before marketing such products. The bioavailability regulations (21 CFR 320.21) require any person submitting a full or abbreviated new drug application or a supplement for reformulation after July 7, 1977, to include either evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement. Marketing the drug products before approval of a new drug application or a supplement will subject those products, and the persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053 as amended (21 U.S.C. 352, 355)), and under the authority delegated to the Director of the National Center for Drugs and Biologics (see 21 CFR 5.70, 5.82, and 47 FR 26913 published in the **Federal Register** of June 22, 1982).

Dated: January 23, 1984.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 84–2823 Filed 2–1–84; 8:45 am]

BILLING CODE 4160–01–M

Small Business Participation; Open Meeting

AGENCY: Food an Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming small business exchange meeting to be chaired by Matthew H. Lewis, Director, Newark District Office.

DATE: The meeting will be held Thursday, March 1, 1984, at 1 p.m.

ADDRESS: The meeting will be held at The Education Center at the Center for Health Affairs, 746–760 Alexander Rd., CN–1, Princeton, NJ 08540–0706.

FOR FURTHER INFORMATION CONTACT: George R. Walden, Small Business Representative, Food and Drug Administration, 20 Evergreen Place, East Orange, NJ 07018, 201–645–6466.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between small business and FDA officials, provide a forum for the owners and managers of small businesses to express their concerns about FDA, encourage discussion about the effects of regulation and regulatory alternatives, convey knowledge about the agency's operations and procedures, and increase participation by small business persons in FDA's decisionmaking process.

Dated: January 26, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–2821 Filed 2–1–84; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Grant Application Cycles; Health Systems Agency Grants and State Health Planning and Development Agency Grants

Correction

In FR Doc. 83-33877 beginning on page 56648 in the issue of Thursday, December 22, 1983, make the following corrections:

On page 56648, second column, last paragraph, remove the second sentence and insert the following sentences. "If not included with the application, State comments should be forwarded to both the applicant and the regional office. If comments are provided by the State, the applicant should submit those comments and its reaction to them to the regional office, and, if applicable, any revisions to the application. Regional offices will notify States if an application is received without an indication that it was submitted to the State for review."

Begin a new paragraph with the word "All" in the eight line from the bottom of the column.

BILLING CODE 1505-01-M

Health Education Assistance Loan Program; Maximum Interest Rates for Quarter Ending March 31, 1984

Section 727 of the Public Health Service Act (42 CFR Part 60, previously 45 CFR Part 126) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools. Section 60.13(a)(4) of the program's implementing regulations provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending March 31, 1984, two interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the variable interest rate is 11¾ percent. Using the regulatory formula (45 CFR 126.13(a)(2)(3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (9.16 percent), and rounding the result (5.66 percent) upward to the nearest ⅛ percent (5¾ percent). Thus, the variable rate for this 3-month period would normally be at the annual rate of 12¾ percent (5¾ percent plus 7 percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. For the previous 3 quarters the variable interest at the annual rate was as follows: 12 percent for the quarter ending June 30, 1983; 12⅜ percent for the quarter ending September 1983; and 11⅞ percent for the quarter ending December 31, 1983. Therefore, in order to maintain an average annual rate of 12 percent for the 12-month period ending March 31, 1984, the variable interest rate for the quarter ending March 31, 1984, would be at an annual rate of 11¾ percent.

2. For fixed rate loans executed during the period of January 1 through March 31, 1984, and for variable rate loans executed after January 27, 1981, the interest rate is 12¾ percent. Using the regulatory formula (42 CFR 60.13(a)(3)), in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (9.16 percent); adding 3.50 percent (12.66 percent); and rounding that figure to the next higher one-eighth of 1 percent (12¾ percent).

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans)

Dated: January 27, 1984.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 84-2862 Filed 2-1-84; 8:45 am]

BILLING CODE 4160-16-M

Public Health Service

Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) (42 FR 61318, December 2, 1977, as amended most recently at 48 FR 25277, June 6, 1983) is amended to reflect the deletion of the Division of Emergency Coordination (HAU27) within the Office of Organization and Management Systems (HAU2), Office of Management (HAU), and the establishment of the Office of Emergency Preparedness (HAP) reporting to the Assistant Secretary for Health. This will establish a reporting relationship between the Deputy Assistant Secretary for Health Operations and the Director of the Office of Emergency Preparedness.

OASH

Under *Part H. Chapter HA, Office of the Assistant Secretary for Health, Section HA-10, Organization,* add the organization name after item 16. *Office of Emergency Preparedness (HAP).*

Following *Section HA-10,* change the title of the *Office of the Assistant Secretary for Health (HA)* to read *Section HA-20. Office of the Assistant Secretary for Health (HA)—Functions.*

Under *Section HA-20—Functions* make the following changes:

After the title and statement for the *Office of Refugee Health (HAF),* add the following title and statement:

Office of Emergency Preparedness (HAP). (1) Serves as the principal advisor to ASH for emergency management planning, preparedness, and operations activities and provides a central focal point for PHS efforts in emergency preparedness activities; (2) provides staff support to assist ASH in the accomplishment of emergency preparedness responsibilities assigned by Presidential Executive Order 11490 as amended, the Disaster Relief Act of 1974, and other pertinent statutes, directives, and delegations of authority; (3) provides central emergency preparedness policy guidance, coordination, and assistance to heads of PHS agencies and to Regional Health Administrators and monitors their performance and emergency readiness status; (4) works closely with the Federal Emergency Management Agency and other Federal departments and agencies to develop plans and maintain operational readiness required for timely and effective PHS response to Federal, State and local government requests for assistance following major disasters; (5) develops PHS policies and programs and coordinates PHS planning and response activities related to other types of emergencies, including resource shortages, civil disturbances, mass immigration emergencies and other actual or imminent crises; (6) maintains PHS liaison and working relationships with the Federal Emergency Management Agency and with other Federal departments and agencies; and (7) maintains PHS central files of classified emergency plans and other mobilization documents.

After the statement for the *Office of Management (HAU)* under the heading entitled *Office of Organization and Management Systems (HAU2),* revise item (3) in the office statement to delete

reference to "including emergency preparedness." Delete the title and statement for *Division of Emergency Coordination (HAU27).*

Dated: January 19, 1984.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 84-2878 Filed 2-1-84; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

1983 Amendments to the California Desert Conservation Area Plan; Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to section 102(2)(c), of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a Final Environmental Impact Statement (FEIS) concerning the 1983 Amendment review of the California Desert Plan.

DATE: Comments on the FEIS are being accepted for 30 days from the date of this notice.

ADDRESS: For further information contact Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: Fourteen amendments were accepted for consideration. The amendments propose changes in both general plan guidelines and in sight-specific measure. The latter include changes in vehicle access restrictions, Areas of Critical Environmental Concern (ACECs), grazing allotments, wilderness suitability recommendations, and multiple-use class designations. Under the preferred alternative, 12 amendments would either be accepted or accepted with modification, one would be rejected, and one would be deferred.

Comment on the FEIS should be submitted to the following address; use of any other address may result in comments not being processed: 1983 Plan Amendments, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, California 92507.

A limited number of copies of the Final Environmental Impact Statement are available upon request at the address listed above for comments. Copies are also available for review at two other locations:

USDI-Bureau of Land Management, 2800 Cottage Way, Rm. E-2841, Sacramento, CA 95825.

USDI-Bureau of Land Management, 1725 Eye Street NW., Suite 906, Washington, D.C. 20240.

Dated: January 27, 1984.

Ed Hastey,

State Director.

[FR Doc. 84-2803 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-40-M

[C-36695]

Realty Action—Exchange, Public Lands in Gunnison County, Colorado

The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

New Mexico Principal Meridian

T. 47 N., R. 3 W.,
Sec. 18, NW¼NE¼.

6th Principal Meridian

T. 14 S., R. 86 W.,
Sec. 1, N½SE¼SW¼.
Containing 60 acres.

In exchange for these lands, the United States will acquire the following described private lands in Gunnison County from Mr. Noel Andress:

New Mexico Principal Meridian

T. 49 N., R. 3 W.,
Sec. 25, SW¼NW¼, N½NW¼, N½S½NW¼SW¼,
Sec. 26, E½NE¼.
Containing 140 acres.

The purpose of the exchange is to obtain non-Federal lands for use in Federal programs in the vicinity of the Wayne Aspinal National Recreation Area. The exchange is consistent with the Bureau's planning for the lands involved. The public interest will be well served by making the exchange. The values of the lands to be exchanged are approximately equal and the difference in value will be equalized by payment from Mr. Andress.

The exchange will involve both the surface and subsurface estates and be consummated subject to valid existing rights which may apply to both the offered and selected lands.

Additional information about the exchange, including the environmental assessment, is available for review at the Bureau of Land Management, Montrose District Office, 2465 South Townsend Street, Montrose, Colorado 81401.

For a period of 45 days from the date of this notice, interested parties may submit comments or claims to the Montrose District Manager. Any adverse comments or claims will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

R. S. Schmidt,

Acting District Manager, Montrose.

[FR Doc. 84-2804 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-JB-M

Issuance of Disclaimer of Interest to Lands in New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of disclaimer of interest in land in New Mexico.

SUMMARY: Notice is hereby given that the United States of America, pursuant to the provisions of section 315 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745), does hereby give notice of its intention to disclaim and release all interest that may have resulted from a change in the course of the Rio Hondo River in Taos County, New Mexico, to the owners of record for a certain tract of land in Twining, Taos County, New Mexico; within the Antoine Leroux Grant; located within the North ½ of projected Section 9, Township 27 North, Range 14 East, NMPM.

Any person wishing to submit a protest or comments on the above disclaimer of interest should do so by writing before the expiration date of 90 days from the date of publication of this notice. If no protest(s) is received, the disclaimer will become effective on the date set out below.

EFFECTIVE DATE: Disclaimer of title and release of all interest of the United States shall issue on May 3, 1984.

ADDRESS: Information concerning this land and the proposed disclaimer may be obtained from the protests filed with: District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FOR FURTHER INFORMATION CONTACT: Janet M. Budzilek, (505)-766-3665.

Howard L. Bryan, Jr.,

Acting District Manager.

[FR Doc. 84-2799 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-FB-M

[C-36811]

Realty Action, Non-Competitive Lease of Public Lands in Mesa County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: A proposal has been made by Dorchester Coal Company (Dorchester) to lease public lands pursuant to Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762, 43 U.S.C. 1732). The lease proposal is for lands located in Mesa County, Colorado within the following described area:

Sixth Principal Meridian

T. 8 S., R. 102 W.,
(Portions within) Sections 1, 11, 12, 13, 14, and 24
T. 8 S., R. 101 W.,
(Portions within) Sections 29, 30, 31, 32, 33, 34, and 35
T. 9 S., R. 101 W.,
(Portions within) Sections 3, 4, 5, and 6

The area within the above-described lands proposed for use aggregates approximately 3,464 acres.

Dorchester has proposed to use these lands for surface facility areas to support underground coal mining operations on three adjacent Federal Coal Leases (C–0127832, C–0127833, and C–0127834). The leases are located approximately 12 miles north of Fruita, Colorado. Dorchester proposes to construct mine portals, preparation plants, loadout facilities, clean coal stockpile areas, and reject coal disposal areas on the above described lands.

Information concerning the proposed land use is contained in Dorchester's mine plan application for the Fruita Mine Complex. The mine plan application has been submitted to the Office of Surface Mining and to the Colorado Mined Land Reclamation Division for review and processing. The Office of Surface Mining has been designated lead agency for the preparation of an Environmental Impact Statement (EIS) to assess impacts of the proposed development. The Bureau of Land Management will be a cooperating agency in the preparation of the EIS. All Federal, State and local permits will be reviewed through the Colorado Joint Review Process.

The Bureau of Land Management Grand Junction District will consider a long-term (approximately 30 years) direct-noncompetitive lease at the appraised fair market value to Dorchester Coal Company, dependent upon the company's filing and application for lease and including information required by Title 43 Code of Federal Regulations. § 2920.5–2. (These regulations appear as final rulemaking in the **Federal Register** of January 19, 1981, Volume, 46, No. 12, at pages 5772 through 5782.) The terms and conditions applicable to any lease issued under this notice are those in 43 CFR 2920.7.

Dorchester will be required to reimburse the United States for reasonable administrative and other costs incurred by the United States in processing a lease application and for monitoring construction, operation, maintenance and rehabilitation of any facilities authorized. The reimbursement of costs would be in accordance with the provisions of 43 CFR 2920.6.

Information about the proposal can be reviewed at the Bureau of Land Management, Grand Junction Resource Area, 764 Horizon Drive, Grand Junction, Colorado 81501, telephone (303) 243–6552. Interested parties may submit comments to the District Manager, Bureau of Land Management at the above address on or before March 20, 1984. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this notice of realty action.

Wright C. Sheldon,

District Manager.

[FR Doc. 84–2827 Filed 2–1–84; 8:45 am]

BILLING CODE 4310–84–M

Amendment of a Notice of Intent To Prepare Management Framework Plan Amendments; New Mexico

AGENCY: Bureau of Land Management (BLM), New Mexico, Interior.

ACTION: Amendment of a Notice of Intent to prepare wilderness plan amendments and statewide environmental impact statement published in the **Federal Register** January 28, 1982, pages 4154–4155.

SUMMARY: The Interior Board of Land Appeals (IBLA) reversed some of BLM's decisions designating Wilderness Study Areas (WSA's) in New Mexico. The Presilla and Antelope wilderness inventory units are now WSA's and additional acreage has been added to the Sierra Ladrones WSA.

FOR FURTHER INFORMATION CONTACT: Joseph Sovcik, Environmental Coordinator, Bureau of Land Managment, P. O. Box 1449, Santa Fe, New Mexico 87501. Telephone: (505) 988–6565; FTS 476–6565.

SUPPLEMENTARY INFORMATION: As a result of the IBLA decision, the table in the Notice of Intent in the **Federal Register**, Vol. 47, No. 19, on page 4154, published January 28, 1982, is amended as follows:

Sierra Ladrones—Increase acreage from 39,308 to 42,688
Presilla—New WSA acreage—8,680
Antelope—New WSA acreage—23,710.

Charles W. Luscher,

State Director.

[FR Doc. 84–2802 Filed 2–1–84; 8:45 am]

BILLING CODE 4310–FB–M

Carson City, Nevada, District Grazing Advisory Board Meeting

January 23, 1984.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Carson City District Grazing Advisory Board.

DATE: March 8, 1984; 9:00 a.m.

ADDRESS: BLM Office, 1050 E. William St., Suite 344, Carson City, Nevada.

SUPPLEMENTARY INFORMATION: The agenda will include the election of officers and update reports on range improvement projects and land use planning. The public is invited, and anyone may appear before the Council at 11:00 a.m.

FOR FURTHER INFORMATION CONTACT: Steve Weiss, Public Affairs Officer, BLM, 1050 E. William St., Suite 335, Carson City, NV 89701 (702) 882–1631.

Thomas J. Owen,

District Manager.

[FR Doc. 84–2809 Filed 2–1–84; 8:45 am]

BILLING CODE 4310–HC–M

Worland District Advisory Council, Wyoming; Meeting Cancellation

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting cancellation.

SUMMARY: Notice is hereby given that the Worland District Advisory Council Meeting scheduled for February 15, 1984, as announced on page 942 of the Friday, January 6, 1984, **Federal Register** (Vol. 49, No. 4), has been cancelled indefinitely. The meeting will be rescheduled at a later date.

FOR FURTHER INFORMATION CONTACT: Ed Fisk, Associate District Manager, Bureau of Land Management, 1700 Robertson Avenue, Worland, Wyoming 82401 (307) 347–6151.

Chester E. Conrad,

District Manager.

[FR Doc. 84–2800 Filed 2–1–84; 8:45 am]

BILLING CODE 4310–22–M

[W-56564-A, W-69305, W-73691]

Proposed Reinstatement of Terminated Oil and Gas Leases

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, Section 3108.2-1(c), and Pub. L. 97-451, petitions for reinstatement of oil and gas leases W-56564-A in Campbell County, Wyoming, W-69305 in Niobrara County, Wyoming, and W-73691 in Park County, Wyoming, were timely filed and accompanied by all the required rentals accruing from the dates of termination.

The lessees have agreed to new lease terms for rental and royalties at rates of $5.00 per acre, or fraction thereof, and 16⅔ percent, respectively.

The lessees have paid the required $500 administrative fee and will reimburse the Department for the cost of this Federal Register notice. The lessees having met all the requirements for reinstatement of the leases as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate leases W-56564-A and W-69305 effective November 1, 1983, and lease W-73691 effective December 1, 1983, subject to the original terms and conditions of the leases and the increased rental and royalty rates cited above.

Richard L. Hopkins,

Acting Chief, Branch of Fluid Minerals.

[FR Doc. 84-2807 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-22-M

[OR-36748]

Oregon; Order Providing for Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: By order dated January 3, 1984, the Federal Energy Regulatory Commission vacated 80 power project land withdrawals in their entirety. This action will open certain lands in the State of Oregon to surface entry and mining.

EFFECTIVE DATE: March 12, 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 order dated January 3, 1984, the Federal Energy Regulatory Commission vacated the land withdrawals in their entirety as to the following identified power projects:

3111	3927	5396
3378	3962	5499
3380	3964	5501
3381	3975	5552
3382	3989	5565
3383	3998	5684
3384	4004	5685
3404	4064	5687
3405	4131	5904
3406	4136	6022
3427	4169	6108
3445	4171	6333
3446	4175	6336
3447	4176	6358
3458	4231	6609
3460	4408	6612
3462	4485	6653
3467	4708	6691
3468	4748	6860
3743	5024	6978
3764	5025	6979
3794	5028	6980
3796	5027	7031
3867	5072	7288
3890	5249	7290
3898	5337	7291

All of the lands involved are located within the State of Oregon.

2. At 8:30 a.m., on March 12, 1984, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands affected by the power project withdrawals identified in paragraph 1 will be open, to the extent that they are not otherwise withdrawn or conveyed out of Federal ownership, to operation of the public land laws generally or if applicable, to such forms of disposition as may by law be made of national forest lands.

3. At 8:30 a.m., on March 12, 1984, the lands affected by the power project withdrawals identified in paragraph 1 will be open, to the extent that they are not otherwise withdrawn or conveyed out of Federal ownership, to location under the United States mining laws. Appropriation of land under the United States mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

4. To the extent that the lands affected by the power project withdrawals identified in paragraph 1 are not otherwise withdrawn or conveyed out of Federal ownership, the lands have been and remain open to applications and offers under the mineral leasing laws.

Dated: January 26, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-2805 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-33-M

[U-53681]

Utah; Order Providing for Opening of Lands

1. In an exchange of lands under the provisions of Section 206 of the Act of October 21, 1976, the following lands have been reconveyed to the United States:

Salt Lake Meridian, Utah

T. 3 S., R. 19 E.,
Sec. 12, NE¼NW¼. (Surface Only)
T. 20 S., R. 16 E.,
Sec. 3, lots 8, 9, 10. (Surface and Minerals)
Aggregating 100.29 acres.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to operations of the public land laws generally. All valid applications received at or prior to 10:00 a.m. on March 1, 1984, shall be considered as being simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10:00 a.m. on March 1, 1984, the lands as described in paragraph one, where minerals were reconveyed to the United States, will be open to leasing under the mineral leasing laws. The lands will also be open to location under the mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 136 East South Temple, University Club Building, Salt Lake City, Utah 84111.

Orval L. Hadley,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-2826 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-DQ-M

[U-53729]

Utah; Order Providing for Opening of Lands

1. In an exchange of lands under the provisions of section 206 of the Act of October 21, 1976, the following lands have been reconveyed to the United States:

Salt Lake Meridian, Utah

T. 13 N., R. 10 W., (Surface Only)
Sec. 2, S½;
Sec. 10, SW¼.
T. 14 N., R. 10 W., (Surface Only)
Sec. 19, NE¼.
T. 4 N., R. 19 W., (Surface Only)
Sec. 3, all;
Sec. 9, all;
Sec. 11, all;
Sec. 28, all.
T. 5 N., R 19 W., (Surface Only)
Sec. 35, all.
T. 41 S., R. 1 W., (Surface Only)
Sec. 7, lot 3, 4, SE¼SW¼;
Sec. 18, lot 1, E½NW¼.
T. 37 S., R 19 E., (Surface Only)
Sec. 16, SE¼NE¼.
T. 8 S., R. 22 E.,
Sec. 31, lot 3, NE¼SW¼, SE¼ (Minerals Only)
Sec. 32, all; (Minerals Only)
Sec. 36, all. (Surface and Minerals)
T. 8 S., R. 23 E., (Surface and Minerals)
Secs. 32, 36, all.
T. 8 S., R. 24 E., (Surface and Minerals)
Secs. 32, 36, all.
T. 9 S., R. 24 E., (Surface and Minerals)
Sec. 15, lots 1 thru 4, N½, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, N½SE¼SW¼SW¼, SW¼SE¼S SW¼SW¼, N½SE¼;
Sec. 32, NE¼NE¼, S½¦NW¼, S½.
T. 8 S., R. 25 E., (Surface Only)
Sec. 32, all;
Sec. 36, lots 1 thru 4, W½W½.
T. 9 S., R. 25 E., (Surface and Minerals)
Sec. 2, all.

The areas described aggregate 10,797.50 acres.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands as described in paragraph one, except lands in T. 8 S., R. 22 E., Sections 31 and 32, are hereby open to operation of the public land laws generally. All valid applications received at or prior to 10:00 a.m. on March 1, 1984, shall be considered as being simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10:00 a.m. on March 1, 1984, the lands as described in paragraph one, where the minerals were reconveyed to the United States, will be open to location under the United States mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts. Any use made of these lands will be subject to prior rights, applicable law, and the provisions of existing withdrawals.

4. At 10:00 a.m. on March 1, 1984, the lands as described in paragraph one, where the minerals were reconveyed to the United States, will also be open to leasing under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Orval L. Hadley,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-2811 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-DQ-M

[I-19676]

Realty Action; Competitive Sale of Public Lands in Cassia County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action I-19676, Competitive Sale of Public Lands in Cassia County, Idaho.

SUMMARY: The following described land has been examined and through development of land use decisions based on public input, it has been determined that the sale of the tract is consistent with section 203(a)(1) of the Federal Land Policy and Management Act of 1976 (FLPMA). The land will be offered for sale using competitive bidding procedures (43 CFR 2711.3-1,2) for no less than the appraised fair market value indicated below. Any bids for less than such value will be rejected as required by FLMPA. Only sealed bids will be accepted. A bid will also constitute an application for conveyance of the mineral rights, except geothermal, oil and gas. The mineral interests being offered for conveyance have no known monetary value. Each bidder must submit a fifty dollar ($50) non-returnable filing fee for the mineral conveyance (43 CFR 2720.1-2(c)) and one-fifth of the full bid price (43 CFR 2711.3-1(d)), with the bid. Failure to deposit these sums will result in disqualification as the high bidder. The authorized officer shall then determine whether to accept the next highest bid, withdraw the public lands from the market or re-offer them for sale at a later date.

Legal description	Acres	Value
T. 13 S., R. 25 E., B.M. Sec. 24: S½NE¼SW¼SE¼NW¼, NW¼SW¼SW¼NW¼, S½SW¼SW¼NW¼, S½NW¼SE¼SW¼NW¼, S½SE¼SW¼NW¼	15	$5,000

Upon publication of this Notice in the **Federal Register** the land described above will be segregated from all forms of appropriation under the public land laws, including the mining laws, but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

The lands will be subject to the following reservations when patented:

1. A right-of-way is reserved for ditches and canals constructed under the authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. A right-of-way is reserved to the United States for existing road I-03499 and for the existing county road located in the S½SW¼NW¼, Sec. 24, T. 13 S., R. 25 E.

3. All mineral rights are reserved to the United States pursuant to 43 CFR 2711.5-1.

4. All valid existing rights.

Dates: All sealed bids must be received by 1:30 p.m. on April 11, 1984. At this time all bids will be opened at the Burley District Office.

Addresses: Sealed bids will be accepted at the Burley District Office, Rt. 3, Box 1, 200 South Oakley Highway, Burley, Idaho, 83318. Additional information concerning the land, terms and conditions of the sale, and bidding instructions may be obtained from John Davis, District Manager, at the above address, or by calling (208) 678-5514.

Supplementary Information: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absense of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: January 24, 1984.

John Davis,

District Manager.

[FR Doc. 84-2806 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-GG-M

Special Recreation Use Permits; Open Season for Applications; Upper Missouri National Wild and Scenic River

AGENCY: Bureau of Land Management, Interior.

ACTION: Open Season for Commercial Permit Applications on the Upper Missouri National Wild and Scenic River.

SUMMARY: This notice establishes an "open season" for applying for Special Recreation Use Permits on the Upper Missouri National Wild and Scenic River in Montana required of all commercial float boating operations. Other requirements of commercial outfitting and guiding operations remains as outlined in the **Federal Register**, Vol. 44, No. 62, Thursday, March 29, 1979, entitled "Establishment of Recreation use Permit System for the Upper Missouri National Wild and Scenic River."

ADDRESS AND DATES: Applications must be sent to the Lewistown District, Bureau of Land Management, Airport Road, Lewistown, Montana 59457 between February 6 and March 16, 1984.

FOR FURTHER INFORMATION CONTACT: River Manager, Airport Road, Lewistown, Montana 59457.

Dated: January 25, 1984.

Glenn W. Freeman,

District Manager.

[FR Doc. 84-2808 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-DN-M

Wilderness Intensive Inventory; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of preliminary decision and 30-day public comment period, South Shale Ridge Intensive Inventory Unit.

SUMMARY: In a preliminary decision announced January 27, 1984, the Acting Colorado State Director determined that the South Shale Ridge Intensive Inventory Unit (CO-070-031) does not qualify as a wilderness study area because it lacks outstanding opportunities for solitude and primitive, unconfined recreation. The Interior Board of Land Appeals (IBLA) had directed the BLM to conduct an intensive inventory of approximately 3,200 acres on the Unit's west end and then include this acreage in a complete reevaluation to determine the Unit's qualification as a wilderness study area. Copies of the report can be obtained from or reviewed at the Colorado State Office at the address listed below or at the Grand Junction District Office at 764 Horizon Drive, Grand Junction, Colorado 81501.

A 30-day comment period has been provided to obtain public input on this proposed decision. A final decision by the State Director will be issued after review of public comments.

DATE: Public comments on this re-inventory and preliminary decision on the South Shale Ridge Unit should be submitted no later than February 29, 1984.

ADDRESS: Comments should be addressed to: Acting State Director, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Barry Tollefson, Wilderness Coordinator, Colorado State Office, (303) 837-3393.

Dated: January 24, 1984.

Paul W. Arrasmith,

Acting Associate State Director.

[FR Doc. 84-2801 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-JB-M

[W-80359]

Wyoming: Realty Action; Exchange of Public Lands in Crook and Weston Counties for Private Lands in Crook County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty action, W-80359.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Sixth Principal Meridian

T. 48 N., R. 60 W.,
Sec. 5, Lot 5;
Sec. 6, Lots 8 to 10, inclusive;
Sec. 17, SW¼SE¼.
T. 49 N., R. 61 W.,
Sec 5, NE¼SW¼;
Sec. 22, NE¼NE¼;
Sec. 27, SW¼SE¼.
T. 50 N., R. 61 W.,
Sec. 6, SE¼SE¼;
Sec. 8, NE¼NE¼.
T. 51 N., R. 61 W.,
Sec 9, SE¼SE¼;
Sec. 29, SE¼SE¼;
Sec. 32, NE¼NE¼.
T. 55 N., R. 62 W.,
Sec. 5, Lot 11.
T. 54 N., R. 64 W.,
Sec. 25, SE¼NE¼.

Aggregating 646.43 acres of public land.

Both the surface and mineral estates, except oil and gas, will be exchanged on the public lands. There are no Federal minerals on T. 54 N., R. 64 W., Sec. 25, SE¼NE¼.

In exchange for these lands, the United States will acquire from Homestake Forest Products Company the surface estate in the following described lands:

Sixth Principal Meridian

T. 52 N., R. 60 W.,
Sec. 30, E½SW¼, W½SE¼.
T. 51 N., R. 61 W.,
Sec. 2, Tracts 37, 40, 41.
T. 52 N., R. 61 W.,
Sec. 35, SE¼SW¼.

Aggregating 640.12 acres of private land.

The purpose of the exchange is to consolidate the surface estate of both the Federal Government and Homestake Forest Products Co., eliminate two private inholdings within the Black Hills National Forest, and provide the public with legal access to the private lands which would be acquired. The exchange is consistent with the Bureau's planning for the land involved. The public interest will be served by completing the exchange.

The value of the lands to be exchanged is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

This exchange action will adversely impact the Bear Lodge Cattle Co. on grazing allotment GR-8085 when completed. After the exchange is finalized, the grazing privileges within this allotment will be reduced by 2 AUMs.

This exchange action will adversely impact Gary N. and Kathleen Steele on grazing allotment GR-8337 when completed. After the exchange is finalized, the grazing privileges within this allotment will be reduced by 6 AUMs.

This exchange action will adversely impact the Christensen Ranch on grazing allotment GR-8056 when completed. After the exchange is finalized, the grazing privileges within this allotment will be canceled. The Christensen Ranch has unconditionally waived its rights to a 2-year notification period, and the exchange will be finalized when all processing is complete.

This exchange action will adversely impact Nels. J. Smith on grazing allotment GR–8426 when completed. After the exchange is finalized, the grazing privileges within this allotment will be canceled. Nels J. Smith has unconditionally waived his rights to a 2-year notification period, and the exchange will be finalized when all processing is complete.

This exchange action will adversely impact Lauris L. Tysdal on grazing allotment GR–8364 when completed. After the exchange is finalized, the grazing privileges within this allotment will be canceled. Lauris L. Tysdal has unconditionally waived his right to a 2-year notification period, and the exchange will be finalized when all processing is complete.

The terms and conditions applicable to the public lands involved in this exchange are:

1. A reservation to the United States of the right to construct ditches or canals pursuant to the Act of August 30, 1890 (43 U.S.C. 945);

2. Oil and Gas will be reserved to the United States (43 U.S.C. 945)

3. The land will be exchanged subject to all valid existing rights of records on the date of conveyance;

4. Oil and gas lease W–71951 will remain in effect until terminated by the operation of the existing laws.

Publication of this notice in the **Federal Register** segregates the public lands, described above, from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever comes first.

DATE: For a period of 45 days from the date of this notice, interested parties may submit comments to the Casper District Manager at the address below. Any adverse comments will be evaluated by the Casper District Manager, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

ADDRESS: Detailed information concerning the exchange, including the environmental assessment and the record of public discussions, is available for review at the Casper District Office, 951 Rancho Road, Casper, Wyoming 82601.

Dated: January 26, 1984.

James W. Monroe,

District Manager.

[FR Doc. 84–2866 Filed 2–1–84; 8:45 am]

BILLING CODE 4310–22–M

[OR–36745 (Wash)]

Washington; Order Providing for Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: By order dated December 7, 1983, the Federal Energy Regulatory Commission vacated 156 power project land withdrawals in their entirety. This action will open certain lands in the State of Washington to surface entry and mining.

EFFECTIVE DATE: March 12, 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.

SUPPLEMENTARY INFORMATION:

1. By order dated December 7, 1983, the Federal Energy Regulatory Commission vacated the land withdrawals in their entirety as to the following identified power projects:

3153	4702	5347
3347	4710	5348
3388	4712	5365
3514	4713	5366
3606	4745	5392
3614	4748	5394
3654	4751	5405
3656	4752	5421
3715	4757	5428
3716	4759	5429
3723	4760	5433
3728	4817	5434
3729	4882	5438
3734	4892	5442
3735	5029	5443
3758	5030	5444
3801	5064	5459
3888	5065	5506
3889	5117	5509
4097	5167	5510
4110	5168	5537
4134	5169	5538
4149	5179	5539
4172	5193	5540
4173	5201	5551
4207	5210	5594
4429	5211	5775
4442	5255	5791
4465	5271	5794
4467	5272	5796
4470	5289	5806
4518	5291	5817
4575	5293	5856
4601	5314	5858
4602	5320	5859
4604	5321	5885
4643	5322	5948
4652	5324	5950
4653	5333	6000
4654	5340	6001
4655	5342	6004
6071	6182	6665
6161	6183	6706
6164	6184	6760
6170	6185	6835
6171	6204	6836
6172	6392	6990
6173	6394	6991
6177	6395	6993
6178	6396	7065
6179	6479	7193
6180	6547	7244

All of the lands involved are located within the State of Washington.

2. At 8:30 a.m., on March 12, 1984, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands affected by the power project withdrawals identified in paragraph 1, will be open, to the extent that they are not otherwise withdrawn or conveyed out of Federal ownership, to operation of the public land laws generally or if applicable, to such forms of disposition as may by law be made of national forest lands.

3. At 8:30 a.m., on March 12, 1984, the land affected by the power project withdrawals identified in paragraph 1 will be open, to the extent that theyt are not otherwise withdrawn or conveyed out of Federal ownership, to location under the United States mining laws. Appropriation of land under the United States mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

4. To the extent that the lands affected by the power project withdrawals identified in paragraph 1 are not otherwise withdrawn or conveyed out of Federal ownership, the lands have been and remain open to applications and offers under the mineral leasing laws.

Dated: January 25, 1984.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84–2868 Filed 2–1–84; 8:45 am]

BILLING CODE 4310–33–M

Wyoming; Filing of Plats of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Filing of Plats of Survey.

SUMMARY: The plats of survey of the following described lands were officially filed in the Wyoming State Office, Bureau of Land Management, Cheyenne, Wyoming, effective 10:00 A. M., January 19, 1984.

Sixth Principal Meridian

T. 14 N., R. 85 W.

The plat representing the dependent resurvey of a portion of the north boundary, a portion of the subdivisional lines, and the subdivision of section 1, 11 and 12, T. 14 N., R. 85 W., Sixth Principal Meridian, Wyoming, Group No. 395, was accepted January 13, 1984.

This survey was executed to meet certain administrative needs of the Bureau.

T. 16 N., R. 81 W.

The plat, in six sheets, representing the dependent resurvey of portions of the south and west boundaries, and a portion of the subdivisional lines, and the subdivision of certain sections, T. 16 N., R. 81 W., Sixth Principal Meridian, Wyoming, Group No. 412, was accepted January 13, 1984.

This survey was executed to meet certain administrative needs of the U.S. Forest Service.

Wind river Meridian

T. 1 N., R. 4 E.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of section 30, and the survey of a portion of the subdivision of section 30, T. 1 N., R. 4 E., Wind River Meridian, Wyoming, Group No. 376, was accepted January 13, 1984.

T. 1 S., R. 3 E.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of section 22, and the survey of a portion of the subdivision and Parcels A and B of section 22, T. 1 S., R. 3 E., Wind River Meridian, Wyoming, Group No. 376, was accepted January 13, 1984.

T. 2 S., R. 1 E.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the subdivision of section, and the survey of the subdivision of certain sections, T. 2 S., R. 1 E., Wind River Meridian, Wyoming, Group No. 376, was accepted January 13, 1984.

T. 1 N., R. 1 W.

The plat representing the dependent resurvey of a portion of the west boundary, subdivisional lines, and the subdivision of section 30, and the survey of Parcels A and B of sections 30, and a portion of the subdivision of section 30, T. 1 N., R. 1 W., Wind River Meridian, Wyoming, Group No. 376, was accepted January 13, 1984.

T. 1 N., R. 2 W.

The plat representing the dependent resurvey of a portion of the subdivisional lines and subdivision of section 25, and the survey of the subdivision of section 25, T. 1 N., R. 2 W., Wind River Meridian, Wyoming, Group No. 376, was accepted January 13, 1984.

These surveys were executed to meet certain administrative needs of the Bureau of Indian Affairs.

ADDRESS: All inquires concerning these lands should be sent to the Wyoming State Office, Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82003.

Dated: January 25, 1984.

Richard L. Oakes

Chief Cadastral Surveyor.

[FR Doc. 84-2867 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-22-M

Minerals Management Service

Availability of Revised Outer Continental Shelf; Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following Outer Continental Shelf Official Protraction Diagrams, last revised on the dates indicated, are on file and available for information only in the Gulf of Mexico Regional Office, Metairie, Louisiana. In accordance with Title 43, CFR, these Official Protraction Diagrams are the basic record for the description of mineral, oil, and gas lease offerings in the geographic areas they represent.

Description	Latest revision date [1]
Atwater Valley, NG 16-1	Nov. 10, 1983.
Lloyd Ridge, NG 16-2	Nov. 10, 1983.
Vernon Basin, NG 16-6	Nov. 10, 1983.

[1] Changes in CFR notations are not considered as revisions.

2. Copies of these Official Protraction Diagrams may be purchased for $2.00 each from Public Records, Minerals Management Service, Gulf of Mexico Regional Office, Metairie, Louisiana, in person or by telephoning (504) 837-4270.

3. These revisions reflect the official naming of these protraction diagrams.

Dated: January 25, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region, Minerals Management Service.

[FR Doc. 84-2861 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf: Oil, Gas and Sulphur Operations; CNG Producing Co.; Plan of Development/Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Plan of Development-Production (POD/P).

SUMMARY: Notice is hereby given that CNG Producing Company has submitted a POD/P describing the activities it proposes to conduct on Lease OCS-G 1981, Block 314, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Houma, Louisiana.

DATE: The subject POD/P was deemed submitted on January 25, 1984.

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) 838-0817.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 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 25, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-2869 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf, Oil, Gas and Sulphur Operations; Marathon Oil Co.; Plan of Development/Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Plan of Development/ Production (POD/P).

SUMMARY: Notice is hereby given that Marathon Oil Company has submitted a POD/P describing the activities it proposes to conduct on Lease OCS–G 2572, Block 331, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisiana.

DATE: The subject POD/P was deemed submitted on January 25, 1984.

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) 838–0817.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 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 43685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 25, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-2871 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf: Oil, Gas and Sulphur Operations; Union Oil Company of California; Plan of Development/Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Plan of Development/ Production (POD/P).

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a POD/P describing the activities it proposes to conduct on Lease OCS–G 4225, Block 297, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Houma, Louisiana.

DATE: The subject POD/P was deemed submitted on January 4, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

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). A copy of the POD/P and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m. Monday through Friday). The public may submit comments to the Coastal Management Section *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Mr. Hossein Hekmatdoost, Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0873.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 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. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the POD/P for consistency with the Louisiana Coastal Resources Program.

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 25, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-2870 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-MR-M

Bureau of Land Management

Anchorage District Advisory Council Meeting; Amendment to Agenda

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of amendment of Advisory Council agenda.

SUMMARY: The agenda for the February 9, 1984, meeting of the Bureau of Land Management Anchorage District Advisory Council published in the January third edition, page 173 of the **Federal Register** is hereby amended to include a topic of local concern at the request of the advisory council.

The issue to be added is consideration of the application for a permit to conduct the Irondog Iditarod Snowmachine race on portions of the Iditarod National Historic Trail during a period which coincides with the Iditardo Sled Dog Race.

Any member of the public wishing to address the council should inform Joette Storm, public affairs officer, 267–1284, before February 6, 1984 and is requested to submit a copy of his or her remarks in writing to the council, 4700 East 72nd Avenue, Anchorage, Alaska 99507–2899.

DATE: February 9, 1984, 9:00 a.m. to 4:30 p.m.

Place: Anchorage District Office, 4700 East 72nd Avenue, Anchorage Alaska, 99507–2899.

SUPPLEMENTARY INFORMATION:

Agenda

9:00 Call to order.

9:10 Election of officers.

9:30 Consideration of application to conduct a competitive snowmachine event on the BLM managed portion of the Iditarod National Historic Trail.

10:30 Break.
11:00 Public comment period.
NOON Lunch break.
1:00 Recreation fee regulations.
3:00 Break.
3:30 Update on district programs.
4:30 Adjournment.

Wayne A. Boden,

District Manager, Anchorage District Office.

[FR Doc. 84-2961 Filed 2-1-84; 8:45 am]

BILLING CODE 4310-JA-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30373]

Standard Oil Company of Ohio and Tylerdale Connecting Railroad Co.; Acquisition Exemption

On December 15, 1983, Standard Oil Company of Ohio (SOHIO) filed a Notice of Exemption pursuant to 49 CFR 1180.2(d)(2) concerning its proposed acquisition, through its wholly-owned subsidiary Royal Land Company, of a 50 percent stock interest in the Tylerdale Connecting Railroad Company (Tylerdale), a Class III railroad situated near Washington, PA.

A wholly-owned subsidary of Sohio, S. Minerals, Inc., is the parent company of Kennecott Corp., which, in turn, owns the Nevada Northern Railway ("NN"), a non-operating Class III carrier located in northeastern Nevada. Another Sohio subsidiary, Old Ben Coal Company, owns a 50 percent stock interest in the Algers, Winslow & Western Railway ("AW&W"), a Class III rail carrier operating in southwestern Indiana.[1]

This transaction does not involve a class I rail carrier, is an acquisition of a nonconnecting carrier, and does not look toward ultimate connection of the lines and is, thus, within that class of transaction considered exempt under 49 CFR 1180.2(d)(2).

As a condition to use of the exemption, any employee of Sohio's rail carrier subsidiaries affected by the acquisition will be protected by the conditions in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Decided: January 25, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-2836 Filed 2-1-84; 8:45 am]

BILLING CODE 7035-01-M

[1] It is unclear whether Sohio controls AW&W or would control Tylerdale. In order for Sohio to avoid the possibility of unlawful common control, this exemption will be granted in an abundance of caution.

[Ex Parte No. 388 (Sub-25)]

Intrastate Rail Rate Authority; Ohio; Extension of Time for Filing

AGENCY: Interstate Commerce Commission.

ACTION: Notice of extension of time for filing.

SUMMARY: The Public Utilities Commission of Ohio is granted an extension of time to file revised standards and procedures.

DATES: The revision of Ohio's submission is due on May 1, 1984. Comments are due on May 31, 1984, and replies are due on June 20, 1984.

ADDRESS: Send an original and 15 copies of all comments to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

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

SUPPLEMENTAL 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 26, 1984.

By the Commission, Reese H. Taylor, Jr., Chairman.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-2837 Filed 2-1-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Acceptance of Offer of Judgement in Action Under the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 9, 1984 a proposed acceptance of offer of judgment in *United States* v. *Metropolitan District Commission, et al.*, Civil Action No. 83-1572-MA was lodged with the United States District Court for the District of Massachusetts. The offer of judgement requires the Metropolitan District Commission to comply with the monitoring provisions of its NPDES permit and requires payment of a civil penalty.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the offer of judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Metropolitan District Commission*, D.J. Ref. 90-5-1-1-1985.

The offer of judgment may be examined at the office of the United States Attorney, 1107 J.W. McCormack Post Office, Boston, Massachusett, at the Region I Office of the Environmental Protection Agency, JFK Federal Building, Boston, Massachusetts and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the offer of judgment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy of the offer of judgment, refer to the case, offer of judgment and D.J. reference number.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-2815 Filed 2-1-84; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Arts; Amended Meeting

Pursuant to Section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts that was to be held on February 10-11, 1984, from 9:00 a.m.-5:30 p.m., in room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Ave., NW., Washington, D.C. 20506 has been changed.

A portion of the meeting that was to be open to the public on February 10, from 9:00 a.m.-5:30 p.m. remains the same. The portion of the meeting that was to be open to the public on February 11, from 9:00 a.m.-12:30 p.m. has been changed. The portion of the meeting to be open to the public on February 11, will be from 9:00 a.m.-12:00 p.m. Topics for discussion will include: Program Review and Guidelines for the Expansion Arts, Folk Arts, Opera-Musical Theater, Music Ensembles and Endowment Fellows Programs; Five-Year Planning; Service Organizations; Local Arts Support; and the Arts Education.

The remaining sessions of this meeting on February 11, from 12:00 p.m.-5:30 p.m. are for the purpose of Council

review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants, and for discussion and development of confidential budgetary projections and related plans to be submitted to the Office of Management and Budget and the Congress. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

Dated: January 30, 1984.

John H. Clark,

Director, Office of Council & Panel Operations, National Endowment for the Arts.

[FR Doc. 84-2873 Filed 2-1-84; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses to Export; Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70 (b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the following applications for the export licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the Federal Register. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 23rd day of January 1984 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

NRC EXPORT APPLICATIONS

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Marubeni America Corp., Jan. 11, 1984, Jan. 16, 1984, XSNM02103.	2.85 percent enriched uranium.	148,085	3,215	Initial core loading for Fukushima II, Unit 4	Japan.
Mitsui & Co. (USA), Inc., Jan. 13, 1984, Jan. 18, 1984, XSNM02104.	3.95 percent enriched uranium.	21,516	662	Reload fuel for Fukushima II Unit 1	Do.
Transnuclear, Inc., Jan. 16, 1984, Jan. 17, 1984, XSNM02002 (Amend. 01).	3.85 percent enriched uranium.	14,520 Add'l	524 Add'l.	Amend to increase quantity authorized for export for reload fuel for Obrigheim.	West Germany.

[FR Doc. 84-2887 Filed 2-1-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-348 and 50-364]

Alabama Power Co.; Granting of Relief From ASME Section XI Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Alabama Power Company (the licensee). The relief relates to the inservice testing program for the Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Houston County, Alabama. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of January 26, 1984.

The relief modifies our safety evaluations dated April 8, and May 2, 1983, and permits the licensee to test certain designated pumps and valves in a manner or a schedule different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda, as required by 10 CFR 50, because of inaccessibility, configuration of components, radiation level, or other valid reasons.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this relief.

For further details with respect to this action, see (1) the application for relief dated July 5, 1983, as revised September 13 and 27, 1983, and November 28, 1983, (2) the Commission's letter dated January 26, 1984, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of January 1984.

For the Nuclear Regulatory Commission.

Steven A. Varga,

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

[FR Doc. 84-2888 Filed 2-1-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-528]

Arizona Public Service Co., et al., Palo Verde Nuclear Generating Station, Unit 1; Order Extending Construction Completion Date

Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, Public Service Company of New Mexico, Los Angeles Department of Water and Power and Southern California Public Power Authority are the holders of Construction Permit No. CPPR-141 issued by the Nuclear Regulatory Commission on May 25, 1976 for the Palo Verde Nuclear Generating Station, Unit 1. This facility is presently under construction at the applicant's site in Maricopa County, Arizona.

By letter dated May 12, 1983, Arizona Public Service Company (APS) filed a request for extension of the latest construction completion date for the facility. A supplemental letter dated September 9, 1983, amended this request to further extend the latest construction completion date. Previously, APS had requested an extension of the construction completion date to August 31, 1983; and by Commission Order, dated November 4, 1982, the extension was granted. The current request, as amended, is to extend the latest completion date to December 31, 1984.

Arizona Public Service Company states that this extension is requested because construction has been delayed due to:

(1) Late delivery of certain electrical instrumentation and control equipment;

(2) Changes and additions to the Palo Verde design required to meet NUREG-0737 requirements necessary for an operating license which have introduced complexities that impacted and delayed pre-operational testing and the transition from the construction phase to the start-up phase; and

(3) Corrections of deficiencies discovered during and subsequent to the hot functional tests which cannot be completed until sometime after December 31, 1983.

The staff has performed an evaluation of the request for extension. Based on this review, the staff has determined that the above factors would result in significant delays in construction completion and that the request is for a reasonable period of time when considering the magnitude of the delays. In addition, the extension of the latest completion date in the construction permit does not involve any significant hazards consideration since the extension will not allow any work to be performed that is not already allowed by the existing construction permit.

Prior public notice of this extension was not required since the Commission has determined that this action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period of time.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal, need not be prepared in connection with this action.

The NRC staff's evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004.

It is Hereby Ordered That the latest completion date for CPPR-141 is extended from August 31, 1983 to December 31, 1984.

Date of Issuance: December 29, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-2889 Filed 2-1-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co. (Duane Arnold Energy Center; Exemption

I

The Iowa Electric Light and Power Company (IELP/the licensee) is the holder of Facility Operating License No. DPR-49 (the license) which authorizes operation of the Duane Arnold Energy Center (DAEC) located in Linn County, Iowa, at steady state reactor core power levels not in excess of 1658 megawatts thermal. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.54(o) of 10 CFR Part 50 requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Appendix J was published on February 14, 1973 and in August 1975, each licensee was requested to review the extent to which its facility met the requirements.

On August 7, 1975, IELP submitted its evaluation of the DAEC in which it assessed compliance with the rule and also requested an exemption from certain requirements of the rule. The IELP submittal for the DAEC was supplemented by letter dated August 29, 1978 and November 5, 1981 and clarified in a telephone discussion on October 1, 1982. In these submittals, IELP requested that certain test methodology, components, and penetrations be exempted from Appendix J requirements. The Franklin Research Center, as a consultant to NRR, has reviewed the licensee's submittals and prepared a Technical Evaluation Report (TER) dated March 17, 1982. The NRC staff has reviewed this TER, and in its Safety Evaluation dated April 2, 1982, concurred in the TER's bases and findings. However, for Item 2 below, pertaining to airlock door testing, the staff performed an additional evaluation prior to determining the acceptability of the license's request.

1. Section III.C.2 of Appendix J requires, inpart, that Type C testing be performed at the peak calculated accident pressure (Pa). IELP requested an exemption from this requirement for the Main Stream Isolation Valves (MSIVs) to permit testing at 24 psig rather than at Pa (48 psig) and submitted certain design information as justification.

The MSIVs are leak tested by pressurizing between the valves. The MSIVs are angled in the main stream lines in the direction of flow in order to afford better sealing upon closure. A test pressure of Pa acting under the inboard disc is sufficient to lift the disc off its seats, and results in excessive leakage into the reactor vessel. This would result in a meaningless test. The proposed test calls for a test pressure of 24 psig to avoid lifting the disc at the inboard valve. The total observed leakage through both valves (inboard and outboard) is then conservatively assigned to the penetration. On this basis, we conclude that testing at a reduced pressure of 24 psig is acceptable.

2. In a letter dated November 5, 1981, IELP requested an exemption from the airlock door testing requirements of Section III.D.2(b), which was revised effective October 22, 1980. The revised rule required testing of the airlocks as follows:

a. Every six months at a pressure of not less than Pa (and after periods when the airlock is opened and containment integrity is not required).

b. Within three days of opening (or every three days during periods of frequent opening) when containment integrity is required, at a pressure of Pa or at a reduced pressure as stated in the Technical Specifications.

Our consultant, the Franklin Research Center (FRC), has reviewed the licensee's proposal to (1) test containment airlocks at a pressure of Pa and at an interval not longer than one operating cycle, and (2) whenever the airlock was opened during the operating cycle, and containment integrity was required, the airlock gasket would be tested at Pa following closure if it had been greater than 3 days since the last leakage test.

FRC concluded that the licensee's proposal to test airlock gaskets within 3 days of an airlock opening is acceptable. However, FRC did not find acceptable the licensee's proposal to test the entire airlock at a pressure of Pa once per operating cycle, since it did not make adequate allowances to detect potential deterioration of airlocks through normal use, to detect possible damage to the door mechanism, to detect potential damage to door seals through moving equipment into and out of containment, and to detect possible fouling of seals during closure. FRC proposed that testing of the entire airlock assembly at a pressure of Pa should be conduced at the six-month interval as required by Appendix J.

We agree with the FRC's conclusion that the airlock gasket leakage be tested within 3 days from an airlock opening. We further agree with the FRC's conclusion that the airlock testing frequency should make adequate allowances to detect potential deterioration of airlocks through normal use. However, when the airlock remains closed, that is, there is no opening or closing of the doors to cause degradation of seals or damage to door mechanisms, we find that the reduced pressure testing frequency proposed by the licensee would be adequate to assure that the airlock door seal integrity is maintained.

Based on the above, the staff has reevaluated the six-month test requirement and has developed a revised position which meets the objectives of Appendix J requirements for containment airlock door tests. This revised position still requires the containment airlock to be tested at six-month intervals at a pressure of Pa in accordance with Appendix J, except that this test interval may be extended up to the next refueling outage (up to a maximum interval between Pa tests of 24 months) if there have been no airlock openings since the last successful test at Pa. The intent of the Appendix J requirement is to assure that the airlock door seal integrity is maintained and that no degradation has occurred as a result of opening of the airlock doors between testing intervals at Pa. This position satisfies the objectives of the requirement. The licensee has proposed that the personnel airlock be pressurized to Pa and leak-tested at an interval no longer than one operating cycle (up to a maximum interval between Pa tests of 24 months). We find this consistent with our position and therefore acceptable, except that the six-month testing interval is still applicable if the containment airlock door has been opened since the last successful test at Pa.

The licensee will be requested to propose appropriate modifications to the Technical Specifications.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interst. Therefore, the Commission hereby approves the following exemption requests:

1. Exemption is granted from the requirements of Section III.C.2 of Appendix J pertaining to the Type C testing of the main steamline isolation valves at a test pressure of Pa to the extent that testing is to be conducted at pressure Pa. Testing at a reduced pressure of 24 psig is acceptable due to the unique design of the valves.

2. Exemption is granted from the requirements of Section III.D.2 of Appendix J pertaining to the test frequency for conducting Type B tests at six-month intervals at a test pressure of not less than Pa to the extent that the testing is to be conducted at six-month intervals after initial fuel loading. The test interval may be extended beyond the six-month test interval to the next refueling outage, but in no case shall exceed 24 months from the last test at Pa, provided that there have been no airlock openings since the last successful test at Pa.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 17th day of January, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-2890 Filed 2-1-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443 And 50-444]

Public Service Company of New Hampshire, et al., Seabrook Station, Units 1 and 2; Issuance of Amendments to Construction Permits

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Construction Permit Nos. CPPR-135 and CPPR-136. The amendments add Vermont Electric Generating and Transmission Cooperative, Inc. as a co-owner of the Seabrook Station, Units 1 and 2 and reflect a transfer of ownership interest from Vermont Electric Cooperative, Inc. to Vermont Electric Generating and Transmission, Inc. for the Seabrook Station. The Seabrook Station is located in Rockingham County, New Hampshire. The amendments are effective as of their date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the amendment. The Commission has also concluded that the amendments involve actions which are insignificant from the standpoint of environmental impact and that, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and an environmental impact appraisal need not be prepared in connection with the issuance of the amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendments, dated October 17, 1983 (2)

Amendment No.6 to Construction Permit Nos. CPPR–135 and CPPR–136 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833. Items 2 and 3 may be requested by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of January, 1984.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief Licensing Branch No. 3, Division of Licensing.

[FR Doc. 84–2892 Filed 2–1–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–272–OLA]

Public Service Electric & Gas Co. (Salem Nuclear Generating Station, Unit 1); Order Dismissing Proceeding

January 25, 1984.

The Commission published a notice of consideration of issuance of an amendment to the Salem facility operting license and a proposed no significant hazards consideration determination, and an opportunity for a hearing, on September 21, 1983 (48 FR 43113–43114). This notice concerned a requested amendment of the technical specifications to permit a seven-month extension of time for the performance of a containment integrated leak rate type A Test (Technical Specification 4.6.1.2a).

The State of Delaware filed a timely petition for leave to intervene and request for hearing on October 21, 1983. The NRC Staff issued the requested amendment on October 31, 1983. By an Order entered November 17, 1983, the Board granted the intervention petition, and directed the State of Delaware to file a supplement to its petition setting forth at least one contention cognizable under 10 CFR 2.714(b), by January 4, 1984. That date was extended by two weeks upon motion.

On January 20, 1984, the State of Delaware filed a motion to withdraw its petition, no supplement having been filed. That motion is granted and the intervention petition is withdrawn. Inasmuch as there are no other intervention petitions or requests for hearing in accordance with the Commission's notice, the matter is uncontested, and the adjudicatory proceeding is therefore Dismissed.

It is so Ordered.

Dated at Bethesda, Maryland, this 25th day of January 1984.

For The Atomic Safety And Licensing Board.

Marshall E. Miller,

Chairman, Administrative Judge.

[FR Doc. 84–2891 Filed 2–1–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–361 and 50–362]

Southern California Edison Co. et al.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses No. NPF–10 and NPF–15, issued to Southern California Edison Company, San Diego Gas & Electric Company, the City of Riverside, California and the City of Anaheim, California (the licensees), for operation of the San Onofre Nuclear Generating Station Units 2 and 3, located in San Diego County, California.

In accordance with the licensees' request of January 3, 1984, the amendments would change the Technical Specification limit on operation of the 8-inch containment purge system from 1,000 hours per 365 days to 3,000 hours per 365 days.

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

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. One of the examples (vi) relates to a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. Although the proposed action increases the time during which purging is allowed, it does not increase the probability of an accident. However, the consequences of an accident, should one occur during purging, might be greater than when the purge valves are closed. Nevertheless, the purge system meets staff criteria for closure time in the event of an accident, which assures that any release under those conditions would be still within acceptable limits. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinaton. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Services Branch.

By March 5, 1984, the licensees may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice of Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted

with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisifies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment requests involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendments involves a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

Normally, the Commission will not issue amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facilities, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington & Sutcliffe, Attention: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 3, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

Dated at Bethesda, Maryland, this 30th day of January, 1984.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 84–2893 Filed 2–1–84; 8:45 am]

BILLING CODE 7590–01–M

Docket No. 50–280

Virginia Electric and Power Co. Granting of Relief From ASME Section XI Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Virginia Electric and Power Company. The relief relates to the inservice inspection program for the Surry Power Station Unit No. 1 (the facility) located in Surry County, Virginia. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of January 25, 1984.

The relief permits the licensee to perform certain inservice inspections in a manner different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda, as required by 10 CFR 50, because of inaccessibility, configuration of components, radiation level, or other valid reasons.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this relief.

For further details with respect to this action, see (1) the application for relief

dated September 21, 1982, (2) the Commission's letter dated January 24, 1984, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of January 1984.

For the Nuclear Regulatory Commission.

Steven A. Varga,

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

[FR Doc. 84-2894 Filed 2-1-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Structural Engineering; Meeting

The ACRS Subcommittee on Structural Engineering will hold a meeting on February 16 and 17, 1984 at the Marriott Hotel, 2101 Louisiana Blvd., Albuquerque, NM. The Subcommittee will review the containment integrity and Seismic Category I Components research programs. Other related matters may also be discussed. Notice of this meeting was published January 24, 1984.

In accordance with the procedures outlined in the **Federal Register** on September 28, 1983 (48 FR 44291), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, February 16, 1984—1:00 p.m. until the conclusion of business

Friday, February 17, 1984—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., est.

Dated January 27, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-2896 Filed 2-1-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Revised Notice of February 9-11, Meeting

Notice of the following session was inadvertently omitted from the notice of the 286th Meeting of the Advisory Committee on Reactor Safeguards published on January 30, 1984 (49 FR 3709). It was properly included in a previous notice of this meeting on January 24, 1984 (49 FR 2973).

Friday, February 10, 1984: 2:00 p.m.-3:00 p.m.; NRC Backfitting Requirements (Open)—The members will hear a report from representatives of the NRC staff regarding proposed changes in NRC backfitting rules.

Dated: January 27, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-2898 Filed 2-1-84; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Quality and Quality Assurance in Design and Construction; Meeting

The ACRS Subcommittee on quality and Quality Assurance In Design and Construction will hold a meeting on February 23, 1984, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will have a closed meeting to review and discuss with the NRC Staff its draft report to Congress on Quality Assurance during construction of nuclear power plants (report required by Pub. L. 97-415, NRC Authorization Act, section 13).

I have determined, in accordance with Subsection 10(d) Pub. L. 92-463 that it will be necessary to close the meeting under the provisions of Exemption (9)b to the Sunshine Act, 5 U.S.C. 552b(c).

The entire meeting will be closed because the discussions, if held in public session, would reveal information requested by the Congress before that information is submitted officially by the Agency.

Dated: January 27, 1984.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 84-2897 Filed 2-1-84; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.9, Revision 2, "Guidelines for Germanium Spectroscopy Systems for Measurement of Special Nuclear Material," provides some guidelines acceptable to the NRC staff for the selection of high-resolution gamma ray spectroscopy systems used for nondestructive assay measurements of special nuclear material and points out useful resources for more detailed information on their assembly, optimization, and use in material protection measurements.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office.

Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 25th day of January 1984.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 84-2895 Filed 2-1-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Solicitation of Views

AGENCY: Office of Management and Budget; Office of Federal Procurement Policy.

ACTION: Request for public comments in connection with the conduct of three procurement studies required by Pub. L. 98-191.

SUMMARY: With the recent enactment of Pub. L. 98-191, "The Office of Federal Procurement Policy Act Amendments of 1983", the Congress directed the Office of Federal Procurement Policy to undertake studies of three important and complex subjects. The purpose of this notice is to apprise the public of these study requirements and to invite suggestions and comments.

The Congress has identified the following areas for study:

- Section 7 requires that OFPP study and report to the Congress, by April 15, 1984, on the extent of competition in the award of subcontracts under Federal prime contracts.
- Section 10 of the Act requires that OFPP review the procurement practices and programs of the Department of Defense relating to the acquisition of spare parts. It requires that OFPP provide its findings, conclusions and recommendations to the Congress by June 1, 1984.
- Section 11 charges OFPP with the review of Defense Department procurement actions during the one-week period ending on September 30, 1983, and submission of a report to the Congress by February 1, 1984. (Due to the number of contract actions involved, the Congress has been advised that the report will be submitted by April 30, 1984.)

The conduct of these studies has required a reallocation of OFPP's scarce resources and, as in the past, staffing and financial support has been solicited from other departments and agencies—as reflected in the following project plans. To assure that members of the public have a meaningful opportunity to contribute to these projects, it is requested that these plans be reviewed and comments be provided on (1) the subject matters under review, (2) the conduct of the studies, and (3) the project plans.

EFFECTIVE DATE: Comments must be received on or before March 5, 1984.

ADDRESS: Comments should be submitted to the administrator for Federal Procurement Policy, OFPP, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. David F. Baker, Office of Federal Procurement Policy, Office of Management and Budget, (202) 395-7207.

Donald E. Sowle,

Administrator.

Study of Competition in Subcontracting by Federal Prime Contractors

January 4, 1984.

Authority

Section 7, Pub. L. 98-191.

Objective

Conduct studies, report and make recommendations to Congress, by April 1 and April 15, respectively, on the extent of competition in the award of subcontracts by Federal prime contractors, including an evaluation of the data available on subcontracts awarded in FY 1982 with respect to:

a. Source selection method used in making subcontract awards.

b. Type and dollar value of subcontracts.

c. Size of the subcontractors awarded the subcontracts (number of employees).

d. Geographical location of subcontractors.

Data Collection

Each procuring agency and the Small Business Administration will be tasked to provide OFPP with existing subcontracting information as requested. A uniform report format, consistent with the requirements of Pub. L. 98-191, will be specified for agency data submission.

Resource Requirements

Disciplines

Management Analyst
Procurement Analyst/Specialist
Small Business Subcontract Specialist

Source

OFPP and Agencies

Schedule

A schedule designed to meet the April 1 report completion date will be developed by the team leader.

Data Analysis and Report Preparation

Agency subcontracting data will be analyzed by the study team under the leadership of OFPP. The analysis will include an assessment of the adequacy of existing subcontracting data and recommendations, as appropriate, for securing more competition in the award of subcontracts. The report will be prepared by OFPP.

OFPP Project: Study of the Defense Department's Procurement of Spare Parts for Weapons Systems

Project Abstract

I. Task. To review and report to the Congress by June 1, 1984 on the procurement practices, regulations and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapons systems.

II. Authority. Section 10(a) of Pub. L. 98-191, "The Office of Federal Procurement Policy Act Amendments of 1983" (Attachment 1).

III. Objectives.

a. To conduct a thorough and impartial study of DoD spare parts procurement;

b. To prepare a comprehensive and objective report on this subject, and

c. To submit the report to the Congress in the time required.

IV. Methodology.

a. The project will be directed by the Administrator for Federal Procurement Policy who will be responsible and accountable to the Congress for the report.

b. Evaluations and analyses already prepared by the Military Services and the Defense Logistics Agency will be used, as well as studies and audits conducted by other DoD components (including the Inspector General), the General Accounting Office and others.

c. The study will be organized and conducted to minimize time and effort and to avoid duplication of existing analyses.

d. Where necessary, field visits will be made to validate findings or obtain additional, needed information.

e. In addition to the statutory requirement that the comments of DoD's Inspector General be solicited, the views of all interested persons and organizations—including industry

associations and Defense spare parts suppliers—will be requested and considered.

f. As a supplement to OFPP staff resources, staff support wil be requested from the Military Services, the Defense Logistics Agency and other DoD components, and civil agencies as well as from knowledgeable individuals from the private sector (on temporary appointments).

V. Organization and Responsibilities. The project organization will consist of three principal elements: the Study Director, a Management Controls Office and five principal study teams. (See: Attachment II) Each study team will be assigned to review the practices of one of the four Military Services or the Defense Logistics Agency. (Additional special teams may be established to review and assess cross-cutting issues.)

The Study Director. The Administrator for Federal Procurement Policy will serve as the Study Director and will be responsible for:

a. Directing and overseeing the project;

b. Clarifying any ambiguities concerning scope or purpose of the study;

c. Requesting the Secretary of Defense to identify and provide access to all information concerning the procurement of spare parts and planned improvements that would be pertinent to the study;

d. Requesting the Inspector General of the Department of Defense to identify and provide access to all information concerning procurement of spare parts and planned improvements that are pertinent to the study and keeping the Inspector General informed of developments in accomplishing the project; and

e. Approving all formal requests for data, staffing, or financial support, visits to activities and meetings.

The Management Controls Office. This element will consist primarily of OFPP staff and will be responsible for:

a. Developing and maintaining the master schedule and project budget;

b. Assisting in arranging for the detail and assignment of non-OFPP personnel to the project;

c. Designing, formatting, preparing and printing the final report;

d. Creating and maintaining a library of studies and other data resources necessary for conduct of the study;

e. Preparing briefing charts and other informational materials for use by study teams;

f. Assisting in coordinating the activities of the study teams; and

g. Assisting in arranging for administrative support, including travel arrangements, office space and clerical support.

Study Teams. Each team will be led by a professional member of the OFPP staff who will have full authority, responsibility and accountability for the work of the team. The team will be comprised of personnel, normally not more than six in number, from the Department of Defense, civilian agencies and from other sources. Each team will be responsible for:

a. Developing, as its first priority, a detailed plan of action for the conduct of its study and analysis, and preparation of its report to the Study Director;

b. With the assistance of the Management Controls Office, obtaining necessary staff resources and organizing those resources in the most efficient manner;

c. Developing schedule and budget controls to assure compatibility with the master schedule and project budget;

d. Maintaining a daily log of findings, apparent problems and significant materials or data collected. (Problems, along with an evaluation of their severity and any corrective actions taken will be reported to the Management Controls Office. Any informational materials which may have utility for other study teams will also be provided to the Management Controls Office.)

e. Carrying out its study and preparing a report. The study process will include:

- Reviewing existing studies and reform proposals affecting the team's area of responsibility;
- Conducting, through field visits to contracting offices, inventory control points, depots and other activities, an analysis of spare parts procurement;
- Preparing a description of current and proposed practices, procedures and policies relating to spare parts procurement;
- Preparing an assessment of those current and proposed practices, and providing recommendations for administrative, regulatory or statutory changes, where appropriate.

VI. Operating Guidelines.

a. The final report will contain:

- A full description of how spare parts are procured by the four Military Services and Defense Logistics Agency;
- A full description of any reform proposals and programs being considered by the Department of Defense;
- An evaluation of the adequacy of any reform proposal or programs to promote practices (including the development of directives) which will achieve control of costs, economy and efficiency in the procurement of spare parts;
- Any recommendations for legislative, regulatory and administrative changes, as considered appropriate by OFPP; and
- Any comments of the Inspector General of the Department of Defense.

b. All data to be used or considered in preparing the final report must be based upon demonstrable fact, not hearsay or conjecture. Similarly, preconceived notions as to the outcome of the study must be avoided.

c. Preliminary analyses and working papers will not be released except to other members of the project staff and the DoD Inspector General. (Requests from the public, agencies and others for information will be referred to the Management Controls Office.)

d. All visits to activities will be arranged in advance. The head of the activity to be visited will be informed, and entrance and exist briefings will be offered.

e. The entire process of spare parts acquisition will be considered in preparing the team and final reports including procurement, contact administration, logistics, engineering, finance and budgeting, audit, pricing, statistical analysis, data processing and legal considerations.

f. A format of the final report will be developed at the outset of the project to provide a focus for the study.

VII. Project Schedule. A Master Schedule is attached and will be maintained and revised, as appropriate, by the Management Controls Office with the approval of the Study Director. (Individual study team schedules will be developed by each team and made compatible with the Master Schedule.)

VIII. Project Funding. In the absence of additional funds appropriated by the Congress for the conduct of this study, personnel and travel costs will be requested from the sponsoring agencies of non-OFPP participants. If additional funds are appropriated, those funds will be administered through the Management Controls Office.

Attachment 1—Excerpt from Pub. L. 98–191; "The Office of Federal Procurement Policy Act Amendments of 1983"

Study of Weapons Systems Spare Parts Procurement by the Department of Defense

Sec. 10. (a) Not later than June 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems and shall transmit to the Congress a report on the findings, conclusions, and recommendations of the Office relating to such matters. The report

shall include: (1) An evaluation of the adequacy of the reform proposals and programs to promote practices and the development of directives which will achieve control of costs, economy, and efficiency in the procurement of such spare parts and (2) such recommendations for legislation with respect to the procurement of such spare parts as the Office considers appropriate.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems as the Office considers necessary to carry out subsection (a).

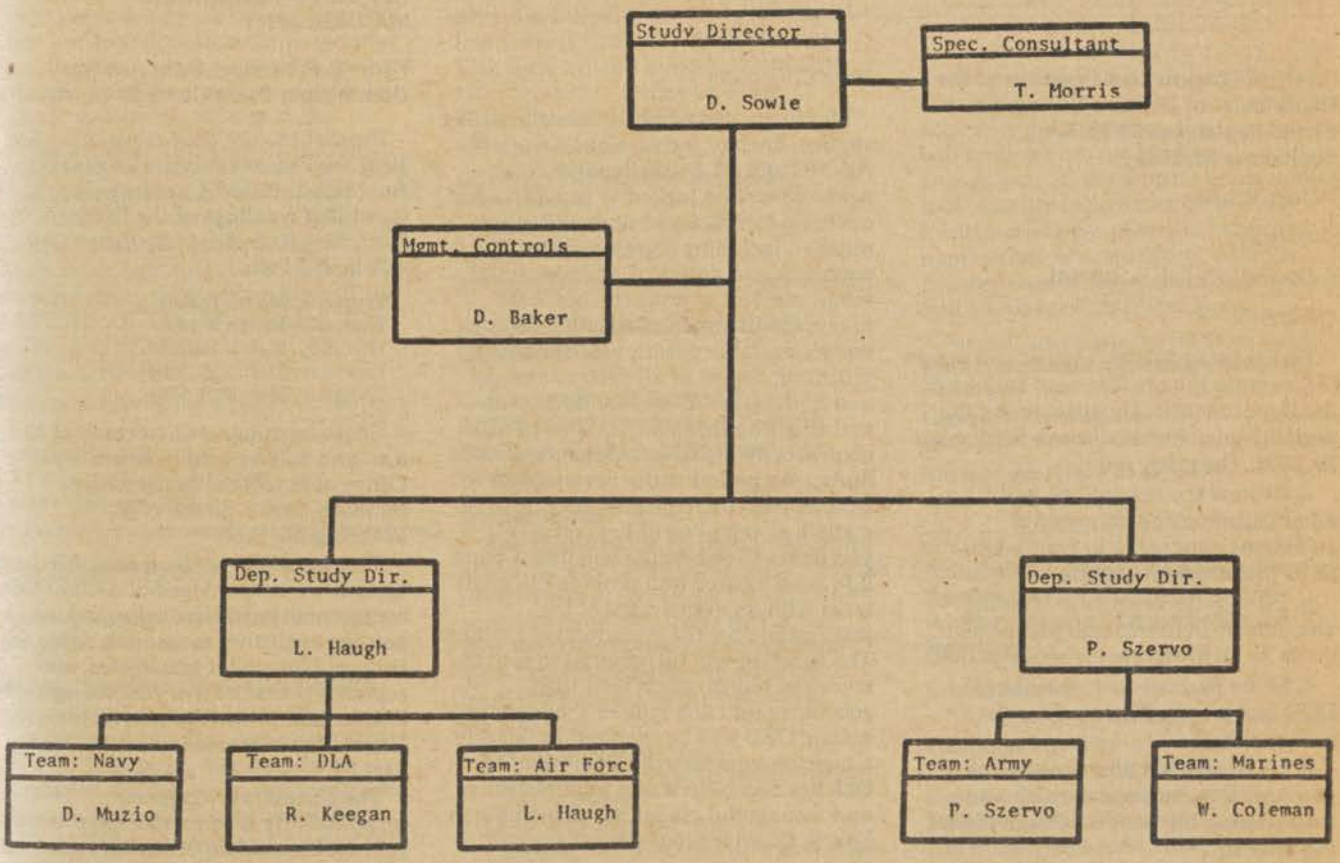
(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the practices of the Department of Defense in procuring spare parts for weapons systems as the Inspector General acquires during his audits of such practices and the Office considers necessary to carry out subsection (a).

(c) The Inspector General of the Department of Defense shall have reasonable opportunity to review and comment on the report required by subsection (a) before the report is transmitted to Congress. The comments of the Inspector General shall be included in such report.

Attachment 2

STUDY: DOD SPARE PARTS PROCUREMENT

Project Structure



Attachment 3—Study: Defense Procurement of Spare Parts

PROJECT MASTER SCHEDULE

Action	Description	Dates	Duration (days)
1	Prepare study plan, including approach, organization, resource requirements (personnel, space and budget), schedule, and report format.	Dec. 1–9	6
2	Discuss and coordinate study plan with interested parties (OMB, GAO, DOD–IG, etc.) and make refinements, as necessary.	Dec. 12–23	10

PROJECT MASTER SCHEDULE—Continued

Action	Description	Dates	Duration (days)
3	Develop task group assignments and establish task groups, including development of task plan.	Dec. 27–Jan. 6	8
4	Conduct data collection —Review existing literature (GAO reports, DOD/Service studies, DCAA audits, etc.) —Visit field activities —Analyze specific procurement actions and summary data.	Jan. 9–Feb. 24	33
5	Draft each task group's report of findings and recommendations.	Feb. 27–Mar. 16	15
6	Draft consolidated report	Mar. 19–Apr. 6	16
7	Solicit review and comment by interested parties (e.g., OMB staff, DOD, DOD/IG, GAO, Congressional staffs and industry).	Apr. 9–May 11	25
8	Prepare final report	May 14–May 25	10
9	Obtain final OMB clearance of report	May 28–31	4
10	Submit typed report to Congress; forward copy to printer for reproduction.	June 1	1

Study of Procurement Practices of the Department of Defense During the Period September 24 Through September 30, 1983

January 4, 1984.

Authority

Section 11, Pub. L. 98–191.

Objective

By February 1, 1984, review and report to Congress the procurement actions of the Department of Defense during the period September 24 through September 30, 1983. The study will:

a. Review the regulations and administrative and managerial guidelines applicable to Fourth Quarter DOD procurement actions.

b. Include the number and dollar amounts of contracts and purchases made by DOD during the study period.

c. Make findings as to whether the DOD had a bona fide need for the procurements.

d. Develop a list of contracts and purchases, including dollar amounts, made during the period without formal advertising.

e. Develop a list of contracts and purchases and dollar amounts made on a sole-source solicitation basis.

f. Include the basis for and obtain copies of determinations and findings authorizing negotiations and sole-source justifications.

g. Evaluate compliance with OFPP Policy Letter 81–1 and any other applicable regulations.

h. Recommend appropriate corrective action to effect economies and efficiencies in Fourth Quarter contracting in the DOD.

i. Otherwise accomplish the requirements imposed by Section 11 of Pub. L. 98–19.

Data Collection

Maximum use will be made of existing studies. Each of the services, i.e., A–N–AF–MC and DLA and departmental agencies will be tasked to provide a list covering contract and or modification number, including copies of letter contracts and notice of awards; dollar value; method of procurement; date procurement action initiated; brief understandable description of items(s) procured; copies of all determinations and findings; audit waiver decisions; and single source justifications of all contracts awarded and purchases made during the period under review. The DOD IG will be requested to conduct a statistical sampling of the last week purchases to determine whether a bona fide need existed and provide the study team with an assessment of the justification for the procurement actions. The services will be required to provide copies of procurement lead time schedules for each type of procurement action. OSD will be required to provide a concise summary of Department of Defense regulations and administrative and managerial guidelines applicable to Fourth Quarter procurement actions.

Resource Requirements and Source

Disciplines

Management Analyst
Procurement Analyst/Specialist
Audit
Pricing
Legal

Organizations

Agencies, SBA, OMB, GAO, DOD

Schedule

A schedule will be developed by the team leader. The schedule will be designed to meet the February 1, 1984 report date.

Data Analysis and Report Preparation

A team of management and procurement analysts will review and analyze DOD procurement practices and actions during the study period. The analysis will assess DOD's practices and procedures. If required, corrective action(s) will be proposed. Findings will be discussed with the DOD. The report will be prepared by OFPP and coordinated through OMB.

[FR Doc. 84-2814 Filed 2-1-84; 8:45 am]
BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meeting

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, March 1, 1984
Thursday, March 8, 1984
Thursday, March 15, 1984
Thursday, March 22, 1984
Thursday, March 29, 1984

These meetings will convene at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt

substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202) 632–9710.

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

February 12, 1984.

[FR Doc. 84–2820 Filed 2–1–84; 8:45 am]

BILLING CODE 6325–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* Gross Earnings Report.

(2) *Form(s) submitted:* N.A.

(3) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(4) *Frequency of use:* Annually (monthly or quarterly, at respondent's choice).

(5) *Respondents:* Business or other for-profit.

(6) *Annual responses:* 305.

(7) *Annual reporting hours:* 100.

(8) *Collection description:* Section 7(c)(2) of the RR Act requires a financial interchange between the OASI trust funds and the railroad retirement account. The information will be used for determining the amount which would place the OASI trust funds in the position they would have been if railroad service had been covered by the Social Security and FIC Acts.

Additional Information or Comments: Copies of the proposed forms and supporting documents can be obtained from Pauline Lohens, the agency clearance officer (312–751–4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (202–395–6880), Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management.

[FR Doc. 84–2810 Filed 2–1–84; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

January 26, 1984.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Cone Mills Corporation
Common Stock, $10 Par Value (File No. 7–7339)

Cummins Engine Co., Inc.
Common Stock, $2.50 Par Value (File No. 7–7340)

IPAL Co. Enterprises Inc.
Common Stock, No Par Value (File No. 7–7341)

Sante Fe Southern Pacific Corporation
Common Stock, $1 Par Value (File No. 7–7342)

V.F. Corporation
Common Stock, No Par Value (File No. 7–7343)

Action Industries, Inc.
Common Stock, $.10 Par Value (File No. 7–7344)

Bowne & Co., Inc.
Common Stock, $1 Par Value (File No. 7–7345)

Echo Bay Mines Ltd.
Common Stock, No Par Value (File No. 7–7346)

New York Times Company
Class A Common Stock, $.10 Par Value (File No. 7–7347)

Gold Standard Inc.
Capital Stock, $0.001 Par Value (File No. 7–7348)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested person are invited to submit on or before February 16, 1984 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–2835 Filed 2–1–84; 8:45 am]

BILLING CODE 8010–01–M

Philadelphia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

January 26, 1984.

The above named national securities exchange has filed and application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

Wrather Corporation (Delaware)
Common Stock, No Par Value (File No. 7–7338)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 16, 1984 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the

Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-2834 Filed 2-1-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23212; 70-6944]

The Southern Co.; Propoosed Increase in Number of Authorized Common Shares

The Southern Company ("Southern"), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a), 7, and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 62 and 65 promulgated thereunder.

Southern proposes to amend its certificate of incorporation so as to increase the total number of shares of common stock, par value $5.00 per share, which Southern shall have authority to issue from 300,000,000 to 375,000,000. Of the 300,000,000 shares which Southern presently is authorized to issue, 229,589,500 shares were outstanding as of December 31, 1983. During the two-year period 1982 and 1983, Southern issued and sold 38,632,577 shares of common stock. Southern considers the proposed amendment necessary to provide a reasonable amount of authorized but unissued shares of common stock to be used for financing additional common equity capital requirements of Southern's subsidiaries and for general corporate purposes. Southern intends to submit the proposed amendment for consideration and action by its stockholders at the annual meeting of such stockholders to be held on May 23, 1984, and, in connection therewith, proposes to solicit proxies from its stockholders.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 21, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become affective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-2833 Filed 2-1-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20598; SR-Phlx-83-22]

Self-Regulator Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

January 26, 1984.

The Philadelphia Stock Exchange, Inc. ("Phlx"), 1900 Market Street, Philadelphia, PA. 19103, submitted on December 7, 1983, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to delete Phlx Rule 1057 which prohibits transmitting to the Phlx options floor any orders but those for options, for securities underlying Phlx-traded options, or for securities readily convertible into such underlying securities.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission Release (Securities Exchange Act Release No. 20476, December 13, 1983) and by publication in the **Federal Register** (48 FR 56881, December 23, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-2832 Filed 2-1-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20599; File No. SR-AMEX-84-2]

Self-Regulatory Organization; Proposed Rule Change; American Stock Exchange, Inc.; Adoption of a New Random Allocation Process in Connection With Options Lotteries

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 January 16, 1984, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("AMEX" or the "exchange") proposes to amend the agreement previously entered into by the options exchanges and approved by the Securities and Exchange Commission on May 30, 1980 (see SEC Release No. 34-16863) and as amended on June 1, 1981 (see SEC Release No. 34-17833) and February 2, 1982 (see SEC Release No. 34-18464), concerning procedures for the selection and replacement of underlying securities for options trading. This agreement is also referred to as the "Allocation Plan". the AMEX, the Chicago Board Options Exchange ("CBOE"), the Pacific Stock Exchange ("PSE") and the Philadelphia Stock Exchange ("PHLX") have entered into an agreement to similarly adopt amendments concerning the use of a new random allocation process in connection with option lotteries.

The text of the proposed amendments to the Allocation Plan is set forth below. *Italics* indicates material proposed to be added to the existing rules; brackets [ ] indicate material proposed to be deleted.

A. Through E.—no change

F. At any time after the initial allocation, further allocations shall be held at the request of one or more options exchanges [continuing the sequence described in A.5] whereby the

four participating options exchanges would be able to select any unallocated eligible underlying stock [including new underlying stock becoming eligible for options trading by the occurrence of events or because an options exchange that had previously been allocated an underlying stock failed to commence the trading of options with respect thereto within six months of the date of selection] under the procedures set forth as follows:

1.—no change

2. Each of the exchanges shall have 30 calendar days from the date of notification of a call for an allocation to provide the arbitrator with a list of desired underlying securities. Such list may not be changed once submitted to the arbitrator. Once the arbitrator has received lists from all the exchanges, he shall thereafter (*i*) serve copies of the selection lists on each of the exchanges *and (ii) establish the sequence for making stock selections, using the procedure set forth in Paragraph 2.A below, and deliver notice to each of the exchanges* so that all exchanges receive *both* the *selection* lists *and selection sequence* on the same date.

2.A. For each allocation, the arbitrator, using the following procedure, shall establish the sequence for making stock selections by randomly matching a letter A through D with each of the four exchanges and using the order established below for up to four rounds. At the allocation, selection of eligible securities will then proceed in accordance with such order. If there are to be more than four rounds in an allocation, the arbitrator shall repeat the procedure, randomly matching the four letters to the four exchanges a second time to establish the selection order for rounds five through eight, and so on, depending on the number of rounds called for by the allocation. The selection order is as follows:

Round	Selection order
1	A B C D
2	D C B A
3	C D A B
4	B A D C

3. through 9.—no change

G through I.—no change

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of the proposed rule change is to amend the options exchanges' Allocation Plan to establish a random order for making stock selections during an allocation. The proposed rule change is in furtherance of the Commission's request that the options exchanges create a plan that provides for the equitable allocation of new options among the options exchanges. The options exchanges have agreed to put this rule change into effect after the first allocation to take place after December 16, 1983. The proposed rule change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 (the "Act"), which provides in pertinent part that the rules of the Exchange be designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe this proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments have neither been solicited nor received.

III. Date of Effectivness 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 Fifth 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 Commissions's Public Reference Section, 450 Fifth 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 26, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-2937 Filed 2-1-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20604; File No. SR-NYSE-84-8]

Self-Regulatory Organizations; Proposed Rule Change By New York Stock Exchange, Inc.

Relating to rate increases affecting Electronic Access Membership dues. Comments requested within 21 days of this publication.

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 January 23, 1984 the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is instituting rate increases affecting Electronic Access Membership dues. (See Article X,

Section 1(c) of the Exchange Constitution). The proposed new dues for such memberships will be $37,000 per annum, instead of the current amount of $18,500 per annum. The new rate shall terminate on March 7, 1984 unless, prior to that date, the Securities and Exchange Commission shall have approved the incresed dues pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C), of the most significant aspects of such statements.

(A) The purposes of this proposed rule change is to bring the cost of an Electronic Access Membership (see Articles X, Section 1(c) of Exchange Constitution) to a more equitable and realistic level, commensurate with the significant rise in seat and lease prices over the last several years. (See Exhibit A).

Costs for alternative forms of access, such as the purchase of equity seats, or the fixing of lease rentals, are determined by market conditions in negotiations between purchaser and seller or lessor and lessee. The dues charged by the Exchange to physical access members are measured largely by the average of the annual rentals payable under *bona fide* leases, and are thus also affected by market conditions.

Consequently, it is necessary that electronic access memberships be realistically priced to reflect the market conditions as evidenced by the rise in seat prices and annual lease rentals.

The statutory basis under the Act for the proposed rule change is the requirement under section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule change will impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) *Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants, or Others.* The Exchange has not formally solicited written comments regarding this proposed change, and no unsolicited written comments have been received.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action*

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1954 and subparagraph (c) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such action if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth 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 Fifth Street, NW., Washington, D.C. 20549. 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 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 27, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-2941 Filed 2-1-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20600; File No. SR-NYSE-84-6]

Self-Regulatory Organizations; Proposed Rule Change; New York Stock Exchange, Inc.; Rate Increases Affecting Regulatory Oversight Services Fees

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 January 23, 1984, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is instituting rate increases affecting the Regulatory Oversight Services Fee. The new fee will be $.26 per $1000 of gross FOCUS Revenue. The existing minimum annual fees are not affected by this change. This fee shall terminate on March 7, 1984 and the difference between the new fee of $.26 per $1,000 and the previous fee of $.13 per $1,000 of gross FOCUS Revenue shall be refunded unless, prior to that date, the Securities and Exchange Commission shall have approved the new fee pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C), of the most significant aspects of such statements.

(A) The purpose of this change is to increase the revenues to provide funding for increased level of staffing of New York Stock Exchange FINOPS regulatory services. Staffing will be increased from 266 to 300 by year-end 1984 to permit a minimum of two examiners to be assigned to each audit team. The increased fee, which is estimated to provide $9 million in

revenue in 1984, will still not fully cover Exchange FINOPS expenses, and represents an interim step in a plan to bring FINOPS regulation to a break-even status by 1985. The basis under the Act for the proposed rule change in section 6(b)(4) requiring the rules of an exchange to provide for equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services. The proposed charge is also consistent with the Exchange's self-regulatory responsibilities under section 6(b)(1) and 6(b)(5) of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition. The proposed fee changes will not impose any burden on competition not necessary to appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others. The Exchange has not formally solicited written comments on this proposed change, and no unsolicited written comments have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such action if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the Submission, all subsequent amendments, all written statments 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 Fifth Street, NW., Washington, D.C. 20549. 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 number in the caption above and should be refer to the 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, pursant to delegated authority.

Dated: January 26, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–2938 Filed 2–1–84; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 20601; File No. SR–NYSE–84–7]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc.; Rate Increases Affecting Regulatory Oversight Services Fees

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 January 19, 1984, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is instituting rate increases affecting the Regulatory Oversight Services Fee. The new fee will be $.26 per $1,000 of gross FOCUS Revenue. The existing minimum annual fees are not affected by this change.

The new fee became effective pursuant to a separate filing made pursuant to section 19(b)(3)(A) of the Act. (See SR–NYSE–84–6). The separate filing under Section 19(b)(3)(A) contained a sunset date of March 7, 1984 and a refund provision which were to become operative only if the Commission did not approve the new fee schedule by March 7, 1984. This filing, under section 19(b)(2) is intended to remove the sunset and refund provisions and to permit the continuation of the new fee at the increased level.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C), of the most significant aspects of such statements.

(A) The proposed rule change would remove the sunset provision and the refund provision with respect to the proposed increase in the Regulatory Oversight Service Fee from $.13 per $1,000 to $.26 per $1,000 of gross FOCUS revenue. These provisions were included in a filing made concurrently herewith pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 (the "Act") (See File No. SR–NYSE–84–6). The inclusion of the sunset and refund provisions was intended to permit the additional changes to go into effect upon filing with the Commission while also permitting the Commission to review the substance of the change pursuant to Section 19(b)(2) of the Act. This proposed rule change, by removing the sunset and refund provisions, will permit the Exchange to continue charging its members and member organizations for regulatory oversight services on th basis of the new charge of $.26 per $1,000 of gross FOCUS revenues.

The purpose of this change is to increase the revenues to provide funding for increased level of staffing of New York Stock Exchange FINOPS regulatory services. Staffing will be increased from 266 to 300 by year-end 1984 to permit a minimum of two examiners to be assigned to each audit team. The increased fee, which is estimated to provide $9 million in revenue in 1984, will still not fully cover Exchange FINOPS expenses, and represents an interim step in a plan to bring FINOPS regulation to a break-even status by 1985. The basis under the Act for the proposed rule change is Section 6(b)(4) requiring the rules of an exchange to provide for equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services. The proposed charge is also consistent with the Exchange's self-regulatory responsibilities under Section 6(b)(1) and 6(b)(5) of the Act.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed fee changes will not impose any burden on competition not necessary to appropriate in furtherance of the purposes of the Act.

(C) *Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants, or Others.* The Exchange has not formally solicited written comments regarding this proposed change, and no unsolicited written comments have been received.

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 approved 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 Fifth 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 Fifth Street, NW., Washington, D.C. 20549. 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 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 26, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-2939 Filed 2-1-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20603; File No. SR-NYSE-84-9]

Self-Regulatory Organizations; Proposed Rule Change; New York Stock Exchange, Inc.; Rate Increases Affecting Electronic Access Membership Dues

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 January 23, 1984 the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is instituting rate increases affecting Electronic Access Membership dues. (See Article X, Section 1(c) of the Exchange Constitution). The proposed new dues for such memberships will be $37,000 per annum, instead of the current amount of $18,500 per annum.

The new dues became effective pursuant to a separate filing made pursuant to section 19(b)(3)(A) of the Act (see SR-NYSE-84-8). The separate filing under section 19(b)(3)(A) contained a sunset date of March 7, 1984 which was to become operative only if the Commission did not approve the new dues rate by March 7, 1984. This filing, under section 19(b)(2) is intended to remove the sunset provision and to permit the continued collection of the dues at the increased level.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C), of the most significant aspects of such statements.

(A) The proposed rule change would remove the sunset provision with respect to the proposed increase in the Electronic Access Membership dues from $18,500 per annum to $37,000 per annum. The sunset provision was included in a filing made concurrently herewith pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 (the "Act") (see File No. SR-NYSE-84-8). It was designed to permit the increased dues to be collected immediately while also permitting the Commission to review the substance of the change pursuant to section 19(b)(2) of the Act. This proposed rule change, by removing the sunset provision, will permit the Exchange to continue to impose the new dues of $37,000 per annum.

The purpose of this proposed rule change is to bring the cost of an Electronic Access Membership (see Article X, Section 1(c) of Exchange Constitution) to a more equitable and realistic level, commensurate with the significant rise in seat and lease prices over the last several years. (See Exhibit A).

Costs for alternative forms of access, such as the purchase of equity seats, or the fixing of lease rentals, are determined by market conditions in negotiations between purchaser and seller or lessor and lessee. The dues charged by the Exchange to physical access members are measured largely by the average of the annual rentals payable under *bona fide* leases, and are thus also affected by market conditions.

Consequently, it is necessary that electronic access memberships be realistically priced to reflect the market conditions as evidenced by the rise in seat prices and annual lease rentals.

The statutory basis under the Act for the proposed rule change is the requirement under section 6(b)(4) that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule change will impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) *Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others.* The Exchange has not formally solicited written comments regarding this proposed

change, and no unsolicited written comments have been received.

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 Fifth 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 Fifth Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the abovementioned self-regulatory organization. All submissions should refer to the 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 27, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-2940 Filed 2-1-84; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-8037]

Aeroflex Laboratories Inc., Common Stock, $0.10 Par Value; Application To Withdraw From Listing and Registration

January 27, 1984.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Aeroflex Laboratories Incorporated ("Company") is listed and registered on the Amex. Pursuant to a registration statement on Form 8-A which became effective on September 16, 1983, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before February 17, 1984, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-2936 Filed 2-1-84; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

January 27, 1984.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the stock of:

Dunlop Holdings
American Depository Receipts (File No. 7-7314)

This security is registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 17, 1984 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-2935 Filed 2-1-84; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-12916]

Hospital Corporation of America, Inc.; Application and Opportunity for Hearing

January 27, 1984.

Notice is hereby given that Hospital Corporation of America (the "Applicant") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Commerce Union Bank under three existing indentures of the Company which are qualified under the Act and seven existing indentures of various governmental issuing authorities which have not been qualified under the Act in reliance upon section 304(a)(4) thereof is not so likely to involve a

material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under any of such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the same issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Application alleges that:

1. The Applicant had outstanding as of October 11, 1983 approximately $500,000,000 debentures (the "Debentures") issued under the following indentures under which Commerce Union Bank acts as trustee, each of which indentures was qualified under the Trust Indenture Act of 1939 in connection with the registration of the Debentures issued thereunder pursuant to the Securities Act of 1933:

(a) 16½ percent Debentures due 2007; principal amount $100,000,000; indenture filed January 15, 1982 (file no. 2–75696);

(b) Zero Coupon Debentures due 1997–2002; principal amount $300,000,000; indenture filed May 20, 1982 (file no. 2–77611); and

(c) 15⅝ percent Debentures due 2007; principal amount $100,000,000; indenture filed May 20, 1982 (file no. 2–77612).

2. As of January 11, 1984, the Applicant or a wholly-owned subsidiary of the Applicant was obligated pursuant to various loan or other similar agreements (the "Loan Agreements") to make payments in order to meet the debt service and other payment requirements under various indentures, and the revenue bonds (the "Tax-exempt Revenue Bonds") issued thereunder, of various governmental issuing authorities with respect to Tax-exempt Revenue Bonds of such issuing authorities to finance hospital or other projects acquired or constructed for the benefit of the Applicant or a wholly-owned subsidiary thereof. The Tax-exempt Revenue Bonds were issued in reliance upon the exemption from registration afforded by section 3(a)(2) of the Securities Act of 1933. The indentures relating to such Tax-exempt Revenue Bonds were not qualified under the Trust Indenture Act of 1939 in reliance upon the exemption afforded by section 304(a)(4) of said Act. The Applicant has guaranteed the obligations of its subsidiaries with respect to the Loan Agreements. The Loan Agreements or, in the instances in which the Company guarantees the obligations of its subsidiaries, the Guaranties are senior unsecured obligations of the Company. Information with respect to the Tax-exempt Revenue Bonds is set forth below.

I. The Edmond Industrial Development Authority Industrial Development Revenue Bonds, Series 1983 (Hospital Corporation of America Project), under Trust Indenture by and between the Edmond Industrial Development Authority and Commerce Union Bank, as Trustee, dated as of June 1, 1983. Principal amount $1,000,000.

II. The City of Bountiful, Utah Industrial Development Revenue Bonds, Series 1983 (Hospital Corporation of America Project), under Trust Indenture by and between City of Bountiful, Utah and Commerce Union Bank, as Trustee, dated as of May 1, 1983. Principal amount $2,000,000.

III. West Valley City, Utah Industrial Development Revenue Bonds, Series 1983 (Hospital Corporation of America Project), under Trust Indenture by and between West Valley City, Utah and Commerce Union Bank, as Trustee dated as of June 1, 1983. Principal amount $1,000,000.

IV. City of Georgetown, Kentucky Industrial Development Revenue Bonds (Hospital Corporation of America Project) Series 1983, under Trust Indenture by and between City of Georgetown, Kentucky and Commerce Union Bank, as Trustee, dated as of August 1, 1983. Principal amount $1,000,000.

V. City of Albuquerque, New Mexico Industrial Development Revenue Bonds, Series 1983 (Hospital Corporation of America Project); under Trust Indenture by and between City of Albuquerque, New Mexico and Commerce Union Bank, as Trustee, dated as of October 11, 1983. Principal amount $8,800,000.

3. Commerce Union Bank, One Commerce Place, Nashville, Tennessee 37219, acts as trustee with respect to the indentures described in Section 1, above, and with respect to the Tax-exempt Revenue Bonds to which the Loan Agreements relate described in Secton 2, above.

4. On September 14, 1983 and November 30, 1983, the Commission found that the Trusteeship of Commerce Union Bank under the indentures described in Sections 1 and 2, above, was not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under any of such indentures.

5. The Company was obligated pursuant to various loan agreements (the "Marlboro and Kansas City Loan Agreements") on January 3, 1984 to make payments in order to meet the debt service and other payment requirements under an indenture dated as of November 1, 1983, between Marlboro County, South Carolina and Commerce Union Bank, as trustee (the "Marlboro Indenture") and under $1,000,000 principal amount of Marlboro County, South Carolina Industrial Development Bonds (Hospital Corporation of America Project) Series 1983 (the "Marlboro Development Bonds") and an indenture dated as of December 1, 1983 between the Industrial Development Authority of the City of Kansas City, Missouri and Commerce Union Bank as Trustee and The Merchants Bank, Kansas City, Missouri as Co-Trustee (the "Kansas City Indenture" and under $8,900,000 principal amount of the Industrial Development Authority of the City of Kansas City, Missouri Industrial Development Revenue Bonds (Hospital Corporation of America), Series 1983 (the "Kansas City Revenue Bonds") issued thereunder. The Marlboro Development Bonds and the Kansas City Revenue Bonds were issued to finance hospitals constructed for the benefit of the Company. Both sets of Bonds were issued in reliance upon the exemption from registration afforded by section 3(a)(2) of the Securities Act of 1933. The Marlboro and Kansas City Indentures were not qualified under the Trust Indenture Act of 1939 in reliance upon the exemption afforded by section 304(a)(4) of said Act. The Marlboro and Kansas City Loan Agreements are senior unsecured obligations of the Company.

6. Commerce Union Bank, One Commerce Place, Nashville, Tennessee 37219, acts as trustee with respect to the indentures described in Sections 1 and

2, above, and with respect to the Marlboro and Kansas City Indentures.

7. The applicant's respective obligations under the Debentures (and the Indentures relating thereto), the Loan Agreements, the Guaranties, and the Marlboro and Kansas City Loan Agreements are wholly unsecured. All of the indebtedness pertaining to the indentures under which Commerce Union acts as trustee constitutes indebtedness of the Company that is not subordinated to any other indebtedness of the Company. The Debentures (and the Indentures relating thereto), the Loan Agreements, the Guaranties, and the Marlboro and Kansas City Loan Agreements rank equally one with the other.

8. Each of the indentures, including the Marlboro and Kansas City Indentures, contains the provisions required by section 310(b) of the Trust Indenture Act of 1939.

9. The Applicant is not in default under the Debentures, or with respect to its obligations relating to the Tax-exempt Revenue Bonds, or with respect to the Marlboro Development Bonds or the Kansas City Revenue Bonds.

10. For the foregoing reasons, the Applicant believes that Commerce Union Bank's serving as trustee under any one of the indentures listed in Paragraphs 1, 2 and 5 above, and continuing such trusteeship during such time as the indebtedness under each such indenture is outstanding in each instance, should in no way inhibit, discourage or otherwise influence Commerce Union Bank's actions as trustee under any one or more of such other indentures. Consequently, its trusteeship under all of such indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under any of such indentures.

The Applicant waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at the Public Reference Room, 450 5th Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than February 22, 1984 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-2934 Filed 2-1-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 06/06-0283]

Madison Capital Corporation of Arkansas; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of 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 Madison Capital Corporation of Arkansas, 1515 Main Street, Little Rock, Arkansas 72202 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:

Name	Title	Percent of ownership
James Bert McDougal, 1515 Main Street, Little Rock, Arkansas 72202.	Chairman of Board and Director.	65% (Indirect).
Robert Keller, 1515 Main Street, Little Rock, Arkansas 72202.	President and Director.	
Susan H. McDougal, 1515 Main Street, Little Rock, Arkansas 72202.	Vice President and Director.	13% (Indirect).
John Latham, 1515 Main Street, Little Rock, Arkansas 72202.	Secretary-Treasurer, Director.	
Madison Financial Corp., #2 Financial Centre, Little Rock, Arkansas 72211.	Parent Company	100%
Madison Guaranty Savings & Loan Associations 1515 Main Street Little Rock, Arkansas 72202—Parent Company of Madison Financial Corp.		

James Bert McDougal and his wife, Susan H. McDougal, own 78 percent of Madison Guaranty Savings and Loan Association.

The Applicant will begin operations with a capitalization of $505,000, which 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 Little Rock, Arkansas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 26, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-2932 Filed 2-1-84; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 05/05-0190]

North Star Ventures, III, Inc.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of 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 North Star Ventures, III, Inc., 1501 First Bank Place West, Minneapolis, Minnesota 55402 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:

Name	Title	Percent of ownership
Gerald Rauenhorst, 1501 First Bank Place West, Minneapolis, Minnesota 55402.	Chairman and Director.	100
Terrence W. Glarner, 1501 First Bank Place West, Minneapolis, Minnesota 55402.	President	
Mark Rauenhorst, 1501 First Bank Place West, Minneapolis, Minnesota 55402.	Secretary and Director.	

The Applicant will begin operations with a capitalization of $2,005,000, 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 Minneapolis, Minnesota.

(Catalog of Federal Domestic Assistance Program No. 59. 011, Small Business Investment Companies)

Dated: January 26, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-2933 Filed 2-1-84; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of Little Rock, Arkansas, will hold a public meeting at 11:45 A.M. on Thursday, March 1, 1984, in Brooks Parlor, Capitol Hotel, 111 West Markham, Little Rock, Arkansas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Maurice Britt, District Director, U.S. Small Business Administration, Suite 601, Savers Federal Building, 320 West Capital Ave., Little Rock, Arkansas 72201—(501) 378-5871.

Dated: January 27, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-2928 Filed 2-1-84; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of San Francisco, will hold a public meeting at 9:30 a.m. on Tuesday, February 14, 1984, 211 Main Street—5th Floor—Conference Room 543, San Francisco, California 94105, to discuss such matters as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Lawrence J. Wodarski, District Director, U.S. Small Business Administration, 211 Main Street—4th Floor, San Francisco, California 94105, (415) 974-0642.

Dated: January 27, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-2931 Filed 2-1-84; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The Small Business Administration Region VI Advisory Council located in the geographical area of New Orleans, will hold a public meeting at 10:00 a.m., on Friday, February 24, 1984 at the Small Business Administration office, 1661 Canal Street (second floor), New Orleans, Louisiana, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call T. A. Aboussie, District Director, U.S. Small Business Administration, 1661 Canal Street, New Orleans, Louisiana 70113, (504) 589-2744.

Dated: January 27, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-2929 Filed 2-1-84; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of Corpus Christi, will hold a public meeting at 2:00 P.M. on Tuesday, February 14, 1984, at the Government Plaza, Fourth Floor, 400 Mann Street, Suite 402, Corpus Christi, Texas to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or other present.

For further information wrote or call Miguel A. Cavazos, Jr., Branch Manager, U.S. Small Business Administration, Government Plaza, 400 Mann Street, Corpus Christi, Texas 78401, (512) 888-3301.

Dated: January 27, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-2930 Filed 2-1-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/707]

Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 6 and 7, 1984. Meetings on both days will begin at 9:30 a.m. and will be held in Room 2722A of the Department of State, 21st and Virginia Avenue, NW., Washington, D.C.

The meeting on March 6 will be concerned with visual telephony; the meeting on March 7 with optical fibers.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled. All persons wishing to attend the meeting should contact the office of Mr. Earl Barbely, Department of State, Washington, D.C.; telephone (202) 632-3405. All attendees must use the entrance at 21st and Virginia Avenue, NW.

Dated: January 16, 1984.

Earl S. Barbely,

Chairman, U.S. CCITT, National Committee.

[FR Doc. 84-2813 Filed 2-1-84; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/708]

Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 8, 1984 at 8:30 a.m. in Room 1103, Department of Commerce Building, 325 South Broadway, Boulder, Colorado.

The agenda for the meeting is as follows:

1. Report of the Fall and Winter Rapporteurs Meetings;
2. Preparation for Final CCITT Study Group VII Plenary, March 26–30, 1984;
3. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Requests for further information may be directed to Mr. Earl Barbely, State Department, telephone 202 632–3405 or Ms. Chris Ware, Department of Commerce, Boulder, Colorado, telephone 303 497–5262.

Dated: January 17, 1984.

Richard E. Shrum,

Acting Director, Office of International Communications Policy.

[FR Doc. 84-2812 Filed 2-1-84; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 83-065]

OMEGA Radionavigation System Operational Declaration

SUMMARY: The purpose of this notice is to announce the operational declaration of the OMEGA navigation system in the South Atlantic Ocean.

SUPPLEMENTARY INFORMATION: The Coast Guard conducted an extensive data collection and validation effort. It has been determined that the OMEGA navigation system meets the safety of navigation accuracy requirements of 2–4 nautical miles, with 95% confidence in the oceanic environment as stated in the Federal Radionavigation Plan (March 1982). The region is bounded by approximately 20N—35S latitude and 70W—20E longitude.

On this basis the Coast Guard hereby declares the OMEGA radionavigation system operational in the South Atlantic Ocean. Future validation results will be announced as data collection and analysis is completed during the next four years.

FOR FURTHER INFORMATION CONTACT: Commandant (G–NRN–2), U.S. Coast Guard Headquarters, RM 1413, 2100 2nd Street, SW., Washington, D.C. 20593, ATTN: LT D. J. HOUGHTON, Phone: (202) 426–0990.

Dated: January 24, 1984.

T. J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 84-2885 Filed 2-1-84; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Advisory Circular on Structural Substantiation of Secondary Structure in Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft Advisory Circular (AC) Availability and Request for Comments.

SUMMARY: This AC provides information and guidance on acceptable means of demonstrating compliance with the requirements of Part 23 of the Federal Aviation Regulation (FAR) applicable to the structural substantiation of secondary structures; such as fairings, cowlings, antennas, etc.

DATE: Commenters must identify File AC 23–XX; Structural Substantiation of Secondary Structures, and comments must be received on or before March 19, 1984.

ADDRESS: Send all comments on the draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Gabriel, Aerospace Engineer, Regulations and Policy Office (ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Commercial Telephone (816) 374–6941, or FTS 758–6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

Comments Invited: Interested parties are invited to submit comments on the draft AC. The draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE–110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal holidays.

Issued in Kansas City, Missouri.

Barry D. Clements,

Acting Director, Central Region.

[FR Doc. 84-2793 Filed 2-1-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

On January 27, 1984, the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535–6020. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: New
Form Number: None
Type of Review: Existing Collection
Title: Freedom of Information and Privacy Act Requests for Joint Board for the Enrollment of Actuaries

Alcohol, Tobacco and Firearms

OMB Number: 1512–0353
Form Number: ATF Rec 5170/2
Type of Review: Reinstatement
Title: Wholesale Dealers Records of Receipt of Alcoholic Beverages, Disposition of Distilled Spirits, and Monthly Summary Report

Bureau of the Public Debt

OMB Number: 1535–0024
Form Number: PD 3905
Type of Review: Revision
Title: Marketable Redemption

OMB Number: 1535–0005
Form Number: PD 3253
Type of Review: Revision

Title: Exchange of Appreciation-Type Savings Securities for Current Income Savings Securities

OMB Number: 1535–0055
Form Number: PD 1050
Type of Review: Revision
Title: Creditor's Consent to Disposition of United States Securities and Related Checks Without Administration of Deceased Owner's Estate.

OMB Number: 1535–0016
Form Number: PD 1022–1
Type of Review: Revision
Title: Report/Application for Relief on Account of Loss, Theft or Destruction of United States Bearer Securities

OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

United States Customs Service

OMB Number: 1515–0006
Form Number: CF 7519
Type of Review: Extension
Title: Combined Rewarehouse Entry and Withdrawal for Consumption and Permit

OMB Number: New
Form Number: None
Type of Review: Existing Collection
Title: Trademark Recordation ICB Form No. 134

OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Cathy Thomas,
Departmental Reports, Management Office.

[FR Doc. 84–2907 Filed 2–1–84; 8:45 am]
BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 23
Thursday, February 2, 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).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:40 p.m. on Saturday, January 28, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Adopt a resolution making funds available for the payment of insured deposits in Indian Springs State Bank, Kansas City, Kansas, which was closed by the State Bank Commissioner for the State of Kansas on Friday, January 27, 1984; (2) accept the bid of The Brotherhood Bank and Trust Company, Kansas City, Kansas, an insured State nonmember bank, for the transfer of the insured deposits of the closed bank; (3) designate The Brotherhood Bank and Trust Company as the agent for the Corporation for the payment of insured deposits of the closed bank; and (4) approve the application of The Brotherhood Bank and Trust Company, Kansas City, Kansas, for consent to establish a branch at 4601 State Avenue and a detached (drive-in) facility in the Indian Springs Shopping Center, both locations within Kansas City, Kansas, the former main office and detached facility locations of the closed bank.

In calling the meeting, the Board determined on motion of Chairman William M. Isaac, seconded by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: January 30, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-2953 Filed 2-1-84; 8:45 am]

BILLING CODE 6714-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Friday, February 3, 1984

January 27, 1984.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, February 3, 1984, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Requirements for Licensed Operators in Various Radio Services; Docket 83-322; RM-3292, RM-2643. *Summary:* The Commission will consider comments filed in Docket 83-322 and adoption of a Report and Order concerning the requirements for licensed operators in the Experimental Broadcast, International Broadcast, and Auxiliary Broadcast Service; the Private Land Mobile, Fixed, and Personal Radio Services; and the Domestic Public Fixed and Cable Television Relay Services; as well as certain changes in commercial radio operator licensing procedures and policies.

Private Radio—1—*Title:* Amendment of Part 90 of the Commission's Rules and Regulations to eliminate the permissible communications restrictions in the Private Land Mobile Radio Services. *Summary:* The Commission will consider whether to adopt a Notice of Proposed Rule Making which proposes to eliminate the permissible communications restrictions in the Private Land Mobile Radio Services.

Common Carrier—1—*Title:* Proposed revision of the Bureau's delegated authority. *Summary:* The Commission will consider whether to revise its rules of internal agency organization, practice and procedure, to eliminate dollar limits on the authority delegated to the Chief, Common Carrier Bureau to process Section 214 and radio applications, and related rule changes.

Common Carrier—2—*Title:* Cellular Lottery Rulemaking. *Summary:* The Commission will consider whether to suspend the March 1 starting date for filing cellular applications in markets below the top-90, and also suspending the expiration of the wireline set-aside.

Common Carrier—3—*Subject:* In the Matter of MTS and WATS Market Structure, CC Docket No. 78-72, Phase I. *Summary:* The Commission will decide issues on reconsideration not addressed in the Commission's Final Decision of January 25, 1984.

Video—1—*Title:* "Application for Review" (CSR-2308) amd "Petition for Special Relief" CSR-2434) filed October 3, and September 19, 1983 by Arlington TeleCommunications Corporation. Petition for Forfeiture (CF-53) filed October 12, 1983, by Central Virginia Educational Television Corporation. *Summary:* Arlington TeleCommunications Corporation seeks waivers of its obligations to carry Television Broadcast Stations WNVC (ETV, Channel 56), Fairfax, Virginia, and WNVT (ETV, Channel 53), Goldvein, Virginia, on ARTEC's Arlington, Virginia cable system. The licensee of the stations seeks a forfeiture for ARTEC's alleged rule violations.

Video—2—*Title:* Petitions for reconsideration of the Commission's action ordering the Broadcast Corporation of Georgia (WVEU (TV)), Atlanta, Georgia, to enter into gormal negotiations with nearby land mobile licensees with a view toward changing their frequencies. *Summary:* The Commission will consider whether its previous action constituted a rulemaking without following the required procedures, whether WVEU has the financial capacity to reimburse the land mobile licensees, and, generally whether requiring the land mobile licensees to change frequencies is consistent with the public interest.

Policy—1—*Title:* Amendment of Part 73 concerning remote control operation of AM, FM, and TV broadcast transmitters. *Summary:* The Commission will consider issuing a Notice of Proposed Rulemaking looking toward modernizing the remote control rules for all broadcast stations.

Policy—2—*Title:* Amendment of Subparts E and F of Part 74 to provide for the operation of microwave boosters. *Summary:* The Commission will consider adoption of a *Report and Order* in BC Docket No. 82-20, that will address the question of whether microwave boosters should be permitted in the Aural STL/Intercity Relay and TV Auxiliary Services.

Policy—3—*Title:* Deregulation of Radio. *Summary:* The Commission will consider what information regarding

nonentertainment programming we should require radio broadcasters to keep and to make available to the public and the Commisson in view of the new regulatory scheme for commercial radio.

Policy—4—*Title:* Petition to require Station WOR–TV, Secaucus, New Jersey, to install translators in Southern New Jersey. *Summary:* The Commission will consider a petition by U.S. Representative Matthew J. Rinaldo of New Jersey, requesting that RKO General, licensee of Station WOR–TV, Secaucus, New Jersey, be required to construct and operate translators in Southern New Jersey.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, Telephone number (202) 254–7674.

Issued: January 27, 1984.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–2928 Filed 1–30–84; 5:08 pm]

BILLING CODE 6712–01–M

3

FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting Friday, February 3, 1984

January 27, 1984.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Friday, February 3, 1984 following the Open Meeting, which is scheduled to commence at 9:30 a.m. in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Applications for Review in the Faith Center, Inc., San Francisco, California TV comparative renewal proceeding (BC Docket Nos. 82–339 to 82–342).

Hearing—2—Petition for Reconsideration of Commission Order denying an Application for Review in the Roanoke, Virginia comparative UHF proceeding (Docket Nos. 81–46, 81–47).

These items are closed to the public because they concern Adjudicatory Matters (See 47 CFR 0.603(j)).

The following persons are expected to attend:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission January 26, 1984. Commissioners Fowler, Chairman; Quello, Dawson, Rivera, and Patrick voting to consider these items in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: January 27, 1984.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–2927 Filed 1–30–84; 5:08 pm]

BILLING CODE 6712–01–M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, February 7, 1984, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, February 9, 1984, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility report for candidates to receive Presidential Primary Matching Funds
Draft Advisory Opinion #1984–1: Edward A. Dudek, Treasurer, Re-Elect Clement J. Zablocki to Congress Club
Draft Advisory Opinion #1984–2: Phil Gramm, Friends for Phil Gramm
Finance Committee Report
Routine Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 84–3022 Filed 1–31–84; 3:04 pm]

BILLING CODE 6715–01–M

5

FEDERAL TRADE COMMISSION

TIME AND DATES: 10 a.m., Friday January 27, 1984.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTER TO BE CONSIDERED: Consideration of request by Chairman Florio of the Subcommittee on Commerce, Transportation, and Tourism concerning procedures followed in and ramifications of the Commission's decision to accept for public comment a consent agreement between General Motors Corporation and Toyota Motor Corporation as well as trends in the automobile industry.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information (202) 523–1892; Recorded Message: (202) 523–3806.

Emily H. Rock,

Secretary.

[FR Doc. 84–2954 Filed 1–31–84; 12:04 pm]

BILLING CODE 6750–01–M

6

POSTAL SERVICE

Amendment to Notice of Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 3954, January 31, 1984.

PREVIOUSLY ANNOUNCED DATE OF MEETING: February 8–9, 1984.

CHANGE: By telephone vote on January 31, the Board voted to add discussion of the status of the STARS Project to the agenda for the closed session on Wednesday, February 8.

The Board determined that pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations, the discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b) because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service procurement activity.

In accordance with section 552b(f)(1) of title 5 United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion this portion of the meeting to be closed may properly be closed to public observation prusuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations.

David F. Harris,

Secretary.

[FR Doc. 84–3024 Filed 1–31–84; 3:23 pm]

BILLING CODE 7710–12–M

Reader Aids

Federal Register

Vol. 49, No. 23

Thursday, February 2, 1984

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing December 19, 1983.

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